

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

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

Inyo County Planning Commission
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CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
NATE GREENBERG
CHRISTIAN MILOVICH

PLANNING DIRECTOR
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
COUNTY COUNSEL

Please be advised the Planning Commission will be conducting its hearing in person at 224 N. Edwards, Board of Supervisor Chambers in Independence, California and will also include Zoom via videoconference. The videoconference will be accessible to the public by computer, tablet or smartphone at:

<https://us02web.zoom.us/j/87437956364?pwd=L0hiU2lyWFFOdTlnUmJSVlZ6ZHFkZz09>

You can also dial in by phone at 1-669-900-6833 Meeting Id: 874 3795 6364 then enter Passcode: 954945. Public Comment may be provided by emailing the comments prior to the meeting. All emailed comments will be read into the record, and the Planning Commission will take that feedback into consideration as it deliberates. Please send comments to: inyoplanning@inyocounty.us

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

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

December 7, 2022

10:00
A.M.

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL** – Roll Call to be taken by staff.
3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

- Action Item
4. **APPROVAL OF MINUTES** – Approval of minutes from the October 12, 2022 Planning Commission Meeting.
- Action Item/
Public hearing
5. **TENTATIVE PARCEL MAP 422** - The applicant has re-applied for a previously approved Tentative Parcel Map (TPM) 422/Olancha Lake to combine seven separate parcels into one. The request is part of a greater business plan for a commercial RV and camping business.
- Action Item/
Public hearing
6. **ZONE TEXT AMENDMENT-2022-02/INYO COUNTY-ZONING CODE UPDATES -**
Staff has prepared a draft ordinance updating Title 18 of the County Code to reflect: the General Plan Housing Element update; new state housing laws; and/or where the California Department of Housing and Community Development required specific policies in the Housing Element. The Planning Commission will be considering providing a recommendation to the Board of Supervisors to adopt these proposed changes. This project is exempt from CEQA by the ‘Common Sense Rule’ found in 14 CCR Section 15061(b)(3).
- Action Item/
Public hearing
7. **ZONE TEXT AMENDMENT-2022-03/INYO COUNTY-REASONABLE ACCOMMODATION** – Staff has prepared a draft Reasonable Accommodation Ordinance to remove land use, zoning and building constraints to the development of housing for individuals with disabilities to ensure equal access to housing. The Planning Commission will be considering providing a recommendation to the Board of Supervisors to adopt these proposed changes. This project is exempt from CEQA by the ‘Common Sense Rule’ found in 14 CCR Section 15061(b)(3).

COMMISSIONERS’ REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR’S REPORT

Planning Director, Cathreen Richards, will update the Commission on various topics.

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF OCTOBER 12, 2022 MEETING

COMMISSIONERS:

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

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

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STAFF:

CATHREEN RICHARDS
CHRISTIAN MILOVICH
PAULA RIESEN
NATE GREENBERG
MIKE ERRANTE

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

The Inyo County Planning Commission met in regular session on Wednesday, OCTOBER 12, 2022. Commissioner Morley opened the meeting at 10:01 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

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

ITEM 2: **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, and Lanie Somers were present.

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

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

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

Chair Morley opened the Public Comment Period at 10:02 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:03 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the August 17, 2022 meeting of the Planning Commission.

MOTION: Commissioner Todd Vogel made the motion to approve the minutes. Then the motion was seconded by Commissioner Lanie Somers.

The Motion passed 3-0 at 10:02 a.m.

ITEM 5: RECLAMATION PLAN 2020-01/MAKAYLA II – SOUTHWEST PUMICE LLC – Southwest Global Pumice was awarded a pumice materials sales contract from the Bureau of Land Management and has applied for a reclamation plan as required by the Surface Mining and Reclamation Act. The proposal consists of a previously approved 12.23 exploratory drilling project that transitions into an active open-pit pumice mine. The applicant is also proposing to expand an additional 11.98 acres for a total disturbance of 25 acres. Approximately 700,000 cubic yards of material will be extracted from the site over seven years. A Mitigated Negative Declaration of Environmental Impact has been prepared and publicly noticed pursuant to the California Environmental Quality Act.

Ryan Standridge, Associate Planner, gave the staff report.

Commissioners discussed the scope of work, and clarified a few details about the County working with all the different Government entities.

Chair Morley opened the Public Comment Period at 10:20 a.m.

Tomas Hrubik thanked Ryan Standridge, SMARA Coordinator for all of her help, and wanted to thank the Planning Commission for the consideration of approval today.

Chair Morley closed the public comment period at 10:21 a.m.

MOTION: Commissioner Todd Vogel made a motion to approve Reclamation Plan-2020-01 /Makayla II – Southwest Pumice LLC with the findings 1-7 and conditions 1-18. Commissioner Lanie Somers made the second.

The Motion passed 3-0 at 10:24 a.m.

COMMISSIONERS' REPORT/COMMENTS –

Chair Kate Morley wanted to share that she is going to the 91st CCPAC Conference in Pleasanton, California and she leaves tomorrow and will be returning Sunday, October 16, 2022.

DIRECTOR'S REPORT –

Planning Director, Cathreen Richards, explained that there will be many code updates due to the Housing Element. She will need to bring to the Planning Commission at the next scheduled meeting December 7, 2022.

ADJOURNMENT –

Chair Kate Morley requested a motion to adjourn the meeting at 10:26 a.m. The next meeting will be December 7, 2022, at 10:00 a.m.

Motion by Commissioner Todd Vogel.

Seconded by Commissioner Lanie Somers.

Motion passed 3-0.

Prepared by:
Paula Riesen
Inyo County Planning Department



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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: December 7, 2022
SUBJECT: Tentative Parcel Map (TPM) 422/Olancha Lake

EXECUTIVE SUMMARY

The applicant has re-applied for previously approved Tentative Parcel Map (TPM) 422/Olancha Lake to combine seven separate parcels into one. The request is part of a greater business plan for a commercial RV and camping business. At build out the project proposes: 5 cabins for rent; 95 RV spaces; 30 camping spaces; a tennis court; showers; amphitheater; star gazing area; skate board park; restaurant; and, a store. The applicant also intends to fill the preexisting, dry lake for recreational use (kayaking). The original application was also for a General Plan Amendment, Zone Reclassification and a Conditional Use Permit. The TPM was required by Inyo County Code 16.52.070 as it combines four or more parcels.

Supervisory District: 5

Project Applicant: Nacho Saldana

Property Owner: Olancha Lake LLC, Leedy Ying

Community: Olancha, California

A.P.N.: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17

General Plan: Commercial Recreation (C5) & Resort Recreation (REC)

Zoning: Commercial Recreation (C5)

Size of Parcel: Approximately 80-acres

Staff Recommended Action: Approve TPM 422/Olancha Lake with the findings and conditions as set forth in the staff report.

- Alternatives:**
- 1.) Deny the requested approval of TPM 422
 - 2.) Continue this item to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Cathreen Richards

STAFF ANALYSIS

Background and Overview

Tentative Parcel Map 422 was approved by the Planning Commission on September 23, 2020 for the merger of seven parcels (Staff Report and Notice of Decision Attached). This merger was part of a larger project request that included a Zone Reclassification; General Plan Amendment and a Conditional Use Permit to create the correct land use designations for a proposed commercial RV and campground business. The parcel is located in Olancha, about one-eighth of a mile east of Highway 395 and adjacent to SR 190. The zone reclassification and General Plan Amendment went on to be approved by the Board of Supervisors on October 20, 2020 (Board Order Attached). These approvals were a requirement for the Final Map to be processed, which is reviewed and ultimately must be approved by the County Surveyor before it is filed with the County Clerk Recorder.

Section 16.20.110 of the Inyo County Code - Tentative map: Approval of Title 16 Subdivisions reads as follows:

The approval or conditional approval of a tentative map shall be for twenty-four months. Upon written application, the advisory agency may grant extensions not exceeding three one-year periods. The amount of the filing fee for a time extension shall be set by a resolution of the Board of Supervisors.

TPM 422 was approved on September 23, 2020 with all of the conditions that had to be met for the Final Map to be processed, including that it had to be filed with the County Clerk Recorder within 24-months. This put the Final Map filing date at September 23, 2022. During this 2-year period, the County lost its Surveyor and Tentative Map 422 was left unattended. Since an extension was not applied for within the required timeframe, the map must now go back to the Planning Commission for re-approval. On November 17, 2022, the applicant re-applied for TPM 422.

TRIBAL CONSULTATION

TPM 422 and the additional land use entitlement requests were not exempted from CEQA analysis and required an Initial Study/Mitigated Negative Declaration. Consequently, pursuant to AB 52, Tribes received a written request to comment on the environmental document being produced for this project. Staff mailed AB 52 consultation invitations on October 31, 2019 to the following: Big Pine Paiute Tribe of the Owens

Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, and the Cabazon Band of Mission Indians.

No requests for consultation were received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (MND) were completed to evaluate for environmental impacts on the original application for a TPM, ZR, GPA, and a CUP - SCH#2020039074. Staff has determined that an Addendum to the original MND is unnecessary as re-approving the TPM does not meet the conditions of 15164 or 15162 of the CEQA Guidelines as absolutely nothing has changed with regard to the project and many of the conditions of approval have already been met by the applicant. The same findings and conditions of approval for the project will also remain the same.

NOTICING

The Planning Commission Hearing for TPM 422/Olancha Lake was advertised in the Inyo Register on November 26, 2022 and notices were mailed to properties within 300-feet of the project location.

Staff has received no comments from the public.

RECOMMENDATION

Planning Department staff recommends the re-approval of TPM 422 with the following finding and conditions

TPM 422 - Findings:

1. Proposed TPM 422/Olancha Lake RV, an Initial Study and Mitigated Negative Declaration under CEQA, SCH 202039074 was conducted for the project and it was found that impacts will be less than significant with mitigations. Staff has also found that the re-approval of TPM 422 does not meet the requirements for a CEQA Addendum, pursuant to 15164 or 15162 of the CEQA Guidelines.

[Evidence: the proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an amphitheater, a store, showers, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. Mitigations have been developed and adopted for the project and are required to remain the same for TPM 422 as Conditions of Approval for the project.]

2. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is in conformance with the Commercial Recreation zone (C5). A zone change to C5 was originally a condition of approval of TPM 422. This zone change was approved by the Board of Supervisors on October 20, 2020 and therefore this condition has been met. The uses requested by the applicant are in conformance with the C5 zone.
3. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is in conformance with the Inyo County General Plan Resort Recreational (REC). This General Plan Amendment was approved by the Board of Supervisors on October 20, 2020 and therefore this condition has been met. The uses requested by the applicant are in conformance with the REC General Plan designation.
4. Based on substantial evidence in the record, the Planning Commission finds that TPM 422, as conditioned, is in conformance with and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.
[Evidence: Proposed TPM 422 is consistent with the requested C5 zoning designation as the new parcel meets the development standards of a minimum parcel size and setback requirements of the zoning district. The Tentative Map is being produced because more than four lots are being merged (16.52.070-E). The proposed single lot meets the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]
5. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.
[Evidence: The project is consistent with the rural character of the surrounding area, is already developed and will not increase demands on public services and utilities. TPM 422 has been routed to appropriate county departments and the comments that were received have been addressed in the conditions of approval. The project is not expected to increase demands for fire protection services and is located within a local fire district.]
6. Based on the substantial evidence the Planning Commission finds that the provisions of Government Code 66474.02 have been met (fire Protection and suppression services).
[Evidence: The proposed commercial project is within a local fire district, which effectively exempts TPM 422 from 66474.02. TPM 422 has been routed to the local fire district in Olancho and no comments have been received.]
7. Based on substantial evidence in the record, the Planning Commission finds that the design of the merged lots or the types of improvements will not conflict with easements

acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

[Evidence: The project will be accessed from US 395. This will require an encroachment permit from Caltrans to address project work within the State's right of way. Additional easements for water and sanitary services are not required as there are existing facilities that serve the property and no conflicts with existing easements have been identified.]

8. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. Conditions of approval are included to ensure that the final map mitigates the above mentioned potential impacts. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed, no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

9. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

[Evidence: The site is already developed and the merger of parcels, and resulting campground project, does have potential to impact native botanical species and nesting bird species. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

TPM 422 – Conditions of Approval:

- 1.) A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.

- 2.) The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 422/Olancha Lake or applicant's failure to comply with conditions of approval.
- 3.) Prior to the recordation of the Final Parcel Map, all payments of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector.
- 4.) Prior to recordation, all reports submitted by public utilities, emergency service entities, or other public agencies that serve the area, and have reviewed the Tentative Map, shall be reviewed by the Inyo Planning Department to determine whether they should be added to the Final Map in conformity with Title 16 of the Inyo County Code.
- 5.) The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all roads and utilities within and serving the parcel per applicable standards, as may be required by the County in the future.

Attachments

- A. Planning Commission Staff Report, September 23, 2020
- B. Notice of Decision for TPM 422, dated December 9, 2020
- C. Board Order, October 20, 2020
- D. Tentative Parcel Map 422

Attachment A
September 23, 2020 Planning Commission Staff Report



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AGENDA ITEM NO.: 7 (Action Item and Public Hearing)

PLANNING COMMISSION

MEETING DATE: September 23, 2020

SUBJECT: ZR 2019-02; GPA 2019-01; TPM 422; CUP 2020-03/Olancha Lake RV

EXECUTIVE SUMMARY

The applicant, Olancha Lake LLC, is requesting a parcel merger/lot-line adjustment of seven parcels. This parcel merger request requires a Tentative Parcel Map because there are "more than four lots involved in the lot line adjustment" and therefore "a re-subdivision tentative map application [is] required" (ICC 16.52.070). This parcel merger also requires a Zone Reclassification and General Plan Amendment to create the correct land use designations for the proposed commercial RV camping business. The applicant is requesting Commercial Recreation with 80-acre minimum (C5-80) and a General Plan designation of Resort Recreational (REC) with between 1 and 24 dwelling units per acre density requirement. The REC designation is intended for a mix of tourism-oriented commercial and residential uses, though permanent residential use is also permitted. The parcel is located in Olancha, one-eighth of a mile east of Highway 395, adjacent to SR 190. It is currently zoned Rural Residential with a 5-acre minimum (RR-5.0); has the General Plan designation of Residential Estate (RE); and, includes seven parcels to be merged, with Assessor Parcel Numbers (APNs): 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03 (Attachment - site and vicinity maps). The zone reclassification to C5 and General Plan Amendment to REC properly accommodate the proposed future use as a commercial RV and tent camping site. Finally, the C5 zoning designation will require a CUP, since mobile-homes and campgrounds are allowed as a conditional use requiring Planning Commission approval, as stated by ICC 18.54.040(A)(C).

PROJECT INFORMATION

Supervisory District: 5

Applicants: Olancha Lake, LLC

Landowners: Olancha Lake, LLC

Community: Olancha, CA

A.P.N.: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03

Existing General Plan: Residential Estate (RE) & Light Industrial (LI)

Existing Zoning: Rural Residential with a 5-acre minimum (RR-5.0-MH) & Light Industrial with a 2.5-acre minimum (M2-2.5)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant cabins, site currently unused	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
North	Vacant	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
East	Vacant	Rural Protection (RP)	Open Space, 40-acre minimum (OS-40)
South	vacant	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
West	industrial	Light Industrial (LI) & Rural Protection (RP)	General Industrial (M1) & Light Industrial (M2)

Recommended Action:

- 1.) Make certain findings with respect to and approve TPM 422/and certify the Mitigated Negative Declaration under CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2019-02/Olancha Lake RV, and certify the Mitigated Negative Declaration under CEQA.
- 3.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2019-01/Olancha Lake RV, and certify the Mitigated Negative Declaration under CEQA.
- 4.) Make certain findings with respect to and approve CUP 2020-03/Olancha Lake RV, and certify the Mitigated Negative Declaration under CEQA.

Alternatives:

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Steve Karamitros

BACKGROUND

The applicant has applied for TPM 422 as part of their business plan to combine seven separate parcels into one for purposes of a commercial RV camping business. The applicant is also the current owner of the properties to be merged (Olancha Lake, LLC; Leedy Ying). The project will include 5 cabins for rent, as well as 95 RV spaces and 30 camping spaces. The final buildout for the project will include a tennis court, showers, amphitheater, star gazing area, skate board park, restaurant, and store available to customers at the resort. The applicant intends to fill the preexisting, dry lake for recreational use (kayaking). Combining four or more parcels without a Tentative Map would not comply with Inyo County Code 16.52.070, and would not be considered a legal parcel without the benefit of this Tentative Parcel Map, as set forth by the California Subdivision Map Act.

The parcels proposed for merger are zoned RR-5.0-MH & M2-2.5, which prohibits commercial, recreational activities, such as RV parks and campgrounds; therefore, the applicant is also requesting a zone reclassification of the approximately 80-acres to Commercial Recreation with an 80-acre minimum lot size. The minimum lot size under the current zoning will change following the zone reclassification. Once the parcels are merged, the property will not have the potential to be subdivided. A General Plan Amendment is also required as the current designation of RE and LI does not allow for commercial uses, such as the proposed RV camping project.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by vacant and open space land, to the north, east and south, all of it privately owned. Directly to the west is a bridge building warehouse and materials staging area. Less than 0.25 miles west is the community of Olancha. The TPM, ZR and GPA will alter the existing land use to enable future planned development for a commercial RV project. The TPM, ZR and GPA will enhance the character of the property, bringing existing buildings up to Building & Safety Code, and filling the Olancha Lake to create recreational opportunities. The site will utilize three preexisting permitted wells to supply the lake, and the applicant is working with the Inyo County Department of Environmental Health to design and upgrade the septic system that can accommodate the RV camping site.

General Plan: The proposed Tentative Parcel Map and zone reclassification necessitate a change to the General Plan land use designation of Residential Estate (RE) and Light Industrial (LI). The applicant is requesting a General Plan designation of Resort Recreational (REC). The current designation of RE does not allow for non-residential commercial uses, such as the proposed RV park. Changing the General Plan designation to REC will result in a 1-acre per

1/2.5 – 24 dwelling unit density that corresponds with the 80-acre lot size requirement of the proposed C5 zone. Clustering of residential units is encouraged, with density of developed area allowed up to 24 dwelling units per net acre. The REC designation is to be used in rural areas oriented toward tourist use, however, it also permits permanent residential use and public and quasi-public uses. This designation provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, motels, *campgrounds*, *trailer parks*, restaurants, general stores, service stations, and similar and compatible uses. The REC designation is better suited to the proposed future use, providing commercial development and employment to the Olancha community. This would better align with Inyo County's goal to: "provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs." Three preexisting wells, for domestic water use, would be utilized. Drilling an additional well may be required. Septic systems for 5 cabins, showers, restaurant, store, and 95 RV spaces are currently being designed in coordination with the Inyo County Environmental Health Department, Lahontan Regional Water Quality Control Board, and the California Housing Community Development Agency. There are currently seven existing buildings cumulatively among the seven parcels being merged. Five of these structures will be converted into cabins for overnight rentals on the proposed recreational project. The merged, 80-acre parcel will have a density requirement of 1camping/cabin space per acre; however, the General Plan stipulates that with clustering of dwelling units, densities of developed areas are allowed up to 24 dwelling units per net acre. This density is applied to projects, such as commercial RV parks and campgrounds, where the density ratio of camping/RV spaces-to-acreage is used, rather than residential units per acre. This change will allow for the proposed 95 RV spaces, 5 cabins, and 30 tent camping spaces.

Zoning: The proposed zone reclassification to C5-80 will result in an increase to the minimum lot size requirement that is currently 5-acres. The property is not currently in use and the C5-80 zoning designation, combined with the merger under the Tentative Map, would allow the owner/applicant to establish a commercial RV campground as a conditional use. The change in designation would not provide for additional future subdivisions. Additionally, the resulting single parcel will not create a situation where there could be as many single-family homes allowed as there are RV/camping spaces. The density and number of RV and tent camping spaces allowed is based on the commercial use of the RV park. Any future subdivision related to residential use and development would require an additional zone reclassification. It is in the public interest to have zoning designations match the uses on a parcel, and even more so to have zoning that matches an applicant's future plans for a parcel. This produces consistency between use and designation. TPM 422 is conditioned with first attaining the zone reclassification.

Subdivision: ICC Title 16 and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lot meets the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act. Due to the rural, undeveloped, nature of the area, staff recommends that the street and utility improvements required by ICC Section 16.40.010 be waived, as permitted. A condition of approval is included to require such improvements in the future if they become necessary.

Access: Access will be provided to the parcel/campground via US 395. A condition of approval is included to require that the applicant procure an encroachment permit from the Caltrans, District 9 before construction of the ingress/egress to the proposed project property.

Utilities and Public Services: The project site does not currently have complete utility provisions. LADWP will be providing electricity to the site and there are existing power poles on the property. The applicant is working with LADWP to create appropriate electrical designs for the project. Water is accessible with 3 existing wells. Wastewater will be received using septic systems that are still in the design phase. The required setbacks between structures, wells, septic systems, and property boundaries will be met, based on the current project plans. A condition of approval is included that requires the applicant to comply with well and septic permitting requirements and protocols set by the Inyo County Environmental Health Dept., Lahontan Regional Water Quality Board, and the California Housing Community Development Agency.

Fire

The project area is located within a Local Responsibility Area for fire protection services. The project meets the requirements of the Sub Division Map Act regarding Fire Districts as it located within the Olancha Community Service District that provides fire protection and suppression services.

TRIBAL CONSULTATION

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to request consultation opportunities. Pursuant to SB 18 Tribes were invited to consult on this General Plan Amendment. In addition, this project is not exempted from CEQA analysis and required an Initial Study/Mitigated Negative Declaration. Consequently, pursuant to AB 52, Tribes received a written request to comment on the environmental document being produced for this project. Staff mailed SB 18 & AB 52 consultation invitations on October 31, 2019 to the following: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, and the Cabazon Band of Mission Indians. No requests for consultation were received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration has been completed to evaluate for environmental impacts. This application for a TPM, ZR, GPA, and CUP is for a property that is already disturbed, which includes a preexisting tennis court, seven built structures (cabins), and utility connections. However, the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations will be added to the proposed TPM, ZR, and GPA as Conditions of Approval for the project.

NOTICING & REVIEW

The application for TPM 422; ZR 2019-02; GPA 2019-01; and CUP 2020-03/ Olancha Lake RV have been reviewed by the appropriate County departments. The Inyo County Environmental Health Dept. has identified well and septic design issues that must be addressed for the proposed project to be compliant with County and State regulations. Completion of this additional project design work will be added as a Condition of Approval for the conditional use permit.

The notice for the project's public hearing was advertised in the *Inyo Register* on September 5, 2020 and the notice was mailed to property owners within 300-feet of the project location on September 4, 2020. No comments have been received by staff to date.

RECOMMENDATIONS

Planning Department staff is recommending:

1. The Planning Commission approve TPM 422 and certify the Initial Study and Mitigated Negative Declaration under CEQA.
2. The Planning Commission provide a recommendation that the Board of Supervisors approve General Plan Amendment 2019-01 and Zone Reclassification 2019-02/Olancha Lake RV and certify the Mitigated Negative Declaration under CEQA.
3. The Planning Commission approve CUP 2020-03/Olancha Lake RV and certify the Initial Study and Mitigated Negative Declaration under CEQA.

Recommended Findings and Conditions

TPM 422 - Findings:

1. Proposed TPM 422/Olancha Lake RV, an Initial Study and Mitigated Negative Declaration under CEQA, was conducted for the project and it was found that impacts will be less than significant with mitigations.
[Evidence: the proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an amphitheater, a store, showers, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations will be added to the proposed TPM, ZR, GPA, and CUP as Conditions of Approval for the project.]
2. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Rural Residential Zoning designation currently found on the property; therefore, a condition of approval to change the Zoning designation to Commercial Recreation with a 80-acre minimum (C5-80) will be required for a Final Map.
[Evidence: Inyo County Code (ICC) Chapter 18.21.010 states the intent of the current RR zoning designation is to "provide suitable areas...for low density, single family...uses and estate uses where certain agricultural activities can be successfully maintained in conjunction with residential use..." This designation is for low density residential use, which does not align with the planned commercial use of the project. The Final Map will merge 7 parcels for a commercial campground, with 95 RV and 30 tent camping spaces;

this planned commercial project will be out of compliance with ICC 18.21, the RR designation; therefore, the applicant is requesting a Zone Reclassification to Commercial Recreation with a 80-acre minimum (C5-80) as this designation best fits the project's planned use and will allow TPM 422 to be finalized. Once this condition is met, TPM 422 will be in conformance with the Zoning designation.]

3. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Inyo County General Plan designation of Rural Estate (RE) or Light Industrial (LI) that is currently found on the property and a condition of approval to change the General Plan designation to Resort Recreational (REC) will be required for a Final Map.

[Evidence: The RE designation provides for single-family dwellings with a density of 1 single-family dwelling per 5-acres, and the LI designation does not allow for any residential use. This does not correspond consistently with the requested C5 zoning. For consistency and compliance with the General Plan, the applicant is requesting a General Plan Amendment to change the designation from RE to REC. The REC designation is traditionally used in tandem with the C5 zoning designation. It allows for RVs and tent campgrounds, which are geared toward commercial rather than residential uses. Once this condition is met TPM 422 will be in conformance with the REC General Plan designation.]

4. Based on substantial evidence in the record, the Planning Commission finds that TPM 422, as conditioned, is in conformance with and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

[Evidence: Proposed TPM 422 is consistent with the requested C5 Zoning designation as the new parcel meets the development standards of a minimum parcel size and setback requirements of both respective zoning districts. The Tentative Map is being produced because more than four lots are being merged (16.52.070-E). The proposed single lot meets the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]

5. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the rural character of the surrounding area, is already developed and will not increase demands on public services and utilities. TPM 422 has been routed to appropriate County departments and the comments that were received have been addressed in the conditions of approval. The project is not expected to increase demands for fire protection services and is located within a local fire district.]

6. Based on the substantial evidence the Planning Commission finds that the provisions of Government Code 66474.02 have been met (fire Protection and suppression services).

[Evidence: The proposed commercial project is within a local fire district, which effectively exempts TPM 422 from 66474.02. TPM 422 has been routed to the local fire district in Olancha and no comments have been received.]

7. Based on substantial evidence in the record, the Planning Commission finds that the design of the merged lots or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

[Evidence: The project will be accessed from US 395. This will require an encroachment permit from Caltrans to address project work within the State's right of way. Additional easements for water and sanitary services are not required as there are existing facilities that serve the property and no conflicts with existing easements have been identified.]

8. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. Conditions of approval are included to ensure that the final map mitigates the above mentioned potential impacts. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed, no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

9. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

[Evidence: The site is already developed and the merger of parcels, and resulting campground project, does have potential to impact native botanical species and nesting bird species. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

TPM 422 – Conditions of Approval:

- 1.) A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.

- 2.) The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 422/Olancha Lake RV or applicant's failure to comply with conditions of approval.
- 3.) Payment of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to recordation of the Final Parcel Map.
- 4.) The applicant shall complete ZR 2019-02/Olancha Lake RV changing the zoning designation on the proposed single Parcel from (RR-5) & (M2) to (C5-80) prior to recordation of the Final Parcel Map.
- 5.) The applicant shall complete a GPA 2019-01 changing the General Plan Designation from (RE) & (LI) to (REC) prior to recordation of the Final Parcel Map.
- 6.) The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all roads and utilities within and serving the parcel per applicable standards, as may be required by the County in the future.

GPA 2019-01 & ZR 2019-02/Olancha RV - Findings:

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2019-01 and Zone Reclassification 2019-02/Olancha Lake are a Mitigated Negative Declaration under CEQA.
[Evidence: the proposed project has been analyzed for environmental impacts Under CEQA, which has resulted in a Mitigated Negative Declaration. As the CEQA lead agency, all mitigations required by the Initial Study, have been added as conditions of approval for the future RV/campground project. This application for a TPM is for a property that is already disturbed and includes no additional development proposals; the land use designations that are proposed will not result in more impactful uses.]
2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV are in conformance with the Goals and Objectives of the Inyo County General Plan.
[Evidence: The proposed designation of REC provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, and campgrounds. This designation is oriented towards commercial use, but does provide for permanent residential use, with a density (1 dwelling unit per 25-acres). Clustering of residential units is encouraged, which would increase the density of developed area to 24 dwelling units per net acre. This higher density is appropriate for the proposed 95 RV spaces, 30 campsite spaces, and 5 cabins and better corresponds to the proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]

3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of C5-80 provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism, which corresponds to the proposed General Plan designation. The proposed zoning will not result in more potential parcels than could currently be subdivided from the property without these changes.]

4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the rural character of the surrounding area and this request for a GPA and ZR will not allow for a development type that would change the character of the site or the surrounding area. The GPA and ZR will increase the potential for increased intensity or density on the site as it changes the parcel to C5-80, which allows for more intensity in use than do the current RR-5 and M2-2.5 designations. The property has three existing wells to meet the increase intensity of water use from the proposed lake and domestic water use for the campground. This commercial RV campground will be regulated as a public water system and be subject to the rules and constraints set by the Inyo Environmental Health Department, Lahontan Regional Water Quality Board, and California Housing Community Development Department. Additionally, septic systems are already in place on the property and will be redesigned and upgraded to meet the intensity of commercial use. This will be adequate for the planned commercial enterprise. Electricity services are also currently provided to the parcel, but will be upgraded for the proposed campground, although; electrical connections will not be provided for RV hookups.]

Recommendation: Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.

[Evidence: The proposed General Plan Amendment and Zone Reclassification will allow the current uses on the property to be consistent with the County's Zoning Ordinance by changing the zoning to match the future planned uses on the parcel and changing the General Plan to properly correspond with the zoning designation. The designation changes will allow for increased density and intensity of use on the property; however, this will not create substantial impacts to the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.]

CUP 2020-03/Olancha Lake RV – Findings

1. The proposed Conditional Use Permit is a Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: The proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an

amphitheater, a store, showers, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations have been added to the proposed CUP as Conditions of Approval for the project.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Resort Recreation (REC).
[Evidence: The proposed designation of REC provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, and campgrounds. This designation is oriented towards commercial use, but does provide for permanent residential use, with a density (1 dwelling unit per 25-acres). Clustering of residential units is encouraged, which would increase the density of developed area to 24 dwelling units per net acre. This higher density is appropriate for the proposed 95 RV spaces, 30 campsite spaces, and 5 cabins and better corresponds to the proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]
3. The proposed Conditional Use Permit is consistent with the proposed RV park and campground, as stated in the provisions of the Inyo County Zoning Ordinance, which allow for RV parks and campgrounds in the REC, as a conditional use, following approval from the Inyo County Planning Commission.
[Evidence: Chapter 18.54.040-Conditional Uses (Commercial Recreation) allows for RV parks and campgrounds as a conditional use. The proposed designation of C5-80 provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism, which corresponds to the proposed General Plan designation. The proposed zoning will not result in more potential parcels than could currently be subdivided from the property without these changes.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Land Use Element states that the REC designation "provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism," which corresponds to the proposed General Plan designation. This project will help the County meet its goals to provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs (Existing Goal 3).]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The project will not cause negative impacts on transportation or service facilities in the vicinity. Access will be provided to the parcel/campground via US 395. A condition of approval is included to require that the applicant procure an encroachment permit from the Caltrans, District 9 before construction of the ingress/egress to the proposed project property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys will be conducted to determine if additional mitigation is needed to lower the level of impacts to botanical & wildlife resources to a level below significance. The project has been evaluated by the Department of Building & Safety and Environmental Health and will not create impacts on the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.54.040(A)(C). Therefore, the conditional use permit is necessary for the continued operations at the site.]

CUP 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV – Conditions of Approval:

1) Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV. The County reserves the right to prepare its own defense.

2) Compliance with the Zoning Code

Any changes to size or configuration of the commercial or residential components of this project shall require further review and potentially approval by the Inyo County Planning Commission.

3) Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

4) Light & Glare

The owner or his agent shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.

5) Noise

The owner or his agent shall post and enforce quiet hours on the campground (9pm – 7am)

6) Transportation

The owner or his agent shall obtain an encroachment permit from Caltrans, District 9 in order to access the proposed project using State right of way.

7) Water Quality & Waste Management

The applicant shall work with the Inyo Environmental Health Department, Lahontan Regional Water Quality Control Board, and the California Housing Community Development Department to ensure that all permitting and regulations, both County and State, are met for the project's proposed wells and septic systems.

8) Biological Resources

Botanical surveys shall be conducted for plants with blooming seasons outside the previous survey period (July 2019 & May 2020). These field surveys shall follow protocols set forth in the 'Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities' (CDFW 2018). As the Project has potential to support special-status species protected by federal and state laws [Fish & Game Code, §§ 711.7 (a) & 1802; PRC § 21070; CEQA Guidelines § 15386 (a), PRC § 21069; CEQA Guidelines, § 15381; Endangered Species Act Section 7(a)(2)], the applicant shall coordinate with CDFW & USFWS on the following surveys and provide the County with CDFW/USFWS' letter of compliance prior to construction:

- Mohave Ground Squirrel
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>)
- Desert Tortoise
(https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf)
- Plant & Natural Communities
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

The applicant shall conduct focused pre-construction surveys on all suitable nesting habitats within the Project area, no more than three (3) days prior to vegetation clearing or ground disturbance activities, and provide the County Planning Department with the survey report and findings before any ground disturbing activities.

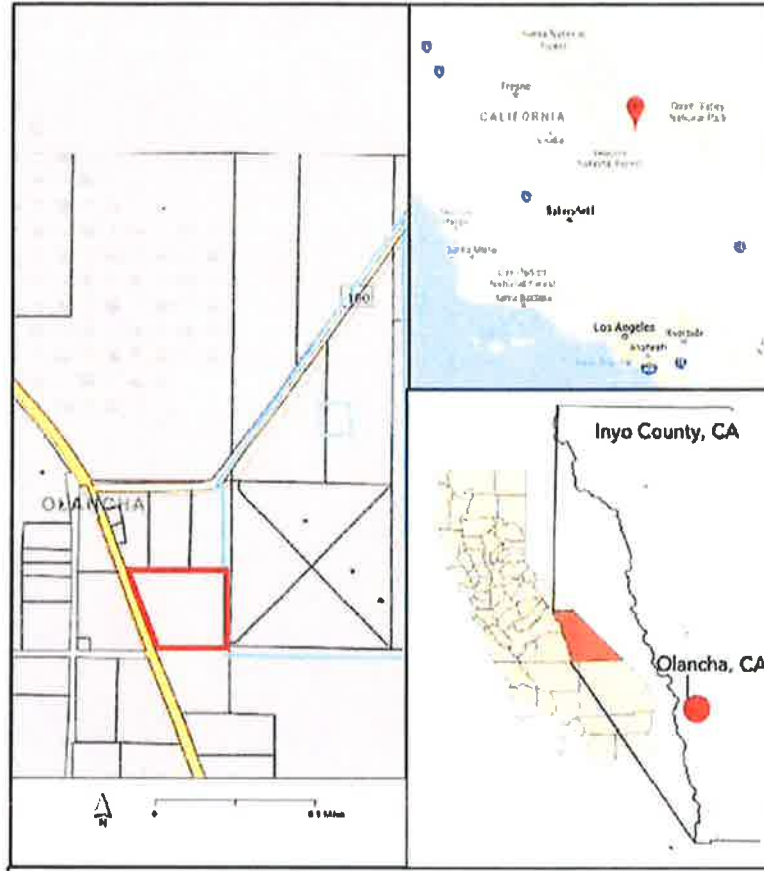
Attachments:

- Vicinity Map
- Site Map
- Draft Ordinance



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Site Map



DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2019-02/OLANCHA LAKE RV AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING AN 80.4-ACRE PARCEL LOCATED EAST OF THE COMMUNITY OF OLANCHA, (APNS 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, 033-080-37) FROM RURAL RESIDENTIAL WITH A 5-ACRE MINIMUM (RR-5) & LIGHT INDUSTRIAL WITH A 2.5 ACRE MINIMUM (M2-2.5) TO COMMERCIAL RECREATION WITH A 80-ACRE MINIMUM (C5-80)

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board of Supervisors and Sections 18.81.310 and 18.81.350 of the Inyo County Code, which establishes the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County as set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

Upon consideration of the material submitted, the recommendation of the Inyo County Planning Commission, and statements made at the public hearings held on this matter, this Board finds as follows:

- (1) In accordance with Inyo County Code Section 18.81.320, OLANCHA LAKE, LLC applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Rural Residential with a 5-acre minimum (RR-5) & Light Industrial with a 2.5-acre minimum (M2-2.5) to Commercial Recreation with an 80-acre minimum (C5-80) as described in Section III of this Ordinance.
- (2) On September 23, 2020, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2019-02/Olancha Lake RV, following which, the Commission made various findings and recommended that this Board amend Title 18, to rezone the property described in Section III of this Ordinance to Commercial Recreation with a 80-acre minimum (C5-80).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) Olancha Lake LLC applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Residential

Estate (RE) to Resort Recreation (REC) to best match the requested zoning and the planned commercial recreational use on the property.

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning the property to Commercial Recreation with a 80-acre minimum (C5-80) as it best matches the current and planned future uses on the property.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on an 80.4-acre site as created by TPM 422 located east of the community of Olancho, south of State Route 190, CA (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, 033-080-37) is changed from Rural Residential a 5-acre minimum (RR-5) & Light Industrial with a 2.5-acre minimum (M2-2.5) to Commercial Recreation with a 80-acre minimum (C5-60).

SECTION IV: 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 hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS XXTH DAY OF JUNE, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

Matt Kingsley, Chairperson
Inyo County Board of Supervisors

ATTEST:
Clint Quilter
Clerk of the Board

Attachment B
December 9, 2020 Notice of Decision



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

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

NOTICE OF DECISION

December 9, 2020

Leedy Ying
12550 Whittier Blvd.
Whittier, CA 990602

**SUBJECT: APPROVAL OF Zone Reclassification 2019-02; General Plan Amendment 2019-01;
Tentative Parcel Map 422; Conditional Use Permit 2020-03/Olancha Lake RV**

On September 23, 2020 the Inyo County Planning Commission considered the above action (ZR 2019-02; GPA 2019-01; TPM 422; CUP 2020-03/Olancha Lake RV), which would allow for a commercial RV and tent camping resort, located at 205 Highway 190 in Olancha, in Inyo County. After deliberation, the Commission voted to approve TPM 422 and CUP 2020-03, and voted to certify the land entitlements for the proposed future project as an Initial with Mitigated Negative Declaration under CEQA. The Commission also voted to recommend that the Board of Supervisors approve General Plan Amendment 2019-01 and Zone Reclassification 2019-02/Olancha Lake RV. On October 20, 2020, the Board of Supervisors voted to approve the Planning Commission's recommendations for a Zone Reclassification and General Plan Amendment. As a result, both the Inyo County Planning Commission and Board of Supervisors have APPROVED the four land entitlements, with the following Findings and Conditions of Approval:

Findings for TPM 422/Olancha Lake RV:

1. Proposed TPM 422/Olancha Lake RV, an Initial Study and Mitigated Negative Declaration under CEQA, was conducted for the project and it was found that impacts will be less than significant with mitigations.
[Evidence: the proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an amphitheater, a store, showers, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations will be added to the proposed TPM, ZR, GPA, and CUP as Conditions of Approval for the project.]
2. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Rural Residential Zoning designation currently found on the property; therefore, a condition of approval to change the Zoning designation to Commercial Recreation with a 80-acre minimum (C5-80) will be required for a Final Map.

[Evidence: Inyo County Code (ICC) Chapter 18.21.010 states the intent of the current RR zoning designation is to "provide suitable areas...for low density, single family...uses and estate uses where certain agricultural activities can be successfully maintained in conjunction with residential use..." This designation is for low density residential use, which does not align with the planned commercial use of the project. The Final Map will merge 7 parcels for a commercial campground, with 95 RV and 30 tent camping spaces; this planned commercial project will be out of compliance with ICC 18.21, the RR designation; therefore, the applicant is requesting a Zone Reclassification to Commercial Recreation with a 80-acre minimum (C5-80) as this designation best fits the project's planned use and will allow TPM 422 to be finalized. Once this condition is met, TPM 422 will be in conformance with the Zoning designation.]

3. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Inyo County General Plan designation of Rural Estate (RE) or Light Industrial (LI) that is currently found on the property and a condition of approval to change the General Plan designation to Resort Recreational (REC) will be required for a Final Map.

[Evidence: The RE designation provides for single-family dwellings with a density of 1 single-family dwelling per 5-acres, and the LI designation does not allow for any residential use. This does not correspond consistently with the requested C5 zoning. For consistency and compliance with the General Plan, the applicant is requesting a General Plan Amendment to change the designation from RE to REC. The REC designation is traditionally used in tandem with the C5 zoning designation. It allows for RVs and tent campgrounds, which are geared toward commercial rather than residential uses. Once this condition is met TPM 422 will be in conformance with the REC General Plan designation.]

4. Based on substantial evidence in the record, the Planning Commission finds that TPM 422, as conditioned, is in conformance with and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

[Evidence: Proposed TPM 422 is consistent with the requested C5 Zoning designation as the new parcel meets the development standards of a minimum parcel size and setback requirements of both respective zoning districts. The Tentative Map is being produced because more than four lots are being merged (16.52.070-E). The proposed single lot meets the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]

5. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the rural character of the surrounding area, is already developed and will not increase demands on public services and utilities. TPM 422 has been routed to appropriate County departments and the comments that were received have been addressed in the conditions of approval. The project is not expected to increase demands for fire protection services and is located within a local fire district.]

6. Based on the substantial evidence the Planning Commission finds that the provisions of Government Code 66474.02 have been met (fire Protection and suppression services).

[Evidence: The proposed commercial project is within a local fire district, which effectively exempts TPM 422 from 66474.02. TPM 422 has been routed to the local fire district in Olancho and no comments have been received.]

7. Based on substantial evidence in the record, the Planning Commission finds that the design of the merged lots or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

[Evidence: The project will be accessed from US 395. This will require an encroachment permit from Caltrans to address project work within the State's right of way. Additional easements for water and sanitary services are not required as there are existing facilities that serve the property and no conflicts with existing easements have been identified.]

8. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. Conditions of approval are included to ensure that the final map mitigates the above mentioned potential impacts. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed, no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

9. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

[Evidence: The site is already developed and the merger of parcels, and resulting campground project, does have potential to impact native botanical species and nesting bird species. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

Conditions of Approval-TPM 422:

1. A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.

2. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 422/Olancha Lake RV or applicant's failure to comply with conditions of approval.
3. Prior to the recordation of the Final Parcel Map, all payments of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector.
4. Prior to recordation, all reports submitted by public utilities, emergency service entities, or other public agencies that serve the area, and have reviewed the Tentative Map, shall be reviewed by the Inyo Planning Department to determine whether they should be added to the Final Map in conformity with Title 16 of the Inyo County Code.
5. The applicant shall complete ZR 2019-02/Olancha Lake RV changing the zoning designation on the proposed single Parcel from (RR-5) & (M2) to (C5-80) prior to recordation of the Final Parcel Map.
6. The applicant shall complete a GPA 2019-01 changing the General Plan Designation from (RE) & (LI) to (REC) prior to recordation of the Final Parcel Map.
7. The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all roads and utilities within and serving the parcel per applicable standards, as may be required by the County in the future.

Findings for GPA 2019-01 & ZR 2019-02/Olancha Lake RV:

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2019-01 and Zone Reclassification 2019-02/Olancha Lake are a Mitigated Negative Declaration under CEQA.
[Evidence: the proposed project has been analyzed for environmental impacts Under CEQA, which has resulted in a Mitigated Negative Declaration. As the CEQA lead agency, all mitigations required by the Initial Study, have been added as conditions of approval for the future RV/campground project. This application for a TPM is for a property that is already disturbed and includes no additional development proposals; the land use designations that are proposed will not result in more impactful uses.]
2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV are in conformance with the Goals and Objectives of the Inyo County General Plan.
[Evidence: The proposed designation of REC provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, and campgrounds. This designation is oriented towards commercial use, but does provide for permanent residential use, with a density (1 dwelling unit per 25-acres). Clustering of residential units is encouraged, which would increase the density of developed area to 24 dwelling units per net acre. This higher density is appropriate for the proposed 95 RV spaces, 30 campsite spaces, and 5 cabins and better corresponds to the

proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]

3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of C5-80 provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism, which corresponds to the proposed General Plan designation. The proposed zoning will not result in more potential parcels than could currently be subdivided from the property without these changes.]

4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the rural character of the surrounding area and this request for a GPA and ZR will not allow for a development type that would change the character of the site or the surrounding area. The GPA and ZR will increase the potential for increased intensity or density on the site as it changes the parcel to C5-80, which allows for more intensity in use than do the current RR-5 and M2-2.5 designations. The property has three existing wells to meet the increase intensity of water use from the proposed lake and domestic water use for the campground. This commercial RV campground will be regulated as a public water system and be subject to the rules and constraints set by the Inyo Environmental Health Department, Lahontan Regional Water Quality Board, and California Housing Community Development Department. Additionally, septic systems are already in place on the property and will be redesigned and upgraded to meet the intensity of commercial use. This will be adequate for the planned commercial enterprise. Electricity services are also currently provided to the parcel, but will be upgraded for the proposed campground, although; electrical connections will not be provided for RV hookups.]

Findings - CUP 2020-03/Olancha Lake RV:

1. The proposed Conditional Use Permit is a Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: The proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an amphitheater, a store, showers, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations have been added to the proposed CUP as Conditions of Approval for the project.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Resort Recreation (REC).

[Evidence: The proposed designation of REC provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, and campgrounds. This designation is

oriented towards commercial use, but does provide for permanent residential use, with a density (1 dwelling unit per 25-acres). Clustering of residential units is encouraged, which would increase the density of developed area to 24 dwelling units per net acre. This higher density is appropriate for the proposed 95 RV spaces, 30 campsite spaces, and 5 cabins and better corresponds to the proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]

3. The proposed Conditional Use Permit is consistent with the proposed RV park and campground, as stated in the provisions of the Inyo County Zoning Ordinance, which allow for RV parks and campgrounds in the REC, as a conditional use, following approval from the Inyo County Planning Commission.

[Evidence: Chapter 18.54.040-Conditional Uses (Commercial Recreation) allows for RV parks and campgrounds as a conditional use. The proposed designation of C5-80 provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism, which corresponds to the proposed General Plan designation. The proposed zoning will not result in more potential parcels than could currently be subdivided from the property without these changes.]

4. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: The General Plan's Land Use Element states that the REC designation "provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism," which corresponds to the proposed General Plan designation. This project will help the County meet its goals to provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs (Existing Goal 3).]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The project will not cause negative impacts on transportation or service facilities in the vicinity. Access will be provided to the parcel/campground via US 395. A condition of approval is included to require that the applicant procure an encroachment permit from the Caltrans, District 9 before construction of the ingress/egress to the proposed project property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys will be conducted to determine if additional mitigation is needed to lower the level of impacts to botanical & wildlife resources to a level below significance. The project has been evaluated by the Department of Building & Safety and Environmental Health and will not create impacts on the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.

[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.54.040(A)(C). Therefore, the conditional use permit is necessary for the continued operations at the site.]

Conditions of Approval-CUP 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV:

1) Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV. The County reserves the right to prepare its own defense.

2) Compliance with the Zoning Code

The allowance for any changes to size or configuration of the commercial or residential components of this project shall require further review and potentially approval by the Inyo County Planning Commission.

3) Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

4) Light & Glare

The owner or his agent shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.

5) Noise

The owner or his agent shall post and enforce quiet hours on the campground (9pm – 7am)

6) Transportation

The owner or his agent shall obtain an encroachment permit from Caltrans, District 9 in order to access the proposed project using State right of way.

7) Water Quality & Waste Management

The applicant shall work with the Inyo Environmental Health Department, Lahontan Regional Water Quality Control Board, and the California Housing Community Development Department to ensure that all permitting and regulations, both County and State, are met for the project's proposed wells and septic systems.

8) Biological Resources

Botanical surveys shall be conducted for plants with blooming seasons outside the previous survey period (July 2019 & May 2020). These field surveys shall follow protocols set forth in the 'Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and

Sensitive Natural Communities' (CDFW 2018). As the Project has potential to support special-status species protected by federal and state laws [Fish & Game Code, §§ 711.7 (a) & 1802; PRC § 21070; CEQA Guidelines § 15386 (a), PRC § 21069; CEQA Guidelines, § 15381; Endangered Species Act Section 7(a)(2)], the applicant shall coordinate with CDFW & USFWS on the following surveys and provide the County with CDFW/USFWS' letter of compliance prior to construction:

- Mohave Ground Squirrel
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>)
- Desert Tortoise
(https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf)
- Plant & Natural Communities
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

The applicant shall conduct focused pre-construction surveys on all suitable nesting habitats within the Project area, no more than three (3) days prior to vegetation clearing or ground disturbance activities, and provide the County Planning Department with the survey report and findings before any ground disturbing activities.

If there are any questions regarding the above information, please contact the Planning office.

Respectfully,



Steve Karamitros
Senior Planner, County of Inyo

Attachment C
Board Order, October 20, 2020

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisors of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 20th day of October 2020 an order was duly made and entered as follows:

*Planning –
Ordinance
1260/GPA 2019-01
(Olancha RV)*

Assistant Planner Steve Karamitros introduced and explained a request for a zone reclassification for an 80-acre site located at 205 Highway 190 in the community of Olancha (APNs: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03). No comments were received during the public hearing. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) approve General Plan Amendment No. 2019-01/Olancha Lake RV changing the General Plan designation from Residential Estate (RE) to Resort Recreational (REC) to best match the requested zoning and current uses on the property; B) certify that the provisions of the California Environmental Quality Act (CEQA) have been met and make certain findings with respect to and approving Zone Reclassification No. 2019-02/Olancha Lake RV and General Plan Amendment No. 2019-01/Olancha Lake RV; and C) waive the reading of and approve an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2019-02/Olancha Lake RV and amending the Zoning Map of the County of Inyo by rezoning an 80-acre Parcel located east of the community of Olancha (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03) from Rural Residential with a 5-acre Minimum (RR-5) & Light Industrial with a 2.5-acre Minimum (M2-2.5) to Commercial Recreation with an 80-acre Minimum (C5-80)." Motion carried unanimously.

WITNESS my hand and the seal of said Board this 20th
Day of October, 2020

Routing
CC Purchasing Personnel Auditor CAO: Other: Planning DATE: October 21, 2020



CLINT G. QUILTER
Clerk of the Board of Supervisors

A handwritten signature in cursive script, appearing to read "Clint G. Quilter".

By: _____



County of Inyo



Planning Department

TIMED ITEMS - ACTION REQUIRED

MEETING: October 20, 2020

FROM: Steve Karamitros

SUBJECT: Zone Reclassification (ZR) 2019-02/Olancha Lake RV; General Plan Amendment (GPA) 2019-01/Olancha Lake RV

RECOMMENDED ACTION:

Request Board:

A) Conduct a public hearing on the following actions for an 80-acre site located at 205 Highway 190 in the community of Olancha (APNs: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03):

- General Plan Amendment No. 2019-01/Olancha Lake RV changing the General Plan designation from Residential Estate (RE) to Resort Recreational (REC) to best match the requested zoning and current uses on the property; and,
- a proposed ordinance (attached) titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2019-02/Olancha Lake RV and amending the Zoning Map of the County of Inyo by rezoning an 80-acre Parcel located east of the community of Olancha (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03) from Rural Residential with a 5-acre minimum (RR-5) & Light Industrial with a 2.5-acre minimum (M2-2.5) to Commercial Recreation with an 80-acre minimum (C5-80);"

B) Certify that the provisions of the California Environmental Quality Act (CEQA) have been met and make certain findings with respect to and approving Zone Reclassification No. 2019-02/Olancha Lake RV and General Plan Amendment No. 2019-01/Olancha Lake RV; and

C) Waive the reading and approve the above referenced Ordinance approving Zone Reclassification No. 2019-02/Olancha Lake RV.

SUMMARY/JUSTIFICATION:

The applicant, Olancha Lake LLC (Leedy Ying), has applied for a Zone Reclassification (ZR) and General Plan Amendment (GPA) for seven parcels of land with APNs: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03 located at 205 Highway 190 in the community of Olancha (site and vicinity map attached). The applicant is also preparing a Tentative Parcel Map to merge all seven parcels since there are "more than four lots involved in the lot line adjustment" and therefore "a re-subdivision tentative map application required" (ICC 16.52.070). The single parcel, once combined, will total 80.4 acres. These properties are currently vacant. The property has only been used for low density residential and miscellaneous recreational activities. The applicant intends on using the property for a commercial RV and tent camping facility.

The property is surrounded by vacant and open space land, to the north, east and south, all of it privately owned. Directly to the west is a bridge building warehouse and materials staging area. Less than 0.25 miles west is the community of Olancho. The TPM, ZR and GPA will alter the existing land use to support the future planned development for a commercial RV project. The Inyo County Planning Commission approved the Conditional Use Permit on September 23, 2020 allowing for the proposed RV and tent camping resort. This proposed commercial recreational use includes 5 cabins for rent, 95 RV spaces, 30 camping spaces, a tennis court, showers, amphitheater, star gazing area, skate board park, restaurant, and store available to customers at the resort. The TPM, ZR and GPA will enhance the character of the property, bringing existing buildings up to Building & Safety Code, and filling the artificial sky lake to create recreational opportunities. The GPA and ZR will result in a 1-acre per 1/2.5 – 24 dwelling unit density that corresponds with the 80-acre lot size requirement of the proposed C5 zone. Clustering of residential units is encouraged, with density of developed area allowed up to 24 dwelling units per net acre. The proposed REC designation is used in rural areas oriented toward tourist use, while also permitting permanent residential use and public and quasi-public uses. This designation provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, motels, campgrounds, trailer parks, restaurants, general stores, service stations, and similar and compatible uses.

Zoning: The parcels proposed for the ZR have zoning designations of RR-5.0-MH & M2-2.5, which prohibit commercial, recreational activities, such as RV parks and campgrounds. The applicant is requesting a change to Commercial Recreation with an 80-acre minimum lot size. Inyo County Code (ICC) Chapter 18.54 states the minimum standard parcel size for development is 5-acres; the parcel widths must be 350-feet; and the setback requirements are 25-feet for front, 20-feet for rear and sides yards. The merged parcel would meet the requirements of the C5 zone.

The change in designation would not provide for additional future subdivisions. Once the parcels are merged, the property will not have the potential to be subdivided. Additionally, the resulting single parcel will not create a situation where there could be as many single-family homes allowed as there are RV/camping spaces. The density and number of RV and tent camping spaces allowed is based on the commercial use of the RV park. Any future subdivision related to residential use and development would require an additional zone reclassification. It is in the public interest to have zoning designations match the uses on a parcel, and even more so to have zoning that matches an applicant's future plans for a parcel. This produces consistency between use and designation. The 80-acre minimum will eliminate the potential for the parcel to subdivide. The six parcels zoned RR could each be divided into between 2-3 separate parcels with each allowed to have private, noncommercial recreational facilities (including country clubs, swimming pools and golf courses) on them.

General Plan: The parcel's current General Plan Residential Estate (RE) and Light Industrial (LI) designation relates to the current zoning RR & M2. The proposal to change to the REC General Plan designation will result in it corresponding to the proposed C5 zoning. Zoning and General Plan consistency are required by the State and by the Inyo County Code meaning a zoning designation cannot be changed in a manner that causes it to no longer be compatible with the General Plan designation. In this circumstance, the ZR requires the GPA to be in compliance. The GPA will also result in the General Plan designation being aligned with the current uses and future vision for the property.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration has been completed to evaluate for environmental impacts. This application for a ZR and GPA is for a property that is already disturbed, which includes a preexisting tennis court, seven built structures (cabins), and utility connections. However, the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations have been added to the proposed ZR and GPA as Conditions of Approval for the project.

TRIBAL CONSULTATION

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to

request consultation opportunities. Pursuant to SB 18 Tribes were invited to consult on this General Plan Amendment. In addition, this project is not exempted from CEQA analysis and required an Initial Study/Mitigated Negative Declaration. Consequently, pursuant to AB 52, Tribes received a written request to comment on the environmental document being produced for this project. Staff mailed SB 18 & AB 52 consultation invitations on October 31, 2019 to the following: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, and the Cabazon Band of Mission Indians. No requests for consultation were received.

BACKGROUND/HISTORY OF BOARD ACTIONS:

The application for GPA 2019-01/Olancha Lake RV and ZR 2019-02/Olancha Lake RV have been reviewed by the appropriate County departments with comments from the Department of Environmental Health regarding water and septic issues. Compliance with all County Environmental Health requirements relating to water quality, well permitting, and septic systems have been added to the ZR and GPA as Conditions of Approval.

The project was noticed in the Inyo Register pursuant to State and County requirements. No comments have been received by staff to date.

The Planning Commission held a Public Hearing on September 23, 2020, took public comment, and voted unanimously to recommend the Board Certify that the project is a Mitigated Negative Declaration under CEQA and to approve Zone Reclassification No. 2019-02/Olancha Lake RV and General Plan Amendment No. 2019-01/Olancha Lake RV.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Do NOT approve the requested actions.
- Return to staff with direction.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

The applicant provided fees to cover the costs of these actions.

ATTACHMENTS:

1. Draft Ordinance Zoning Reclassification Olancha Lake RV
2. Olancha Lake RV Vicinity Site Map

APPROVALS:

Steve Karamitros

Created/Initiated - 9/28/2020

Darcy Ellis

Approved - 9/29/2020

Steve Karamitros

Approved - 10/7/2020

Marshall Rudolph

Approved - 10/7/2020

Cathreen Richards

Approved - 10/7/2020

Darcy Ellis

Final Approval - 10/7/2020

ORDINANCE NO. 1260

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2019-02/OLANCHA LAKE RV AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING AN 80.4-ACRE PARCEL LOCATED EAST OF THE COMMUNITY OF OLANCHA, (APNS 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, 033-080-37) FROM RURAL RESIDENTIAL WITH A 5-ACRE MINIMUM (RR-5) & LIGHT INDUSTRIAL WITH A 2.5 ACRE MINIMUM (M2-2.5) TO COMMERCIAL RECREATION WITH A 80-ACRE MINIMUM (C5-80)

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board of Supervisors and Sections 18.81.310 and 18.81.350 of the Inyo County Code, which establishes the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County as set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

Upon consideration of the material submitted, the recommendation of the Inyo County Planning Commission, and statements made at the public hearings held on this matter, this Board finds as follows:

- (1) In accordance with Inyo County Code Section 18.81.320, OLANCHA LAKE, LLC applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Rural Residential with a 5-acre minimum (RR-5) & Light Industrial with a 2.5-acre minimum (M2-2.5) to Commercial Recreation with an 80-acre minimum (C5-80) as described in Section III of this Ordinance.
- (2) On September 23, 2020, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2019-02/Olancha Lake RV, following which, the Commission made various findings and recommended that this Board amend Title 18, to rezone the property described in Section III of this Ordinance to Commercial Recreation with a 80-acre minimum (C5-80).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) Olancha Lake LLC applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Residential

Estate (RE) to Resort Recreation (REC) to best match the requested zoning and the planned commercial recreational use on the property.

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning the property to Commercial Recreation with a 80-acre minimum (C5-80) as it best matches the current and planned future uses on the property.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on an 80.4-acre site as created by TPM 422 located east of the community of Olancha, south of State Route 190, CA (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, 033-080-37) is changed from Rural Residential a 5-acre minimum (RR-5) & Light Industrial with a 2.5-acre minimum (M2-2.5) to Commercial Recreation with a 80-acre minimum (C5-80).

SECTION IV: 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 hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

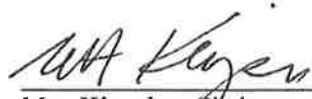
PASSED AND ADOPTED THIS 20TH DAY OF OCTOBER, 2020.

AYES: -5- Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh

NOES: -0-

ABSTAIN: -0-

ABSENT: -0-



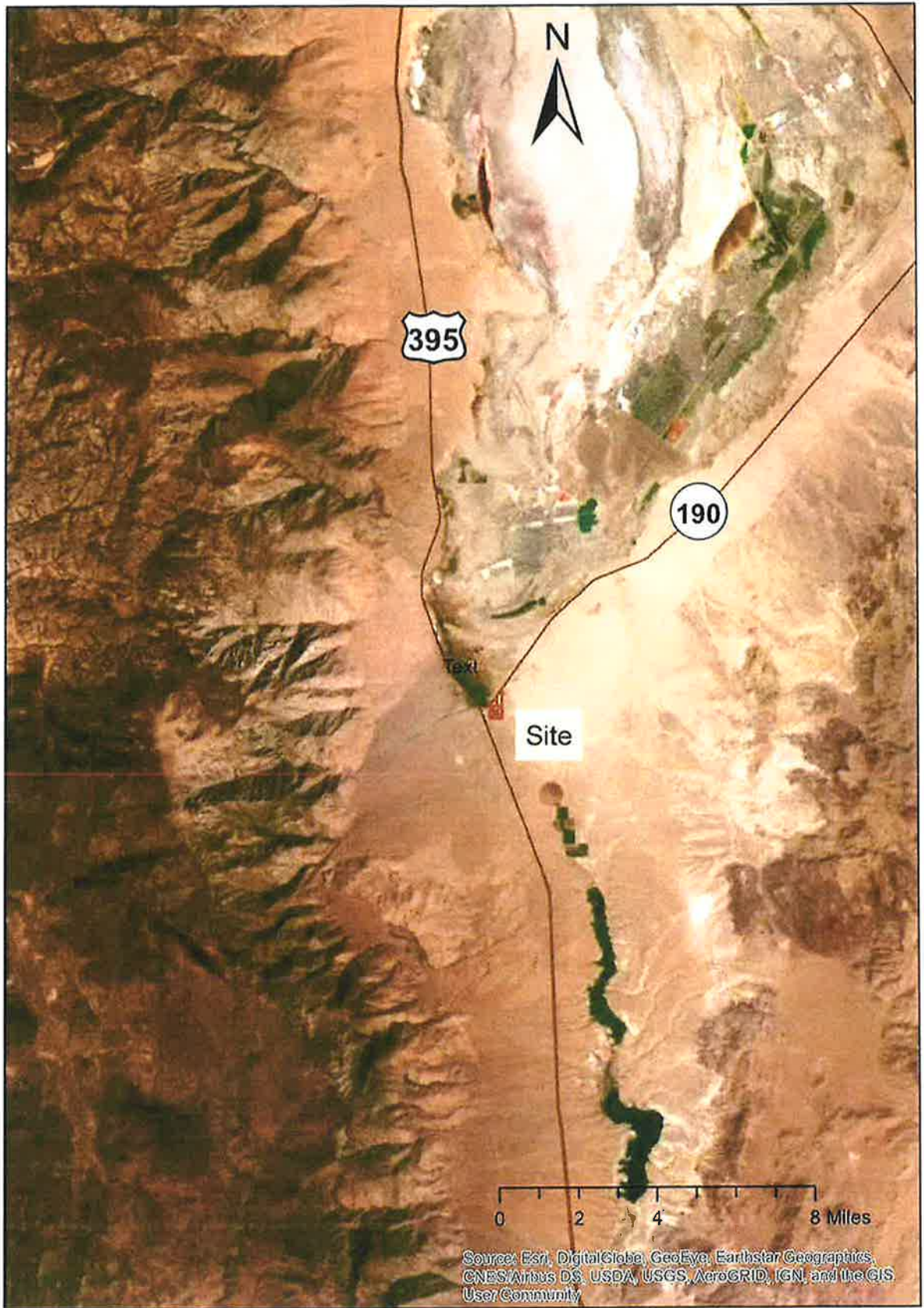
Matt Kingsley, Chairperson
Inyo County Board of Supervisors

ATTEST:
Clint Quilter
Clerk of the Board

Attachment 1

By: 

Darcy Ellis, Assistant



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Site Map



PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF INYO

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, And not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the
The Inyo Register

County of Inyo

The Inyo Register has been adjudged a newspaper of general circulation by the Superior Court of the County of Inyo, State of California, under date of Oct. 5, 1953, Case Number 5414; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following date, to with:

October 10th,
In the year of **2020**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bishop, California, on this
12th Day of October, 2020



Signature

This space is for County Clerk's Filing Stamp

RECEIVED
2020 OCT 20 AM 9:00

Proof of Publication of Public Notice

NOTICE OF PUBLIC HEARING/PROPOSED ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN the Inyo County Board of Supervisors will conduct a public hearing at 11 a.m. Tuesday, October 20, 2020 in the Board

of Supervisors Room, County Administrative Center, 224 N. Edwards St., Independence, on a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2019-02/Olancha Lake RV and Amending the Zoning Map of the County of Inyo By Rezoning an 80.4-Acre Parcel Located East of the Community of Olancha (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, 033-080-37) From Rural Residential with a 5-Acre Minimum (Rr-5) & Light Industrial with a 2.5 Acre Minimum (M2-2.5) to Commercial Recreation with an 80-Acre Minimum (C5-80)."

A reading of the proposed ordinance will take place at 11 a.m. Tuesday, October 20, 2020 in the Board of Supervisors Room, County Administrative Center, 224 N. Edwards St., Independence, with adoption scheduled for immediately after.

The proposed ordinance re-zones seven parcels - APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-37 - located in Olancha, one-eighth of a mile east of U.S. Highway 395, abutting State Route 190 and U.S. Highway 395. Olancha Lake LLC is requesting a Zone Reclassification and General Plan Amendment as required in order to create the correct land use designations for the proposed commercial RV camping business. The properties are currently zoned Rural Residential & Light Industrial with General Plan designations of Residential Estate (RE) & Light Industrial (LI). The zoning design-

ation would change to Commercial Recreation with 80-acre minimum (C5-80) and the General Plan designation to Resort Recreational (REC). The REC designation is intended for a mix of tourism-oriented commercial and residential uses. This RV/camping resort project will include 30 tent camping sites, 95 RV parking spaces, and five cabin rentals. The resort would include a tennis court, showers, store, amphitheater, star gazing area, and restaurant across the 80 acre parcel. On September 23, 2020, the Inyo County Planning held a public hearing and voted to recommend that the Board of Supervisors approve the change in land use designations.

Written comments may be filed with the Inyo County Board of Supervisors by delivery to the Assistant Clerk of the Board, County of Inyo Administrative Center, 224 N. Edwards St., Independence, CA 93526, by mailing to the Inyo County Board of Supervisors, P.O. Box N, Independence, CA 93526, or by email to the Assistant Clerk of the Board, dellis@inyocounty.us, so that the comments are received by the Board prior to the conclusion of the hearing. If you wish to challenge any finding, determination or decision made regarding this project in court, you may be limited to raising only the issues you or someone else raises at the public hearing described in this notice, or in written correspondence de-

livered prior to the hearing. The Board of Supervisors Chambers are currently closed to the public due to the COVID-19 pandemic. The public may participate in the hearing via Zoom at <https://zoom.us/j/868254781>. For more information, contact the Inyo County Planning Department at (760) 878-0405. (IR 10.10.2020 #20347)

Olancha Mailing List

CITY OF LOS ANGELES DWP
300 MANDICH ST
BISHOP, CA 93514

KENNETH CARPENTER
2261 LONGVIEW DR
BISHOP, CA 93514

MLH LLC
PO BOX 2611
APPLE VALLEY, CA 92307

PLH LLC
222 S 9TH ST #1600
MINNEAPOLIS, MN 55402

MASUMOTO TRUST
31 GRASSY KNOLL LN
RANCHO SANTA MARGARITA, CA 92688

THE MEYLEMANS TRUST
983 JUSTICE GRADE
HAGERMAN, ID 83332

ROBERT & MARSHA KLUGE TRUST
4803 SUNRISE HILLS DR
EL CAJON, CA 92020

GUS & NANCY NIEPAGEN
PO BOX 108
OLANCHA, CA 93549

BOHL JEFFREY P
PO BOX 69
OLANCHA, CA 93549

VASQUEZ CRAIG & CHARLENE 1/3
12001 SHOEMAKER AVE
SANTA FE SPGS, CA 90670



EL CAMINO SIERRA

BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526

TELEPHONE (760) 878-0373

e-mail: dellis@inyocounty.us

MEMBERS OF THE BOARD
DAN TOTIEROII
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

CLINT G. QUILTER
Clerk of the Board

DARCY ELLIS
Assistant Clerk of the Board

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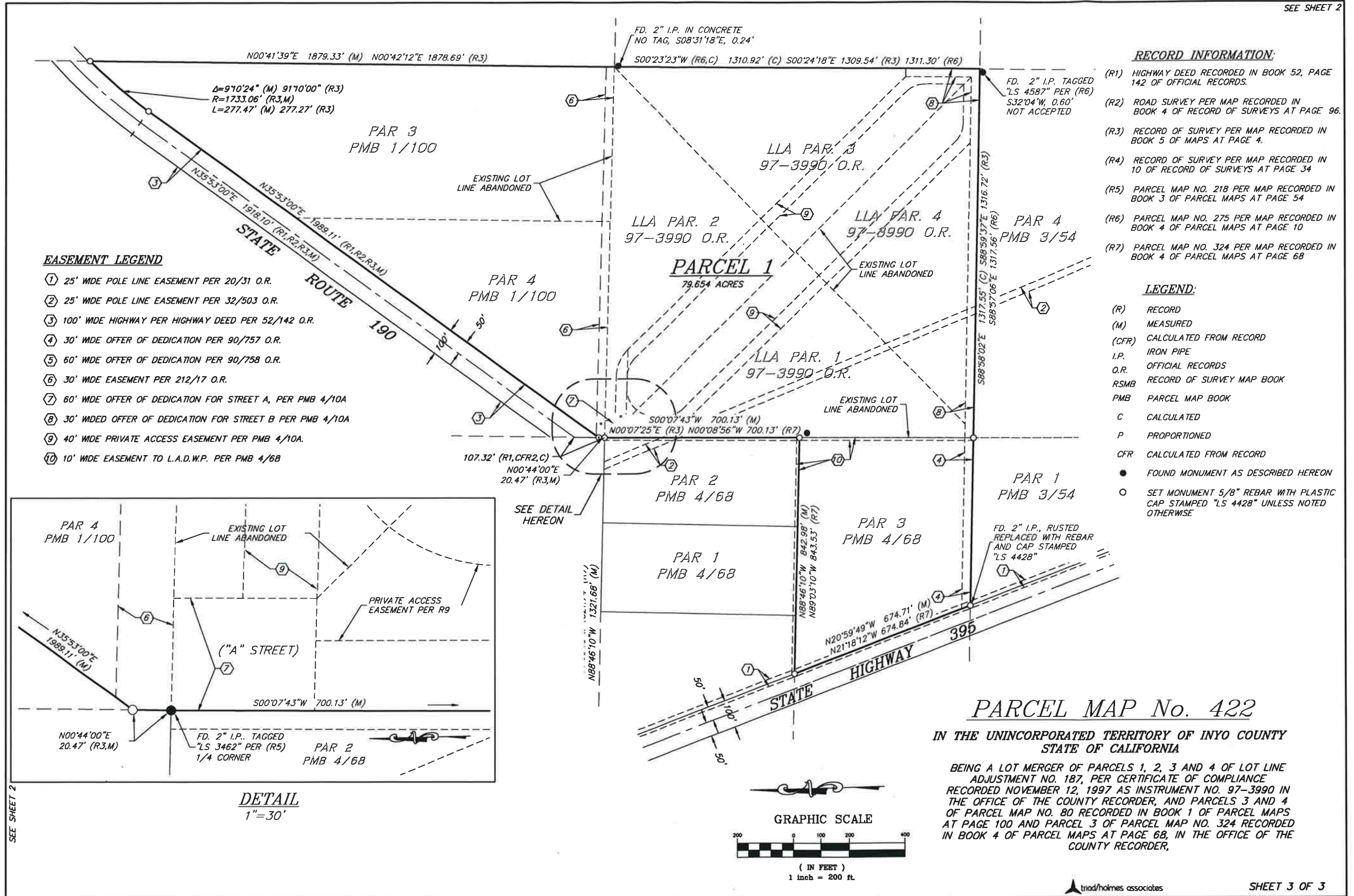
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For more information, contact the Inyo County Planning Department at (760) 878-0405.

Attachment D
Tentative Parcel Map 422



EASEMENT LEGEND

- ① 25' WIDE POLE LINE EASEMENT PER 20/31 O.R.
- ② 25' WIDE POLE LINE EASEMENT PER 32/503 O.R.
- ③ 100' WIDE HIGHWAY PER HIGHWAY DEED PER 52/142 O.R.
- ④ 30' WIDE OFFER OF DEDICATION PER 90/757 O.R.
- ⑤ 60' WIDE OFFER OF DEDICATION PER 90/758 O.R.
- ⑥ 30' WIDE EASEMENT PER 212/17 O.R.
- ⑦ 60' WIDE OFFER OF DEDICATION FOR STREET A, PER PMB 4/10A
- ⑧ 30' WIDE OFFER OF DEDICATION FOR STREET B PER PMB 4/10A
- ⑨ 40' WIDE PRIVATE ACCESS EASEMENT PER PMB 4/10A.
- ⑩ 10' WIDE EASEMENT TO L.A.D.W.P. PER PMB 4/68

RECORD INFORMATION:

- (R1) HIGHWAY DEED RECORDED IN BOOK 52, PAGE 142 OF OFFICIAL RECORDS.
- (R2) ROAD SURVEY PER MAP RECORDED IN BOOK 4 OF RECORD OF SURVEYS AT PAGE 96.
- (R3) RECORD OF SURVEY PER MAP RECORDED IN BOOK 5 OF MAPS AT PAGE 4.
- (R4) RECORD OF SURVEY PER MAP RECORDED IN 10 OF RECORD OF SURVEYS AT PAGE 34
- (R5) PARCEL MAP NO. 218 PER MAP RECORDED IN BOOK 3 OF PARCEL MAPS AT PAGE 54
- (R6) PARCEL MAP NO. 275 PER MAP RECORDED IN BOOK 4 OF PARCEL MAPS AT PAGE 10
- (R7) PARCEL MAP NO. 324 PER MAP RECORDED IN BOOK 4 OF PARCEL MAPS AT PAGE 68

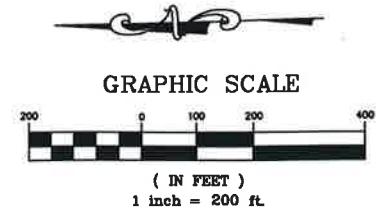
LEGEND:

- (R) RECORD
- (M) MEASURED
- (CFR) CALCULATED FROM RECORD
- I.P. IRON PIPE
- O.R. OFFICIAL RECORDS
- RSMB RECORD OF SURVEY MAP BOOK
- PMB PARCEL MAP BOOK
- C CALCULATED
- P PROPORTIONED
- CFR CALCULATED FROM RECORD
- FOUND MONUMENT AS DESCRIBED HEREON
- SET MONUMENT 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 4428" UNLESS NOTED OTHERWISE

PARCEL MAP No. 422

IN THE UNINCORPORATED TERRITORY OF INYO COUNTY
STATE OF CALIFORNIA

BEING A LOT MERGER OF PARCELS 1, 2, 3 AND 4 OF LOT LINE ADJUSTMENT NO. 187, PER CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 12, 1997 AS INSTRUMENT NO. 97-3990 IN THE OFFICE OF THE COUNTY RECORDER, AND PARCELS 3 AND 4 OF PARCEL MAP NO. 80 RECORDED IN BOOK 1 OF PARCEL MAPS AT PAGE 100 AND PARCEL 3 OF PARCEL MAP NO. 324 RECORDED IN BOOK 4 OF PARCEL MAPS AT PAGE 68, IN THE OFFICE OF THE COUNTY RECORDER,



SEE SHEET 2



**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

Supervisorial 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-foot 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-foot 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-feet 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 an 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



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AGENDA ITEM NO.

7 (Action Item and Public Hearing)

PLANNING COMMISSION
MEETING DATE:

December 7, 2022

SUBJECT:

Zone Text Amendment (ZTA) No. 2022-03/Inyo County – Reasonable Accommodation.

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance addressing Reasonable Accommodation to update the Inyo County Zoning Code's Title 18, to be compliant with state fair housing law and 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: Multiple
Address/

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 HCD requirements to approve the Housing Element.
- 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. It took two years and many iterations of back and forth with drafts to the California Department of Housing and Community Development (HCD) to obtain approval.

One of the additions, required by HCD to approve the housing element, was for the County to add a reasonable accommodation ordinance. The reasonable accommodation ordinance aims to remove land use, zoning and building constraints to the development of housing for individuals with disabilities and provide reasonable accommodation to ensure equal access to housing. The ordinance also provides the procedures for people who wish to request reasonable accommodation in land use, zoning and building regulations, as well as, a process and required findings for planning and building staff to use to review reasonable accommodation requests.

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. This does not create new uses 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 can cause some modification to design standards for the provision of reasonable accommodation as it relates to fair housing law. These changes will not create new residential uses and will not increase already established densities as set forth in 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 federal and state fair housing laws and 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: this change is not in conflict with other sections of the County's zoning code and is being added to bring it into compliance with current state and federal fair housing laws and the changes required by HCD to the County's General Plan per the 6th Cycle Housing Element Update; 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 INYO COUNTY BOARD OF SUPERVISORS ADDING SECTION 18.80 TO THE INYO COUNTY CODE, PROVIDING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE COUNTY'S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS.

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, the approval of ZTA 2022-03 will result in Chapter 18.80 being added to the Inyo County Zoning Code, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities; and

WHEREAS, the Inyo County Planning Commission met to discuss the proposal to add to the Inyo County Code chapter 18.80 - Reasonable Accommodation with regard to consistency with the Inyo County Zoning Code, General Plan, and the California Environmental Quality Act and concurred with staff recommendations.

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

SECTION ONE – Chapter 18.80 shall be added to the Inyo County Code to read as follows:

Chapter 18.80 Reasonable Accommodation

18.80.010 Purpose.

It is the policy of Inyo County, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

18.80.020 Findings.

The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing:

A. The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;

B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;

C. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

18.80.030. Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for

individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

18.80.040. Notice to the Public of Availability of Accommodation Process.

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Planning and Building and Safety departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building and Safety departments.

18.80.050. Requesting Reasonable Accommodation.

In order to make housing available to an individual with a disability, any eligible person as defined in 18.80.030 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures, as follows:

A. Requests for reasonable accommodation shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

B. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

C. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

18.80.060 Reviewing Authority.

A. Requests for reasonable accommodation shall be reviewed by the "reviewing authority," using the criteria set forth in 18.80.070.

B. The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in 18.80.070.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

18.80.070 Required Findings.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

18.80.080 Written Decision on the Request for Reasonable Accommodation.

A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in 18.80.070. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

B. The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction's planning commission.

C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by 18.80.060, the request shall be deemed granted.

D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

18.80.090. Appeals.

A. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

B. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. Nothing in this procedure shall preclude an aggrieved individual from seeking any

SECTION TWO: 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 hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS __ DAY OF _____, 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

Inyo County Board of Supervisors

ATTEST:

By: _____

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. 2022-03 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; 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. 2022-03, 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 and General Plan to be consistent with each other; and

WHEREAS, ZTA 2022-03 is consistent with the Inyo County General Plan as it will not result in higher densities than what is already established in the Inyo County General Plan; and

WHEREAS, ZTA 2022-03 is consistent with the Inyo County Zoning Code as it will not allow for new uses beyond what is already established in the Inyo County Zoning Code.

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 Section 18.73.060 of the County Code to provide short-term rental areas and limitations by area for the number of allowed short-term rental permits and does not add residential densities or uses that are currently not allowed for 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 2022-03 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