

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 December 2022 an order was duly made and entered as follows:

*Planning –
ZTA 2022-03/
Ordinance No. 1291*

Planning Director Cathreen Richards gave a brief summary of the changes required to the zone text in order to meet state compliance for Reasonable Accommodation.

Vice Chairperson Roeser opened the public hearing at 10:43 a.m., and with no public comments to be heard, closed the hearing at 10:44 a.m.

Moved by Supervisor Roeser and seconded by Supervisor Pucci to: A) approve the proposed Ordinance 1291, titled, "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 Federal and State Fair Housing Laws;" B) Make the requested findings and certify that the action is exempt from CEQA; and, C) Waive further reading of and enact said ordinance.

Motion carried 4-0, with Supervisor Totheroh absent.

WITNESS my hand and the seal of said Board this 20th
Day of December, 2022



NATHAN GREENBERG
Clerk of the Board of Supervisors

A handwritten signature in blue ink, appearing to read "Nathan Greenberg", written over a horizontal line.

By: _____

Routing
CC Purchasing Personnel Auditor CAO Other: Planning DATE: December 30, 2022



INYO COUNTY BOARD OF SUPERVISORS

DAN TOTHEROH • JEFF GRIFFITHS • RICK PUCCI • JENNIFER ROESER • MATT KINGSLEY

NATE GREENBERG
COUNTY ADMINISTRATIVE OFFICER

DARCY ELLIS
ASST. CLERK OF THE BOARD



AGENDA ITEM REQUEST FORM

December 20, 2022

Reference ID:
2022-3270

Zone Text Amendment 2022-03/Reasonable Accommodation Planning Department ACTION REQUIRED

ITEM SUBMITTED BY

Cathreen Richards, Planning Director

ITEM PRESENTED BY

Cathreen Richards, Planning Director

RECOMMENDED ACTION:

Request Board:

- A) Conduct a public hearing on proposed Ordinance 1291, titled, "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 Federal and State Fair Housing Laws;"
- B) Make the requested findings and certify that the action is exempt from CEQA; and,
- C) Waive further reading of and enact said ordinance.

BACKGROUND / SUMMARY / JUSTIFICATION:

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 (attached). 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.

An example of how this might apply would be for someone who uses a wheelchair and needs a ramp to their front door. That ramp might need to encroach into the front yard setback. In this case, the person would fill out the reasonable accommodation form and planning staff would review the request and approve it if the person meets the criteria. With this accommodation, the ramp could be built without a

variance. This ramp might also need reasonable accommodation with regard to a building permit if, for example, the ramp requires a slightly steeper incline than allowed by the building code. Through the same process, this person could apply for reasonable accommodation to address that as well.

FINDINGS

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 does 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.

GENERAL PLAN CONSISTENCY

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.

ZONING ORDINANCE CONSISTENCY

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. The amendment will not affect the intent of Title 18 to direct certain types of residential land uses to specific areas within the County.

PLANNING COMMISSION RESOLUTION

The Planning Commission met on December 5, 2022, held a public hearing, and voted unanimously to adopt a resolution (attached) recommending that the Board of Supervisors approve Zone Text Amendment 2022-03. There was no public comment.

FISCAL IMPACT:

Funding Source	Grant Funded State Local Early Action Planning Grant (LEAP)	Budget Unit	23800
Budgeted?	Yes	Object Code	
Recurrence	Ongoing Expenditure		
Current Fiscal Year Impact			
Future Fiscal Year Impacts			
Additional Information			

ALTERNATIVES AND/OR CONSEQUENCES OF NEGATIVE ACTION:

OTHER DEPARTMENT OR AGENCY INVOLVEMENT:

None.

ATTACHMENTS:

1. Planning Commission Resolution 12.7.2022

2. Proposed Ordinance 1291

APPROVALS:

Cathreen Richards
Darcy Ellis
John Vallejo
Cathreen Richards

Created/Initiated - 12/7/2022
Approved - 12/7/2022
Approved - 12/8/2022
Final Approval - 12/8/2022

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: 4
NOES: 0
ABSTAIN: 0
ABSENT: 1


Caitlin Morley, Chair
Inyo County Planning Commission

ATTEST: 
Cathreen Richards, Planning Director

By 
Paula Riesen, Secretary of the Commission

ORDINANCE 1291

AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS ADDING SECTION 18.80 TO THE INYO COUNTY CODE, ESTABLISHING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE COUNTY'S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO STATE AND FEDERAL 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 ensure compliance with the requisite changes made to the County's General Plan per the updated Housing Element; and

WHEREAS, staff has further reviewed the County's Zoning Code for other inconsistencies with current State Housing Law and found additional places where the Zoning Code requires updating to ensure compliance with State law; and

WHEREAS, the addition of Chapter 18.80 to the County Code is proposed is 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, on December 7, 2022, the Inyo County Planning Commission approved the recommendation to add Chapter 18.80 to the Inyo County Code to ensure consistency among the Inyo County Zoning Code and General Plan and compliance with state law.

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 county 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 county 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 county'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 county 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 Planning and/or Building and Safety Department 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 county and;
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the county'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 county'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 county 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: Amending Inyo County Code Title 18 to include Chapter 18.80 is exempt from the requirements of the California Environmental Quality Act pursuant to General Rule 15061(b)(3), as adding a process for reasonable accommodations does not carry any potential for causing a significant effect on the environment.

SECTION THREE: 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 December 2022.

AYES: -4- Supervisors Griffiths, Kingsley, Pucci, Roeser

NOES: -0-

ABSTAIN: -0-

ABSENT: -1- Supervisor Totheroh



Vice Chair Jennifer Roeser,
Inyo County Board of Supervisors

ATTEST: NATE GREENBERG

Clerk of the Board

By: 

Assistant Clerk of the Board

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

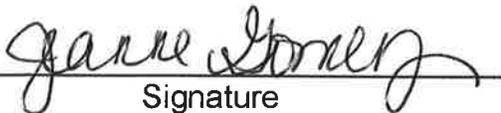
County of Inyo

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:

December 10th,
In the year of **2022**

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

Dated at Bishop, California, on this
12th Day of December, 2022


Signature

This space is for County Clerk's Filing Stamp

RECEIVED

DEC 28 2022

Inyo County Administrator
Clerk of the Board

Proof of Publication of Public Notice

NOTICE OF PUBLIC HEARING AND ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN the Inyo County Board of Supervisors will hold a public hearing at 10:35 a.m., Tuesday, December 20, 2022 to consider Zone Text Amendment (ZTA) 2022-03/Inyo County - Reasonable Accommodation.

The public hearing will be followed by the waiving of the reading and approval of an ordinance titled, "An Ordinance of the 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."

Summary of ordinance: The proposed ordinance would remove land use, zoning and building constraints to the development of housing for individuals with disabilities to ensure equal access to housing. This project is exempt from CEQA by the 'Common Sense Rule' found in 14 CCR Section 15061(b)(3).

This meeting will be accessible to the public and available on a graph on a graph.

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- 112 "Spanglish"
- 109 64 Sandler of
- 109 63 Gull country
- 106 61 Borgnine of
- 104 58 Riddle, part 3

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