

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a regular 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 11th day of March 2025 an order was duly made and entered as follows:

*Planning
Department –
Ordinance 1316
(Density Bonus
Overlay)*

Senior Planner Danielle Visuano introduced a proposed ordinance to update Title 18 of the Inyo County Code to reflect the changes and requirements of the State's Density Bonus Law, of which there has been a significant amount since the County adopted its last Density Bonus Overlay ordinance.

Chairperson Marcellin opened the public hearing at 11:30 a.m. and, with nobody wishing to speak, closed the public hearing at 11:30 a.m.

Moved by Supervisor Griffiths and seconded by Supervisor Orrill to:

- A) Find the adoption of the ordinance is not considered a project under the California Environmental Quality Act pursuant to Government Code section 15061(b)(3); and
- B) Adopt proposed Ordinance 1316 titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code Chapter 18.65 pertaining to DB Districts - Density Bonus Overlay."

Motion carried unanimously.

WITNESS my hand and the seal of said Board this 11th
Day of March, 2025



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: _____

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|----------------------------------------------------------------------------------------------------------|
| <i>Routing</i> |
| |
| CC Purchasing Personnel Auditor CAO Other: <i>Planning</i> DATE: <i>March 12, 2025</i> |



INYO COUNTY BOARD OF SUPERVISORS

TRINA ORRILL • JEFF GRIFFITHS • SCOTT MARCELLIN • JENNIFER ROESER • WILL WADELTON

NATE GREENBERG
COUNTY ADMINISTRATIVE OFFICER

DARCY ISRAEL
ASST. CLERK OF THE BOARD



AGENDA ITEM REQUEST FORM

March 11, 2025

Reference ID:
2025-85

Public Hearing and Adoption of Proposed Ordinance Amending Chapter 18.65 of the Inyo County Code Pertaining to Density Bonus Overlays. Planning Department ACTION REQUIRED

ITEM SUBMITTED BY

Danielle Visuano, Senior Planner

ITEM PRESENTED BY

Danielle Visuano, Senior Planner

RECOMMENDED ACTION:

- A) Conduct a public hearing on a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code Chapter 18.65 pertaining to DB Districts - Density Bonus Overlay;"
- B) Find the adoption of the ordinance is not considered a project under the California Environmental Quality Act pursuant to Government Code section 15061(b)(3); and
- C) Adopt proposed Ordinance 1316 and authorize the Chairperson to sign.

BACKGROUND / SUMMARY / JUSTIFICATION:

SUMMARY

Inyo County's Density Bonus Overlay (DB Zone), Chapter 18.65, was last updated in March 2007. Since this last update the State of California has enacted significant changes to the State Density Bonus Law. The State's Density Bonus Law (SDBL) allows developers to build residential projects at greater densities than allowed under the County's General Plan land use designations if the projects include specific types of housing. Since Inyo County's DB Zone does not currently reflect the changes made to the SDBL, Planning Department staff has drafted an ordinance that will update the provisions of the County's DB Zone to reflect existing and future SDBL.

BACKGROUND

The SDBL, Government Code Section 65915, et. seq., allows developers to increase affordable housing above the allowable limits of the County's General Plan or Zoning Ordinance. It offers advantages by providing up to a 50% density increase on qualifying housing and a potential 80% bonus for 100% affordable housing. It includes incentives/concessions and waivers in development standards in exchange for providing on-site affordable housing.

The SDBL was originally enacted in 1979. The County's DB Zone was originally adopted in 2004 and last updated in March 2007.

The County is required to adopt and implement a density bonus ordinance under Government Code Section 65915, et., seq. The County is also required to update the current 2007 DB Zone pursuant to the

Housing and Community Development approved Inyo County 6th Cycle Housing Element. The proposed ordinance is to bring the County's DB Zone into compliance with the SDBL and the approved 6th Cycle Housing Element.

STAFF ANALYSIS

Since the 2007 update of the County's DB Zone the State has made several changes. In staff's research there have been several bills approved since 2007 that have directed and indirect changes. These changes include, but are not limited to:

- Increase in the applicable housing that could fall under the SDBL (low income student housing, transitional foster youth, disabled veterans and homeless)
- Increases in available density bonus to 50% and a possibility for 80%
- Reduced parking ratios with the possibility of this ratio being zero
- The reduction in incentive/concession requirements
- Increased options for acquiring concessions
- Increased requirements for the units that are for sale

In review of the current DB Zone it has been determined that there are significant required provisions missing from the DB Zone and there is no incorporation by reference of the SDBL to address these missing provisions. These nonexistent, but required provisions, are briefly detailed as follows:

- Housing for transitional foster youth, disabled veterans, homeless and students with low income
- For the donation of land, permits and approvals, other than building permits, need to be received no later than the approval of the final map, parcel map or residential development application
- The operation period of a child care facility
- Parking ratio requirements are not required near a major transit stop
- Concession/Incentives for housing for students, within a major transit stop, and for sale units

In staff's review of the current DB zone ordinance, it has also been determined the DB Zone directly conflicts with the SDBL in the following manners:

- Density Bonus
 1. For developments providing very low income the State Law maximum is 50% and the DB Zone maximum is only 35%
 2. For developments providing low income the State Law maximum is 50% and the DB Zone maximum is only 35%
 3. For developments providing moderate income the State Law maximum is 50% and the DB Zone lists for only 35%
- Density Bonus Concessions – Generally
 1. State Law provides two concessions for housing developments that include at least 17% for lower income households and the DB Zone requires it at a higher percentage of 20%.
 2. State Law provides three concessions for housing developments that include at least 24% for lower income households and the DB Zone requires it at a higher percentage of 30%.

Additionally, the DB Zone provides some definitions that are expressly defined as opposed to the SDBL which uses references to other state code sections for some definitions. The SDBL's referenced state code definitions may at times be updated or amended and with the DB Zone's express definitions with no reference to other relevant code sections there could be potential of the DB Zone conflicting with the SDBL.

Further, there is an assumption the SDBL will likely be modified in the future by the State Legislature.

Given all the above discussions, staff is proposing to adopt the SDBL by reference to avoid current and future conflicts and missing information. Staff is also recommending, as required by the SDBL, the proposed ordinance also contain the process for application and associated application review timeline. If in the future any of the proposed ordinance conflicts with the SDBL the SDBL will supersede by reference.

ENVIRONMENTAL REVIEW

Pursuant to Government Code section 15061(b)(3) that states CEQA applies only to projects which have the potential to cause 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 Density Bonus Law, the requirements set forth by the California Department of Housing and Community Development approved 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.

PLANNING COMMISSION

The Planning Commission reviewed staff's draft ordinance provided and conducted a public hearing on January 22, 2025 and adopted a Resolution (attached) by a 5-0 vote to recommend that the Board of Supervisors approve the Ordinance. No substantive issues were brought forward during the hearing.

GENERAL PLAN CONSISTENCY

The proposed amendment to the DB Zone, Chapter 18.65, is consistent with the goals and policies of the Inyo County General Plan, which encourages the provision of affordable housing within the County. The specific General Plan goals and policies addressing the County's commitment to making affordable housing available to County residents are as follows;

- Goal 3.0: Encourage the adequate provision of housing by location, type of unit and price to meet the existing and future needs of Inyo County residents.
- Policy 3.2 – High Density Housing: The County shall encourage the development of higher density residential development within close proximity to services, jobs, transit, recreation, and neighborhood shopping areas.
- Goal 5.0: Remove governmental constraints on housing development.
- Policy 5.1 – Compliance with new State Regulations: Program 5.1.1 – The County shall update its zoning code to properly address new State laws regarding Density Bonus ... pursuant to AB 2162.
- Policy 5.2: Expedite Permit Processing and Project Review: The County shall continue to expedite project review and facilitate timely building permit and development plan processing for residential developments, especially those with an affordable housing component or density bonus proposal.

ZONING ORDINANCE CONSISTENCY

ZTA 2025-01 is being proposed to implement and bring the Inyo County Code into compliance with the State's Density Bonus Law.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ALTERNATIVES AND/OR CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the requested action or return to staff with direction.

OTHER DEPARTMENT OR AGENCY INVOLVEMENT:

None.

STRATEGIC PLAN ALIGNMENT:

Thriving Communities | Improve Housing Opportunities

APPROVALS:

| | |
|--------------------|-------------------------------|
| Danielle Visuano | Created/Initiated - 2/12/2025 |
| Darcy Israel | Approved - 2/13/2025 |
| Danielle Visuano | Approved - 2/13/2025 |
| Christian Milovich | Approved - 2/25/2025 |
| John Vallejo | Approved - 2/25/2025 |
| Cathreen Richards | Approved - 2/25/2025 |
| Nate Greenberg | Final Approval - 3/1/2025 |

ATTACHMENTS:

1. Resolution 2025-01
2. Proposed Ordinance

RESOLUTION NO. 2025-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED AMENDMENT EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKE CERTAIN FINDINGS WITH RESPECT TO, AND APPROVE ZONE TEXT AMENDMENT NO. 2025-01 INYO COUNTY

WHEREAS, Sections 65915 et seq. of the California Government Code, known as the State Density Bonus Law, require a county to provide density bonus and other incentives to a developer who proposes a housing development containing affordable, and other types of housing, within the county's jurisdictional boundaries; and

WHEREAS, California Government Code Section 65915(a) requires all jurisdictions within the state to adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, Chapter 18.65 of the Inyo County Code contains the County's Density Bonus Overlay regulations; and

WHEREAS, since the County's adoption of Chapter 18.65 in 2004 and its last amendment in March 2007, the State Legislature has passed, and the Governor has signed into law, numerous changes to State Density Bonus Law; and

WHEREAS, the Inyo County 2021-2029 6th Cycle Housing Element, was adopted on September 26, 2023 and subsequently approved by the California Department of Housing and Community Development on October 30, 2023 requires an update to the County's Density Bonus Overlay; and

WHEREAS, the proposed amendment to Chapter 18.65 will serve to better implement the goals and policies of the Housing Element of the Inyo County General Plan, which includes: Goal 3.0; Policy 3.2; Goal 5.0; Policy 5.1; and Policy 5.2; and as the Housing Element may be updated from time to time; and

WHEREAS, the Inyo County Planning Commission held a public hearing on January 22, 2025, to review and consider the request for approval of Zone Text Amendment (ZTA) No. 2025-01, which amends Chapter 18.65 of the Inyo County Code, and considered the staff report for the amendment and all oral and written comments regarding the proposal; and

WHEREAS, the proposed amendment is consistent with the goals and policies of the County's General Plan and Zoning Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all the written and oral comment and input received during the January 22, 2025, 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 amendment:

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, 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. The proposed amendment is consistent with the state-mandated program established under Government Code 65915 et seq.
3. 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.
4. 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:

1. Approve the Ordinance amending Chapter 18.65 to the Inyo County Code related to the Density Bonus Overlay District consistent with the requirements of State law and based on all the information in the public record and on the recommendations of the Planning Commission.
2. Certify that ZTA 2025-01, is not a project under CEQA pursuant to Section 21000 of the Public Resources Code and is further Exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.

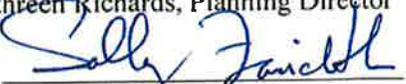
PASSED AND ADOPTED this 22nd day of January 2025, by the following vote of the Inyo County Planning Commission:

AYES: 5
 NOES: 0
 ABSTAIN:
 ABSENT:



Chairperson
 Inyo County Planning Commission

ATTEST: 
 Cathreen Richards, Planning Director

By 
 Sally Faircloth, Secretary of the Commission

ORDINANCE NO. 1316

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,
STATE OF CALIFORNIA, AMENDING INYO COUNTY CODE CHAPTER 18.65
PERTAINING TO DB DISTRICTS – DENSITY BONUS OVERLAY**

WHEREAS, Sections 65915 et seq. of the California Government Code, known as the State Density Bonus Law, require a county to provide density bonus and other incentives to a developer who proposes a housing development containing affordable, and other types of housing, within the county’s jurisdictional boundaries; and

WHEREAS, California Government Code Section 65915(a) requires all jurisdictions within the state to adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, Chapter 18.65 of the Inyo County Code contains the County’s Density Bonus Overlay regulations; and

WHEREAS, since the County’s adoption of Chapter 18.65 in 2004 and its last amendment in March 2007, the State Legislature has passed, and the Governor has signed into law, numerous changes to the State Density Bonus Law; and

WHEREAS, the Inyo County 2021-2029 6th Cycle Housing Element, was adopted on September 26, 2023 and subsequently approved by the California Department of Housing and Community Development on October 30, 2023 requires an update to the County’s Density Bonus Overlay; and

WHEREAS, the proposed amendment to Chapter 18.65 will serve to better implement the goals and policies of the Housing Element of the Inyo County General Plan, which includes: Goal 3.0; Policy 3.2; Goal 5.0; Policy 5.1; and Policy 5.2; and as the Housing Element may be updated from time to time; and

WHEREAS, on January 22, 2025, the Inyo County Planning Commission held a public hearing to adopt a Resolution recommending that the Board adopt an Ordinance to update the County’s Density Bonus Law requirements.

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

SECTION I. The recitals above are incorporated herein as findings.

SECTION II. Chapter 18.65.010 of the Inyo County Code is hereby amended in its entirety to read as follows:

“18.65.010 Intent and purpose.

The purpose of this Chapter is to provide for density bonuses and incentives to developers who comply with California Government Code Sections 65915 through 65918 (State Density Bonus

Law) and as may be amended from time to time. In enacting this Chapter, it is also the intent of the County to implement the goals, objectives, and policies of the County's Housing Element and General Plan."

SECTION III. Chapter 18.65.020 of the Inyo County Code is hereby amended in its entirety to read as follows:

"18.65.020 Adoption of the State Bonus Density Law.

The State Bonus Density Law adopted by the State of California and as set forth in Government Code Sections 65915 through 65978, and as may be amended from time to time, is hereby adopted and incorporated into this Title by reference as though it were fully set forth herein. In addition to those requirements set forth in the State Bonus Density Law, an applicant must meet the requirements of this Chapter."

SECTION IV. Chapter 18.65.030 of the Inyo County Code is hereby amended in its entirety to read as follows:

"18.65030 Definitions.

Unless otherwise specified in this Chapter, the definitions found in State Density Bonus Law shall apply to the terms contained herein."

SECTION V. Chapter 18.65.040 of the Inyo County Code is hereby amended to read in its entirety as follows:

"18.65.040 Applicability.

This Section shall apply to any housing development as defined in California Government Code Section 65915(i). In the event the density allowed under the zoning district is inconsistent with the density allowed under the County's General Plan Land Use Designation, the General Plan shall prevail."

SECTION VI. Chapter 18.65.050 of the Inyo County Code is hereby amended in its entirety to read as follows:

"18.65.050 State Density Bonus and Incentives.

A developer of a housing development in the County may be permitted a density bonus and incentives in accordance with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law) applicable at the time of application submission."

SECTION VII. Chapter 18.65.060 of the Inyo County Code is hereby amended in its entirety to read as follows:

"18.65.060 Application Requirements and Review.

A. The following two applications are required for any housing development project proposed within the County that is also seeking a density bonus or other incentive:

1. A Planning Department Permit Application
2. A Bonus Density Review Application.

B. Bonus Density Review Application.

The Bonus Density Review Application is for any applicant seeking a state density bonus, incentive or concession, waiver or modification of a development standard, or a revised parking standard, or any other provision provided by the State Density Bonus Law. This application shall be submitted with the first application for approval of a housing development and shall be processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the County and shall include all the following information and documentation:

1. A site plan showing the total number and location of all proposed housing units and the number and location of proposed housing units which qualify the housing development for density bonus housing units.
2. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
3. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the same five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded deed or covenant ordinance, or law restricting rents to levels affordable households of lower or very low income.
4. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period preceding the date of submittal of the application but are not currently rented, the income and household size of residents occupying the

dwelling units when the site contained the maximum number of dwelling units, if known.

5. A description of any requested incentives and concessions, waivers or modification of development standards, or modified parking standards. Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents. Reasonable documentation that each of the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
6. If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the conditions of Government Code Section 65915 (g)(2)(A through H) are met.
7. If a density bonus or incentive or concession is requested for a child care facility pursuant to Government Code Section 65915 (h), the application shall show the location and square footage of the child care facility and provide evidence that the community in which the facility is proposed to be developed, lacks adequate child care facilities.

- C. Review and Consideration. A Bonus Density Review Application shall be considered and acted upon by the Planning Department. The Planning Department shall review a complete application within 30 days of the submission of the complete application.”

SECTION VIII. Chapter 18.65.070 of the Inyo County Code is hereby amended in its entirety to read as follows:

“18.65.070 Density Bonus Housing Deed Restriction.

- A. Housing development projects receiving a density bonus, concession, incentive, or waiver pursuant to this Chapter shall execute and record a deed restriction with the County which sets forth the required conditions and guidelines.
- B. The terms of the deed restriction shall be subject to the requirements established by the County at the time of project approval.
- C. The deed restriction shall be entered into prior to final or parcel map approval, or, where a map is not being processed, prior to the issuance of the building permits for the housing development project.

D. The Density Bonus Housing Deed Restrictions shall remain in effect for the entire term of affordability of the housing units created pursuant to this Chapter, or as required by State Law, whichever is greater.”

SECTION IX. Chapter 18.65.080 of the Inyo County Code is removed in its entirety.

SECTION X. Chapter 18.65.090 of the Inyo County Code is removed in its entirety.

SECTION XI. Chapter 18.65.100 of the Inyo County Code is removed in its entirety.

SECTION XII. Chapter 18.65.110 of the Inyo County Code is removed in its entirety.

SECTION XIII. Chapter 18.65.120 of the Inyo County Code is removed in its entirety.

SECTION XIV. Chapter 18.65.130 of the Inyo County Code is removed in its entirety.

SECTION XV. Chapter 18.65.140 of the Inyo County Code is removed in its entirety.

SECTION XVI. Chapter 18.65.150 of the Inyo County Code is removed in its entirety.

SECTION XVII. Chapter 18.65.160 of the Inyo County Code is removed in its entirety.

SECTION XVIII. Amending Inyo County Code Chapter 18.65 is exempt from the requirements of the California Environmental Quality Act pursuant to General Rule 15061(b)(3) the “common sense” exemption because there is no possibility that the revision of the County’s Density Bonus Overlay regulations to match state law will have a significant effect on the environment.

SECTION XIX: 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 11th DAY OF March, 2025.

AYES: -5- Supervisors Marcellin, Orrill, Roeser, Wadelton, and Griffiths

NOES: -0-

ABSTAIN: -0-

ABSENT: -0-



Chair

Inyo County Board of Supervisors

ATTEST: Clerk of the Board Nate Greenberg

By: Israel
Assistant