

Agenda



County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Board of Supervisors Chambers are closed to the public, and the Board will be conducting its meetings exclusively online. Board Members and Staff will participate via Zoom videoconference from individual, separate locations. The videoconference is accessible to the public at <https://zoom.us/j/868254781>. Individuals will be asked to provide their name and an email address in order to access the videoconference. Anyone who does not want to provide their email address may use the following generic, non-functioning address to gain access: donotreply@inyocounty.us.

Anyone wishing to make either a general public comment or a comment on a specific agenda item prior to the meeting, or as the item is being heard, may do so either in writing, or by utilizing the “**hand-waving**” feature when appropriate in the Zoom meeting (the Board Chair will call on those who wish to speak). Written public comment, limited to **250 words or less**, may be emailed to the Assistant Clerk of the Board at boardclerk@inyocounty.us. Your emailed comments may or may not be read aloud, but all comments will be made a part of the record. Please make sure to submit a separate email for each item that you wish to comment upon.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 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 Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch; the timing of a lunch break is made at the discretion of the Chairperson and at the Board’s convenience.

July 21, 2020 - 8:30 AM

SPECIAL MEETING

1. **PLEDGE OF ALLEGIANCE** (Join meeting via Zoom [here](#))
2. **PUBLIC COMMENT**

DEPARTMENTAL

3. **County Counsel/County Administrator** - Request Board consider and potentially adopt a proposed resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Temporarily Suspending Enforcement of County Land-use Restrictions Pertaining to Outdoor Business Operations," and authorize the Chairperson to sign.



County of Inyo



County Counsel/County Administrator

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 21, 2020

FROM: County Counsel and County Administrator

SUBJECT: Proposed Resolution Temporarily Suspending Enforcement of County Land-use Restrictions Pertaining to Outdoor Business Operations

RECOMMENDED ACTION:

Request Board consider and potentially adopt a proposed resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Temporarily Suspending Enforcement of County Land-use Restrictions Pertaining to Outdoor Business Operations," and authorize the Chairperson to sign.

SUMMARY/JUSTIFICATION:

As your Board is aware, on July 13th, due to increasing numbers of COVID-19 cases and other concerning COVID-19 metrics, the State of California issued a statewide public health order temporarily re-closing the indoor operations of certain businesses that had previously been allowed to reopen in local-variance counties such as Inyo County (e.g., dine-in restaurants, wineries and tasting rooms, movie theaters, family entertainment centers, zoos and museums, and cardrooms) and re-closing both indoor and outdoor operations of certain other businesses that had previously been allowed to reopen (e.g., bars, brewpubs, breweries, and pubs), and the State may expand or modify such closure orders in the future as it monitors the situation.

Some of the reopened businesses in Inyo County affected by such indoor closure orders are interested in temporarily operating outdoors (to the extent otherwise permissible under COVID-19 health orders). But such outdoor operations would ordinarily be subject to land-use restrictions, including conditional use permit requirements, which involve applications, time, and money to obtain. One option to avoid that process and thereby facilitate interested businesses being able to engage in outdoor operations would be to temporarily suspend enforcement of those County land-use restrictions. The proposed resolution would effectuate such a temporary suspension.

As the resolution explains, it would only apply to businesses that were already lawfully operating in the unincorporated area of the County and would only allow the outdoor operations on property owned by the business or property in close proximity that the business has permission to use. The Board reserves the right to modify or rescind the resolution at any time in the future in its sole discretion.

Adoption of the resolution is exempt from CEQA review under the "existing facilities" and "common sense" exemptions.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

OTHER AGENCY INVOLVEMENT:

Planning Department
Public Works
Environmental Health

FINANCING:

N/A

ATTACHMENTS:

1. Resolution Suspending Enforcement

APPROVALS:

Marshall Rudolph	Created/Initiated - 7/16/2020
Darcy Ellis	Approved - 7/16/2020
Leslie Chapman	Approved - 7/16/2020
Clint Quilter	Approved - 7/16/2020
Cathreen Richards	Approved - 7/16/2020
Michael Errante	Approved - 7/16/2020
Jerry Oser	Final Approval - 7/17/2020

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF INYO, STATE OF CALIFORNIA, TEMPORARILY
SUSPENDING ENFORCEMENT OF COUNTY LAND-USE RESTRICTIONS
PERTAINING TO OUTDOOR BUSINESS OPERATIONS

WHEREAS, there is currently a global pandemic caused by a novel coronavirus (COVID-19), in response to which the State of California, in March, issued executive and public health orders generally requiring the public to stay at home and closing or limiting the operations of various industry sectors statewide; and

WHEREAS, in May, the State began allowing a phased reopening of certain industry sectors and businesses statewide, with some counties being allowed through a local variance process to move through those phases of reopening faster than the rest of the state based on their COVID-19 metrics; and

WHEREAS, Inyo had obtained such a local variance and implemented an attestation process for local businesses to reopen to the fullest extent permitted by the State's orders; and

WHEREAS, on July 13th, due to increasing numbers of COVID-19 cases and other concerning COVID-19 metrics statewide, the State of California issued a statewide public health order temporarily re-closing the indoor operations of certain businesses that had previously been allowed to reopen (e.g., dine-in restaurants, wineries and tasting rooms, movie theaters, family entertainment centers, zoos and museums, and cardrooms) and re-closing both indoor and outdoor operations of certain other businesses that had previously been allowed to reopen (e.g., bars, brewpubs, breweries, and pubs), and the State may expand or modify such closure orders in the future as it monitors the situation; and

WHEREAS, some of the reopened businesses in Inyo County affected by such indoor closure orders are interested in temporarily operating outdoors (to the extent otherwise permissible under COVID-19 health orders), and the Board wishes to facilitate such outdoor business operations by temporarily suspending enforcement of any County land-use restrictions on such outdoor operations, including but not limited to any requirements to obtain or amend a conditional use permit; and

WHEREAS, this Resolution will result in no or only a negligible expansion of use for existing facilities, and it can be seen with certainty that there is no possibility that the Resolution will have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Inyo, State of California, as follows:

Section One. Effective immediately, enforcement of County land-use restrictions pertaining to outdoor business operations is hereby temporarily suspended with respect to any business in the unincorporated area of the County that is already lawfully existing as of the date of this Resolution and whose indoor operations have been temporarily limited or

closed by then-current COVID-19 health orders, provided that (1) the outdoor operations are otherwise permissible under then-current state laws and state and local COVID-19 health orders and guidances (as the same may be modified from time to time), and (2) the outdoor operations are occurring on the business's own property or on property within close proximity that the business has permission to use.

Section Two. This Resolution confers no rights, entitlements, privileges, or property interests of any kind and may be modified or rescinded by this Board at any time in its sole discretion at a future public Board meeting without the provision of any special notice or hearings to affected businesses. The County also reserves the right to resume enforcement of County land-use restrictions as to any specific business's outdoor operation that this Board determines has created a hazard or public nuisance. The County is not responsible for the safety or security of any outdoor business operations. Businesses that choose to proceed with outdoor operations while this Resolution is in effect do so at their own risk.

Section Three. The adoption of this resolution is exempt from CEQA review under "existing facilities" and "common sense" exemptions (15 Cal. Code of Regs §§ 15301 and 15061(b)(3)).

PASSED AND ADOPTED by the Board of Supervisors, County of Inyo, State of California, this 21st day of July, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Chairperson
INYO COUNTY BOARD OF SUPERVISORS

ATTEST: Clint Quilter
Clerk of the Board

by: _____
Darcy Ellis, Assistant