

Agenda



County of Inyo Board of Supervisors

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

NOTICE TO THE PUBLIC: This meeting is accessible to the public both in person and via Zoom webinar. Individual Board members may participate remotely in accordance with applicable open meeting law requirements. In-person meetings will be conducted in accordance with local and State Department of Public Health orders and guidance and requirements of the California Division of Occupational Safety and Health (CalOSHA).

The Zoom webinar is accessible to the public at <https://zoom.us/j/868254781>. The meeting may also be accessed by telephone at the following numbers: (669) 900-6833; (346) 248-7799; (253) 215-8782; (929) 205-6099; (301) 715-8592; (312) 626-6799. Webinar ID: 868 254 781.

Anyone unable to attend the Board meeting in person who wishes 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 Zoom "hand-raising" feature when appropriate during the meeting (the Chair will call on those who wish to speak). Generally, speakers are limited to three minutes. Written public comment, limited to **250 words or less**, may be emailed to the Assistant Clerk of the Board at boardclerk@inyocounty.us. Your 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 19, 2022 - 8:30 AM

1. **PUBLIC COMMENT ON CLOSED SESSION ITEM(S)**

CLOSED SESSION

2. **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS – Pursuant to Government Code §54957.6** – Regarding employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all County designated representatives – Administrative Officer Leslie Chapman, Assistant County Administrators Sue Dishion and Meaghan McCamman, Deputy Personnel Director Keri Oney, County Counsel John-Carl Vallejo, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: Water Director.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: County Administrator.

OPEN SESSION (With the exception of timed items, all open-session items may be considered at any time and in any order during the meeting in the Board's discretion.)

- 10 A.M.
5. **PLEDGE OF ALLEGIANCE**
 6. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW**
 7. **PUBLIC COMMENT** (*Comments may be time-limited*)
 8. **COUNTY DEPARTMENT REPORTS**
 9. **PROCLAMATION** - Request Board approve a proclamation declaring July 17-23, 2022 as Probation Services Week in Inyo County.

DEPARTMENTAL (To be considered at the Board's convenience)

10. **Public Works - Building & Safety** - Request Board approve Resolution No. 2022-25, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Certain Fees to Assist with Recovery from the Fairview Fire" and authorize the Chairperson to sign.
11. **County Administrator - Risk Management** - Request Board waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 12.18.100 of the Inyo County Code Pertaining to Insurance Requirements," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence.
12. **County Counsel** - Request Board waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Repealing Section 18.78.350 of the Inyo County Code," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence.
13. **Public Works - Road Department** - Request Board change the authorized strength in the Road Department by deleting one (1) Equipment Operator Lead at Range 66 (\$4,669 - \$5,683) and adding one (1) Equipment Operator I at Range 58 (\$3,875 - \$4,714) or Equipment Operator II at Range 60 (\$4,064 - \$4,937).
14. **Public Works & Health and Human Services** - Request Board: A) approve and authorize the Chairperson to sign a letter of support for Caltrans to pursue funding for the Reconnecting Communities Pilot (RCP) grant program to conduct planning efforts addressing historical community impacts resulting from four-lane highway expansions; and B) authorize the HHS Assistant Director to sign an identical letter of support on behalf of the Health and Human Services Department.
15. **Clerk of the Board** - Request Board approve the minutes of the regular Board of Supervisors meeting of July 12, 2022.

TIMED ITEMS (Items will not be considered before scheduled time but may be considered any time after the scheduled time.)

- 10:30 A.M.
16. **Treasurer-Tax Collector** - Request Board hear discussion on the Transient Occupancy Tax (TOT), Inyo County Code Section 3.20., including feedback from community meetings, and provide direction to staff on possible ballot measures.

11 A.M.

17. **Planning Department** - Request Board:
- 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 Section 18.44.030(G) of and Adding Sections 18.44.040(C), 18.48.040(D), 18.45.040(D), and 18.54.030(F) to the Inyo County Code Pertaining to Zoning;"
 - B) Make the requested findings and certify that the action is exempt from CEQA; and
 - C) Waive further reading of and enact said ordinance.

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

17. ***PUBLIC COMMENT*** (Comments may be time-limited)

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

18. **Great Basin Unified Air Pollution Control Governing Board** - Letter to California State Water Resources Control Board requesting a hearing on the condition of Mono Lake and surrounding area as required by the State Water Board's 1994 Decision 1631.



County of Inyo



Probation

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Jeffrey Thomson

SUBJECT: Proclamation for Probation Services Week in Inyo County

RECOMMENDED ACTION:

PROCLAMATION - Request Board approve a proclamation declaring July 17-23, 2022 as Probation Services Week in Inyo County.

SUMMARY/JUSTIFICATION:

The week of July 17th through 23rd, 2022 is being proclaimed Probation Services Week throughout California. The attached proclamation is submitted for your Board's consideration to join other jurisdictions in recognizing the many men and women who are probation professionals who are responsible for helping offenders successfully reenter our society as productive individuals.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

N/A

ATTACHMENTS:

1. Inyo Probation Services Week Proclamation 2022

APPROVALS:

Krystal Leonard
Darcy Ellis
Krystal Leonard

Created/Initiated - 7/5/2022
Approved - 7/6/2022
Approved - 7/11/2022

Jeffrey Thomson

Final Approval - 7/11/2022



**PROCLAMATION OF THE BOARD OF SUPERVISORS
COUNTY OF INYO, STATE OF CALIFORNIA
PROCLAIMING THE WEEK OF
JULY 17th THROUGH 23rd, 2022 PROBATION SERVICES WEEK
IN INYO COUNTY**

WHEREAS, the Inyo County Probation Department recognizes that its employees are the most valuable resource in promoting positive change to the most vulnerable youth and adult populations and encourages innovation, motivation, and education within; and

WHEREAS, the Inyo County Probation Department is committed to treating every individual with respect, dignity, and professionalism no matter who they are, where they came from, or what their background is; and

WHEREAS, ICPD professionals play a unique and essential role in our justice system and communities. Probation is focused on helping justice-involved individuals transition out of the system permanently through transformative and evidence-based rehabilitation; and

WHEREAS, ICPD professionals are trained experts prepared to manage trauma and other needs of justice-involved individuals and safely connect them to the resources they need; and

WHEREAS, Probation connects services and needs to enhance community safety and the restoration of justice-involved individuals. ICPD is a connector in the justice system: bridging the gap and maximizing the resources available within the courts, law enforcement, social services, behavioral health, schools, crime survivor organizations, tribal partners, and the community to reduce recidivism by carefully balancing direct human services and research-based deterrents and interventions; and

WHEREAS, ICPD professionals provide the balance of accountability with individualized rehabilitative treatment and services while *Restoring Trust and Creating Hope* for justice-involved individuals and their families to experience a healthier and safer way of life; and

WHEREAS, ICPD professionals are hardworking and dedicated public servants who are committed to Inyo County and the citizens they serve every day to make the community a safer place for all; and

WHEREAS, ICPD professionals help bridge the gap between law enforcement and community supervision for those who are involved in the justice system by showing them respect, treating them as valued individuals, and maintaining their trust.

WHEREAS, Probation Services Week is a time for the people of Inyo County to recognize the great women and men who work for the Probation Department; and that probation is the linchpin of the criminal and juvenile justice systems in Inyo County. Probation's success ensures that our communities are safer for all to live and prosper.

NOW THEREFORE, the Inyo County Board of Supervisors join with other communities and the Nation in honoring these outstanding public servants by proclaiming the week of July 17th through 23rd, 2022 as Probation Services Week in Inyo County.

PASSED AND PROCLAIMED by the Inyo County Board of Supervisors, this 19th day of July, 2022.

Attest: *Leslie Chapman*
Clerk of the Board

Dan Totheroh, Chairperson
Inyo County Board of Supervisors

by: _____
Darcy Ellis, Assistant



County of Inyo



Public Works - Building & Safety

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Michael Errante

SUBJECT: Fairview Fire Fee Resolution

RECOMMENDED ACTION:

Request Board approve Resolution No. 2022-25, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Certain Fees to Assist with Recovery from the Fairview Fire" and authorize the Chairperson to sign.

SUMMARY/JUSTIFICATION:

The Fairview Fire swept through the West Bishop area on July 8, 2022. Despite the valiant efforts of multiple agencies throughout the Eastern Sierra, the fire destroyed 9 residences and approximately 20 outbuildings. On July 8, 2022, the Inyo County Director of Emergency Services proclaimed a state of emergency due to the fire. On July 12, 2022, your Board ratified that proclamation.

Now that the fire has been extinguished, the County is turning its focus toward recovery. A large part of the recovery process is rebuilding the homes that were destroyed in the fire. The County would like to do everything that it can to encourage the fire victims to rebuild, particularly given that Inyo County is already experiencing a housing crisis. However, rebuilding is expensive. In an effort to defray some of the costs of rebuilding, the Public Works Department, Division of Building and Safety and the Planning Department are requesting that your Board waive certain fees associated with the permits that fire victims must obtain before rebuilding.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to waive permit fees for the Fairview Fire victims. In that case, these individuals would be subject to the same fees as any other individual seeking a permit from the Department of Building and Safety.

OTHER AGENCY INVOLVEMENT:

FINANCING:

Waiving building permit fees for Fairview Fire victims will have a fiscal impact because the permit fees that the County charges are intended to help defray the cost of administering the permitting system. Building and Safety

estimates that permit fees for these nine residences would be about \$20,000 if normal fees were charged. However, this only an estimate, and the ultimate fiscal impact may be higher or lower depending on what permits the residents need.

ATTACHMENTS:

APPROVALS:

Darcy Ellis
John Vallejo
Amy Shepherd
Michael Errante

Created/Initiated - 7/14/2022
Approved - 7/14/2022
Approved - 7/14/2022
Final Approval - 7/14/2022



County of Inyo



County Administrator - Risk Management

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Aaron Holmberg

SUBJECT: Proposed Update to Code Section 12.18.100

RECOMMENDED ACTION:

Request Board waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 12.18.100 of the Inyo County Code Pertaining to Insurance Requirements," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence.

SUMMARY/JUSTIFICATION:

Risk Management requests changes to section 12.18.100 for the following reasons: 1) to simplify the language in the Code section for ease of compliance and understanding; 2) to provide a reference for persons or businesses wishing to borrow county spaces/facilities; 3) to remove outdated insurance-related language that has been changed to an application/permit form for locations available for short-term use; and 4) to provide more clarity on insurance requirements for a given event, as different events pose vastly different risk levels. There is no expectation of an increase in the percentage of applicants being required to obtain insurance.

1. The current version of section 12.18.100 has three sections and 248 words. Some sentences may be difficult to follow. The language includes insurance language that may require explanation. The codified restrictions do not provide for modification or reassessment. The proposed version has one section, two sentences, and 45 simple and everyday words. The proposed language defers to the Risk Manager for the details, thus ensuring some flexibility when applicable and appropriate.
2. The current version makes no mention of a framework or process. The proposed language includes a reference to "the application forms." As the process may be modified over time, it is not recommended to include current details of a process in the County Code. Risk suggests that including a reference to application forms in 12.18.100 is sufficient to educate interested parties that a framework exists.
3. If complete insurance requirements were to be in 12.18.100, as the title may suggest, then most of the current language is inadequate. It is hard to follow, hard to update, and lacks flexibility. The current language is generalized but does not provide a mechanism for customization by the Risk Manager other than for coverage levels. Based on your Risk Manager's experience with Inyo County special events since December 2018, the current language places restrictions that are not always possible or applicable. The current language includes time limits and insurer ratings that are less than helpful to County employees who work hard to help people and businesses utilize county locations. Also, Risk Management may update insurance and indemnification language,

based on case law, best practice, and other factors, for contracts and permits periodically.

Since 2019, Risk Management, in partnership with departments that supervise locations available for short-term public use, has implemented an application/permit form and process with great success. The form contains clear directions for the applicant. The form contains information the applicant should know in advance regarding rules, costs, indemnification, and, if applicable, insurance requirements. Once completed, the brief form also provides Risk and the Department with the information needed to assess and approve the request. The form is easily updated and customized by Risk without the need to update the County Code.

4. Finally, the posture in the current 12.18.100 asserts a need for insurance only if the Risk Manager says so. Though departments direct applicants to the application/permit form with reference to 12.18.100, the current 12.18.100 is unclear and confusing. Therefore, it is perhaps technically unclear at what time a requirement for insurance would occur, thus triggering a requirement for an applicant to produce documentation or comply with contacting the Risk Manager. The proposed posture flips the default and asserts a need for insurance unless the Risk Manager grants otherwise. This change, should you choose to adopt it, will ensure that applicants, per County Code 12.18.100 and departmental processes, sign an application form that contains indemnification language along with all other necessary details. For your information, the application/permit forms contain an insurance waiver request with details as to when such a waiver might be accepted. The form is just short of three pages. Sporting events require additional documentation.

In order to avoid unpleasant surprises for permittees regarding insurance, the proposed version of section 12.10.100 also requires that the Risk Manager include information regarding the most current insurance requirements on the application form for special events and facility use permits. The Risk Manager will be responsible for keeping these forms up to date, and will be able to modify these forms to reflect current best practices for insurance without having to repeatedly undertake the lengthy county code modification process.

BACKGROUND/HISTORY OF BOARD ACTIONS:

In practice, the process and insurance requirements for short term borrowing of county facilities may have been unnecessarily unclear. The current 12.18.100 does not reference a process. The current version also specifies insurance requirements that may require general changes now and periodic changes going forward. Insurance requirements may also require custom changes per event based on dates and activities held. Risk would like to assist interested parties by making 12.18.100 more clear and less wordy by shortening the code section considerably and referring to an application form that would be routinely updated.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could decline to update 12.18.100, or the Board could propose alternative language. Risk Management does not recommend these alternatives, as the current language appears out of date, unnecessarily wordy, and insufficient.

OTHER AGENCY INVOLVEMENT:

FINANCING:

There is no expected budgetary impact under this proposed update. There is no indication that the update would affect the volume of special event requests, so we also do not anticipate a revenue change.

ATTACHMENTS:

1. Ordinance Amending Section 12.18.100

APPROVALS:

Darcy Ellis

Created/Initiated - 6/2/2022

Darcy Ellis
John Vallejo
Amy Shepherd
Aaron Holmberg

Approved - 6/2/2022
Approved - 6/2/2022
Approved - 6/2/2022
Final Approval - 6/2/2022

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTION 12.18.100 OF THE INYO COUNTY CODE PERTAINING TO INSURANCE REQUIREMENTS

WHEREAS, Chapter 12.18 of the Inyo County Code sets forth requirements applicable to exclusive use of County community buildings, grounds, campgrounds, and parks or portions thereof by a person or group for limited periods of time, upon issuance of a use permit and payment of designated fees, subject to specified rules and regulations; and

WHEREAS, the Board wishes to modify certain details of the insurance requirements applicable to such usage, as set forth in Section 12.18.100 of the Inyo County Code;

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

SECTION I: Section 12.18.100 of the Inyo County Code is amended in its entirety to read as follows:

All permittees must procure insurance to the satisfaction of the Risk Manager, unless a waiver is granted by the Risk Manager. The Risk Manager shall include details about the required levels of insurance coverage on the application forms for special events and facility use permits.

SECTION II: 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:

Dan Totheroh, Chairperson
Inyo County Board of Supervisors

ATTEST:

Leslie Chapman
Clerk of the Board

By: _____
Darcy Ellis, Assistant



County of Inyo



County Counsel

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Grace Chuchla

SUBJECT: Mobilehome Foundation Ordinance

RECOMMENDED ACTION:

Request Board waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Repealing Section 18.78.350 of the Inyo County Code," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence.

SUMMARY/JUSTIFICATION:

Per Health & Safety Code section 18551, mobile homes in California can either be placed on a permanent foundation or affixed to the land via semi-permanent means. If a mobile home is placed on a permanent foundation, it is considered an improvement to real property and is taxed as if it were a site-built home. If the mobile home is placed on a semi-permanent foundation, it remains as chattel -- i.e. personal property that, while technically moveable, is closely associated with a piece of real property.

Inyo County Code section 18.78.350(A) currently requires that all mobile homes be installed on a permanent foundation. This requirement is out of sync with state law and is potentially unenforceable, given that state law seeks to preempt local regulations when it comes to mobile home installation standards.

Additionally, in some cases, the permanent foundation requirement may hinder the ability of county residents to utilize mobile homes as an affordable source of housing. In order to obtain a permit to install a mobile home on a permanent foundation, the owner of the mobile home must prove that they either own the underlying land or have entered into a lease with the landowner for 35 years or more. On the other hand, semi-permanent installations do not require the mobile home owner to show any sort of land tenure (although the mobile home owner must still obtain the land owner's permission). Accordingly, the Building Department and Planning Department request that your Board remove the permanent foundation requirement from the County Code and permit mobile home owners to choose a permanent foundation or a semi-permanent foundation.

Finally, it is important to note that, just because a mobile home is not permanently affixed to the ground, that does not mean that the mobile home will be akin to a RV or other easily movable residence. Semi-permanent fixation involves a complex and expensive process of installing tie-downs and utilities in a manner that is specified by the manufacturer and regulated by state law. Mobile home owners must pull a permit from the County to perform this work. In other words, by permitting both permanent and semi-permanent foundations, the County is not losing the ability to ensure that mobile homes are installed in a safe and appropriate manner.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

OTHER AGENCY INVOLVEMENT:

FINANCING:

ATTACHMENTS:

1. Mobilehome Foundation Ordinance

APPROVALS:

Grace Chuchla	Created/Initiated - 7/11/2022
Darcy Ellis	Approved - 7/11/2022
John Vallejo	Approved - 7/11/2022
Cathreen Richards	Approved - 7/11/2022
Michael Errante	Approved - 7/11/2022
David Stottlemyre	Final Approval - 7/14/2022

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,
REPEALING SECTION 18.78.350 OF THE INYO COUNTY CODE**

The Board of Supervisors of Inyo County ordains as follows:

SECTION ONE. PURPOSE.

The purpose of this Ordinance is to update Section 18.78.350 of the Inyo County Code to remove requirements regarding mobile home foundations that are noncompliant with state law.

SECTION TWO. MODIFICATIONS TO SECTION 18.78.350.

Section 18.78.350 of the Inyo County Code is hereby amended to remove section 18.78.350(A). Specifically, section 18.78.350 is amended as follows:

18.78.350 Design review approval for mobile homes.

Prior to the issuance of any building permits for the installation of a mobile home or for any structural addition to an existing mobile home in any residential zone which requires compliance with this section and is not subject to the MH (mobile home) overlay zone, a plot plan and architectural elevations drawn to scale with sufficient detailing of exterior materials shall be submitted to the planning director for review and approval. In approving the plans, the planning director shall insure that the mobile home or structural addition complies with the following minimum standards to ensure architectural compatibility with other residential structures in the area:

~~A. The mobile home shall be installed on a permanent foundation and satisfy all requirements of the Inyo County department of building and safety;~~

A. The mobile home shall comply with all requirements of Chapter 14.12 of this code, the mobile home code;

B. The mobile home shall have a minimum 3:12 pitch roof and a minimum eaves overhang of twelve inches. A six-inch minimum width fascia board shall run along the top of all roof gables;

C. Roof materials shall consist of either composite shingles, pressure-treated wood shake shingles, clay tile, or an equivalent material as determined by the planning director;

D. Siding materials of all exposed facades shall consist of a textured material such as stucco, brick or wood or an equivalent material as determined by the planning director.

SECTION THREE. 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 decision shall not affect the validity of the remaining portions of this Ordinance. The Board 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 FOUR. CEQA COMPLIANCE.

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.)

SECTION FIVE. 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 or against the same.

PASSED AND ADOPTED this _____ day of July 2022, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

DAN TOTEROH, Chairperson
Inyo County Board of Supervisors

ATTEST: Leslie Chapman
Clerk of the Board

By: _____
Darcy Ellis, Assistant
Assistant Clerk of the Board



County of Inyo



Public Works - Road Department

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Shannon Platt

SUBJECT: Road Department Change in Authorized Strength

RECOMMENDED ACTION:

Request Board change the authorized strength in the Road Department by deleting one (1) Equipment Operator Lead at Range 66 (\$4,669 - \$5,683) and adding one (1) Equipment Operator I at Range 58 (\$3,875 - \$4,714) or Equipment Operator II at Range 60 (\$4,064 - \$4,937).

SUMMARY/JUSTIFICATION:

Through reclassification, the Road Department recently lost a Lead Equipment Operator that primarily dealt with all the County's signage needs. Realizing that maintaining the county's signage is vital and can be time sensitive, the Department has used this as an opportunity to evaluate and adjust responsibility for signage across the various road districts. This will allow the department flexibility within crews and the opportunity to have several people trained in signage responsibilities. By filling the vacancy with an Equipment Operator and spreading responsibility across the various crews, the department will still have the work hours available though at a lower salary.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to approve the recommended action. This is not recommended as maintaining signage is a vital part of the Road Department's responsibility and the recommended changes will allow it to happen more efficiently.

OTHER AGENCY INVOLVEMENT:

FINANCING:

This position is budgeted in the Public Works/ Road budget 034600 in the salaries and benefits object codes.

ATTACHMENTS:

APPROVALS:

Shannon Platt

Darcy Ellis

Breanne Nelums

Shannon Platt

Denelle Carrington

Keri Oney

Amy Shepherd

Michael Errante

Created/Initiated - 7/1/2022

Approved - 7/1/2022

Approved - 7/8/2022

Approved - 7/8/2022

Approved - 7/13/2022

Approved - 7/14/2022

Approved - 7/14/2022

Final Approval - 7/14/2022



County of Inyo



Public Works & Health and Human Services

CONSENT - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Justine Kokx

SUBJECT: Letters of Support for Reconnecting Communities Grant Program

RECOMMENDED ACTION:

Request Board: A) approve and authorize the Chairperson to sign a letter of support for Caltrans to pursue funding for the Reconnecting Communities Pilot (RCP) grant program to conduct planning efforts addressing historical community impacts resulting from four-lane highway expansions; and B) authorize the HHS Assistant Director to sign an identical letter of support on behalf of the Health and Human Services Department.

SUMMARY/JUSTIFICATION:

The Inyo County Public Works and Health & Human Services are requesting your Board approve the signing of two letters of support for Caltrans to pursue the Reconnecting Communities Pilot grant program to leverage and integrate existing community concerns, improvement priorities, and partnership efforts along the US 395 corridor. This will address community connectivity impacts that have resulted from a series of four-lane widening projects that have bisected tribal communities and isolated rural communities. The planning project will convene a stakeholder collaborative of tribal governments, county officials, and residents through a series of planning round tables and participatory design charrettes that discuss a variety of connectivity, safety, and livability improvements under a unifying theme for the Eastern Sierra. The project will leverage and integrate existing community concerns, improvement priorities, and partnership efforts along the US 395 corridor from Lone Pine to Bridgeport.

The Bipartisan Infrastructure Law (BIL) established the new Reconnecting Communities Pilot (RCP) discretionary grant program, funded with \$1 billion over the next 5 years. It is the first-ever program to help reconnect communities that were previously cut off from economic opportunities by transportation infrastructure. This funding supports planning grants and capital construction grants, as well as technical assistance, to restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities. Caltrans D9 is requesting \$600K in grant funds with \$150K in Local Match In-Kind Funds. The preliminary total cost of the project is \$750K.

Caltrans D9 would seek out a consultant to handle the document development, design renderings, and budget/cost breakdowns. Caltrans will lead the public engagement process of this project with the help of local stakeholders. As part of the in-kind local match, partners will be asked to assist Caltrans D9 in attending and participating in public meetings, workshops, and round tables.

BACKGROUND/HISTORY OF BOARD ACTIONS:

Over the last seventy years, the California Department of Transportation has undertaken a series of four-lane expansion projects that have bifurcated each of the Eastern Sierra tribal communities and localities that live along the US 395 corridor. From Bridgeport to Lone Pine, these four-lane widening projects have stripped each of these communities of historic shade trees, dedicated bike lanes, safe on-street parking space, and they have resulted in longer and more perilous pedestrian crossing distances and conditions for the people in these communities that live, work, and play on both the east and west sides of the highway. These widening projects have also significantly increased through-traffic vehicle speeds, which has created a corresponding increase in the risk of severity for vehicle-pedestrian collisions and has resulted in general, cumulative quality of life effects such as increased noise impacts, vehicle emissions, and the loss of on-street business amenities such as historic resting areas.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to approve the letters of support for Caltrans to pursue Reconnecting Communities Pilot grant program funding. This is not recommended as the objective of the grant aligns with the vision and purpose of the Inyo County Regional Transportation Plan & Active Transportation Plan to improve public safety, connectivity, accessibility and non-motorized facilities. Furthermore, the proposed project is consistent with the Health in all Policies approach, which helps to ensure that policy decisions have beneficial impacts on the social determinants of health.

OTHER AGENCY INVOLVEMENT:

Caltrans
County Counsel

FINANCING:

No financial impact. Caltrans will pursue and provide the match for the funding.

ATTACHMENTS:

1. Letter of Support Reconnecting Communities Board of Supervisors
2. Letter of Support Reconnecting Communities HHS

APPROVALS:

Justine Kokx	Created/Initiated - 7/13/2022
John Pinckney	Approved - 7/13/2022
Michael Errante	Approved - 7/13/2022
Darcy Ellis	Approved - 7/14/2022
John Vallejo	Final Approval - 7/14/2022



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 TOTTEROH
JEFF GRIFFITHS
RICK PUCCI
JENNIFER ROESER
MATT KINGSLEY

LESLIE CHAPMAN
Clerk of the Board

DARCY ELLIS
Assistant Clerk of the Board

July 19, 2022

Office of Transportation Planning
Division of Planning & Environmental
Caltrans, District 9
500 S Main St.
Bishop, CA 93514

To Whom It May Concern:

The County of Inyo supports the Caltrans District 9's *Eastern Sierra Divided Communities Healing, Health, and Safety Project* grant application to the Reconnecting Communities Pilot (RCP) Program. This project will leverage and integrate existing community concerns, improvement priorities, and partnership efforts along the US 395 corridor in Inyo and Mono Counties. It will address the community connectivity impacts that have resulted from a series of critical and much needed four-lane widening projects that have bisected tribal and isolated rural communities without fully addressing the Complete Streets needs of the non-motorized public

The widening of US 395 to four lanes in Inyo County has impacted residents of its rural communities for generations through the bifurcation of towns and communities, leading to dangerous highway crossings, lack of pedestrian and bicycle facilities, and segregation of residents from adjacent and important community facilities. The only bike lanes that exist within communities on US 395 are within the communities of Bishop and Bridgeport. Sidewalks exist within the major communities along the US 395 corridor (Bishop, Big Pine, Lone Pine, and Independence). Outside of those communities, there are no pedestrian facilities linking destinations.

The RCP is consistent with the Inyo County 2019 Regional Transportation Plan (RTP), which cites Complete Streets as a primary goal, in that the transportation network is planned, designed, constructed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, commercial vehicles, and motorists. It is also in alignment with the Inyo County 2015 Active Transportation Plan (ATP), whose purpose includes increasing safety and mobility for non-motorized users; advancing active transportation efforts; collaborating with regional agencies to achieve greenhouse gas reduction goals; and increasing proportion of trips accomplished by walking and biking.

The increased connectivity, safety, and accessibility of this project would be integral to reconnecting our community along US 395. The County of Inyo in partnership with Caltrans is dedicated to the success of this

project as it is one of our highest transportation priorities. Therefore, we will be contributing our time and effort as a part of the local match requirements of this grant program.

Thank you for your consideration of the proposed project. Feel free to contact me with questions or for more information.

Sincerely,

Dan Totheroh, Chairperson
Inyo County Board of Supervisors

County of Inyo

HEALTH & HUMAN SERVICES DEPARTMENT

Public Health, Suite 203-C
1360 N. Main Street, Bishop CA 93514
TEL: (760) 873-7868 FAX: (760) 873-7800



Marilyn Mann, Director
mmann@inyocounty.us

July 19, 2022

Office of Transportation Planning
Division of Planning & Environmental
Caltrans, District 9
500 S Main St.
Bishop, CA 93514

To Whom it May Concern:

The Inyo County Health and Human Services Public Health and Prevention Division supports the Caltrans District 9's *Eastern Sierra Divided Communities Healing, Health, and Safety Project* grant application to the Reconnecting Communities Pilot (RCP) Program. This project will leverage and integrate existing community concerns, improvement priorities, and partnership efforts along the US 395 corridor in Inyo and Mono Counties. It will address the community connectivity impacts that have resulted from a series of four-lane widening projects that have bisected tribal and isolated rural communities.

The proposed project is consistent with the Health in all Policies approach, which helps to ensure that policy decisions have beneficial impacts on the social determinants of health. The proposed planning project will increase access to safe mobility for active transportation and potentially reduce rates of accidental death. The RCP Program is in alignment with the Inyo County 2015 Active Transportation Plan (ATP), whose purpose includes increasing safety and mobility for non-motorized users; advancing active transportation efforts; collaborating with regional agencies to achieve greenhouse gas reduction goals; and increasing proportion of trips accomplished by walking and biking- all of which are goals that support the health of communities on US 395.

The increased connectivity, safety, and accessibility of this project would be integral to reconnecting our community along US 395. The Inyo County Health and Human Services Public Health and Prevention Division, in partnership with Caltrans, is dedicated to the success of this project. Therefore, we will be contributing our time and effort as a part of the local match requirements of this grant program.

Thank you for your consideration of the proposed project. Feel free to contact me with questions or for more information.

Sincerely,

Anna Scott, Assistant Director
Inyo County Health and Human Services Department



County of Inyo

Clerk of the Board

DEPARTMENTAL - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Assistant Clerk of the Board

SUBJECT: Approval of Board of Supervisors Meeting Minutes

RECOMMENDED ACTION:

Request Board approve the minutes of the regular Board of Supervisors meeting of July 12, 2022.

SUMMARY/JUSTIFICATION:

The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested, the minutes will be made available to the public via the County's webpage, www.inyocounty.us.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

N/A

ATTACHMENTS:

APPROVALS:

Darcy Ellis
Darcy Ellis

Created/Initiated - 7/13/2022
Final Approval - 7/13/2022



County of Inyo



Treasurer-Tax Collector

TIMED ITEMS - NO ACTION REQUIRED

MEETING: July 19, 2022

FROM: Alisha McMurtrie, Amy Shepherd

SUBJECT: Report on Results of Community Meetings on Inyo County Code Section 3.20, Transient Occupancy Tax (TOT)

RECOMMENDED ACTION:

Request Board hear discussion on the Transient Occupancy Tax (TOT), Inyo County Code Section 3.20., including feedback from community meetings, and provide direction to staff on possible ballot measures.

SUMMARY/JUSTIFICATION:

On May 17, 2022, your Board heard a presentation reviewing Inyo County Code Section 3.20., Transient Occupancy Tax (TOT). Staff was requested to conduct community meetings to further educate the citizens on TOT, processes to amend, and options available to your Board for proposed changes. We conducted eight (8) community meetings (see attached schedule) and have compiled all of the feedback provided by the attendees (see attachment). We encouraged attendees to email the Board Clerk with any comments, attend this meeting today, or join via ZOOM to provide additional comments for your Board's consideration.

Today, we are requesting direction from your Board on the following questions:

- Does the Board seek to place a ballot measure on the November 2022 general election ballot that would expand the TOT tax base to include campgrounds and RV Parks?
 1. YES-Direct Staff to prepare Resolution and return to Board no later than August 9, 2022.
 2. NO-No further action required.

- Does the Board seek to place a ballot measure on the November 2022 general election ballot that would increase the current TOT Rate?
 1. YES- Direct Staff to prepare Resolution and return to Board no later than August 9, 2022.
 - Determine the proposed tax rate increase to include in the Resolution.
 2. NO-No further action required.

- Does the Board seek to rescind the Operator Allowance?

1. YES-Direct staff to prepare the Ordinance, and determine the date to return to Board.
2. NO-No further action required.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

OTHER AGENCY INVOLVEMENT:

None at this time.

FINANCING:

Any potential financial impacts will be determined at the outcome of this item. If the Board elects to prepare a ballot measure, the County Administrator will factor the costs of placing that/those ballot measure(s) on the November ballot and include those estimates in the 2022/2023 Budget.

ATTACHMENTS:

1. Board of Supervisors PowerPoint Presentation
2. Written Comments
3. Community Meeting Results
4. Tax Collector Poll Results - Originals
5. TOT Meetings Ad - Updated

APPROVALS:

Alisha McMurtrie	Created/Initiated - 7/14/2022
Darcy Ellis	Approved - 7/14/2022
Leslie Chapman	Approved - 7/14/2022
Amy Shepherd	Approved - 7/14/2022
Alisha McMurtrie	Approved - 7/14/2022
Leslie Chapman	Final Approval - 7/14/2022

TRANSIENT OCCUPANCY TAX

INYO COUNTY CODE § 3.20.

Inyo County Code §3.20.020(a)

▶ **“Hotel” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging or sleeping purposes, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer, at a fixed location, or other similar structure or portion thereof;**

Inyo County Code §3.20.020(f)

▶ **“Transient” means any person who exercises occupancy, or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement, for a period of thirty consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel is a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to April 14, 1965, may be considered. (Ord. 114 § 2, 1965.)**

COMMUNITY MEETING SCHEDULE



SHOULD INYO COUNTY RAISE ITS TRANSIENT OCCUPANCY TAX?

The County is considering two possible **BALLOT MEASURES** in November for voters to decide:

1. If the **TOT**, or **BED TAX**, should be increased in the face of rising operating costs.
2. Whether **CAMPGROUNDS AND RV PARKS** should be added to the TOT Code.

Get the **FACTS** on this issue, hear from your **ELECTED** officials, and have your voice heard at these upcoming public meetings:

Bishop

June 16, 1-3 p.m., Bishop Elks Lodge 1603, 151 E. Line St.

Independence

June 20, 12-1:30 p.m., Brown Bag Lunch Meeting (bring your lunch, please), Mt. Williamson Motel and Base Camp, 515 S. Edwards St.

Lone Pine

June 21, 4-5 p.m., Statham Hall, 138 N. Jackson St.

Death Valley

June 22, 12-1:30 p.m., Furnace Creek Visitor Center, Highway 190, Death Valley National Park

Tecopa

June 22, 3-4:30 p.m., Tecopa Community Center, 400 Tecopa Hot Springs Rd.

Big Pine

June 29, 4-6 p.m., Big Pine Town Hall, 150 Dewey St.

Cardinal Village

July 11, 5-7 p.m., Cardinal Village Lecture Hall, 321 Cardinal Rd., Bishop Creek Canyon

COMMUNITY MEETINGS
TOTAL ATTENDEES: 70
TOTAL # OF RESPONSES: 45

**QUESTIONS #1: WOULD YOU BE LIKELY TO SUPPORT A TOT
TAX RATE INCREASE?**

YES 10

NO 31

MAYBE/ NO RESPONSE 4

**QUESTION #2: WOULD YOU BE LIKELY TO SUPPORT
INCLUDING CAMPGROUNDS/RV PARKS TO THE TOT CODE?**

YES 24

NO 20

MAYBE/NO RESPONSE 1

QUESTION #3: WHAT WOULD YOU SPEND ADDITIONAL TOT REVENUES ON? (check all that apply)

County Campground Improvements	15
Grants In Support (Local Events)	14
Airports	7
Public Restrooms/Water Stations	20
Low Income/Workforce Housing	17

ATTENDEE'S IDEAS ON REVENUE EXPENDITURES

IF A NUMBER FOLLOWS ANY COMMENT, THAT REPRESENTS HOW MANY SIMILAR OR SAME COMMENTS WERE SUBMITTED

- RV DUMP STATIONS 2
- MEDICAL SERVICES & EDUCATION IN DEATH VALLEY
- FIRE & EMS CAPITAL IMPROVEMENTS & PAY INCREASE 9
- ADVERTISING FOR TOURISM 2
- ROADS 2
- COMMUNICATIONS INFRASTRUCTURE
- EDUCATE & ENFORCE DISPERSED CAMPING
- LAW ENFORCEMENT
- SAFE DRINKING WATER 2
- BOOTS ON THE GROUND
- NON PROFITS (I.E. FRIENDS OF INYO/ALABAMA HILLS WORKING GROUP/LOCAL TRIBES. THOSE THAT HELP MANAGE AND MAINTAIN LOCAL LANDS)
- LAND & WATER USE EDUCATION

- LOCAL SCHOOL DISTRICTS
- SIGNAGE
- COMMUNITY CENTER IN DEATH VALLEY 2
- PRESERVATION OF HISTORIC LOCAL BUILDINGS
- MAIN STREET IMPROVEMENTS & BEAUTIFICATION
- CREATE A “BUSINESS MATCH” WEBSITE FOR BUSINESS OPPORTUNITIES
- COMMUNITY HEALTHCARE AND MENTAL HEALTHCARE
- LONE PINE AIRPORT
- OPEN ROADS IN WINTER (i.e. HORSESHOE MEADOW)
- ADVERTISING “SLOW SEASON” TOURISM
- WATER IN ONION VALLY CAMPGROUND
- PARTNER WITH PRIVATE LAND OWNERS TO REHABILITATE VACANT BUILDINGS TO ATTRACT BUSINESSES 3
- FISH STOCKING
- CODE ENFORCEMENT FOR DILAPIDATED BUILDINGS
- LOCAL PARK MAINTENANCE-DEHY PARK IS LOOKING UNFINISHED AND IN NEED OF GRASS AND SPRINKLER SYSTEM. (seeing improvements though)

ADDITIONAL COMMENTS

- DO NOT INCLUDE CAMPGROUNDS AND KEEP AS AFFORDABLE AS POSSIBLE FOR FAMILIES CONNECTING CHILDREN WITH THE OUTDOORS
- CATCH UNLICENSED OPERATORS AND ENFORCE COLLECTIONS
- THERE ARE THOSE PLACING TRAILERS/TINY HOUSES IN RV PARKS AND RENTING OUT AS STR NEED TO PAY TOT **2**
- BAD TIMING FOR ANY TAX INCREASE **3**
 - GAS PRICES/INFLATION MAY CAUSE PEOPLE TO STAY HOME **3**
- TOURISTS MAY CHOSE OTHER AREAS TO VACATION IF TOT IS TOO HIGH
- CONTINUE WITH BOS MANAGEMENT OF DISCRETIONARY REVENUE ALLOCATIONS, ESPECIALLY WITH THOSE INDICATED IN POLL

- **MAY SUPPORT TOT INCREASE IF REVENUES ARE PROMISED TO SUPPORT THE COMMUNITIES IT IS GENERATED IN**
- **INCREASE AMOUNT OF GRANTS IN SUPPORT**
- **INCREASE THE AMOUNT OF TOT REVENUES COMMITTED TO TOURISM FROM 11% TO 13% OR MORE**
- **HAVE MAMMOTH SKI AREA PAY FOR AIRPORT NEEDS**
- **REMOVE OPERATOR ALLOWANCE IF YOU MUST. IT IS NICE, BUT WE PROBABLY WON'T MISS IT**
- **RAISE THE COUNTY CAMPGROUND RATES 3**
 - **TECOPA COUNTY APRK IS UNDERCUTTING THE THREE OTHER RV PARKS**
- **ALL OF TOT SHOULD BE SPENT ON TECOPA/CHARLESTON VIEW FIRE DEPARTMENT**
- **WE HAVE ENOUGH TAXES-LET PEOPLE SPEND THEIR OWN MONEY**

- **COUNTY HAD A 33% TOT RAISE IN 2012, 9%-12%. THIS IS A HUGE INCREASE ON THE 35 MOTELS**
- **STRONGLY DISAGREE WITH TAKING AWAY OPERATOR ALLOWANCE. IT BENEFITS THE OPERATORS WHO COLLECT TOT. PLEASE DO NOT TAKE AWAY THE SMALL BENEFIT OF OPERATOR ALLOWANCE**
- **STR'S REPRESENT A SMALL FRACTION OF THE TOT COLLECTED ANNUALLY. STR'S IS NOT AN EXCUSE TO TAKE AWAY OPERATOR ALLOWANCE**
- **DO NOT TAX HOMES THAT ARE HOMES, OR 2ND HOMES, OF PEOPLE. IT WOULD BE ANOTHER BULLET TO KILL TECOPA. OUR ONLY INDUSTRY IS MINERAL WATER TUBS AND RV'S**
- **INYO GETS FUNDS FOR MANAGEMENT IN BISHOP**
- **SOME AREAS HOST THEIR OWN LOCAL EVENTS**
- **SOME AREAS HOUSE THEIR OWN WORKFORCE**

Items to consider:

- ▶ **Structuring a ballot measure:**
 - Should each question be a separate ballot measure?
 - Should two questions be combined into one ballot measure?

- ▶ **TOT Increase:**
 - **Using 2019 actual amount reported of \$26,033,731**
 - 1% would result in \$260,338 increased revenues before any exemptions or Operator Allowances
 - 2% would result in \$520,675 increased revenues before any exemptions or Operator Allowances

DOES THE BOARD SEEK TO PLACE A BALLOT MEASURE ON THE NOVEMBER 2022 GENERAL ELECTION BALLOT THAT WOULD EXPAND THE TOT TAX BASE TO INCLUDE CAMPGROUNDS AND RV PARKS?

1. YES

Direct Staff to prepare Resolution and return to Board no later than August 9, 2022.

2. NO

No further Action required.

DOES THE BOARD SEEK TO PLACE A BALLOT MEASURE ON THE NOVEMBER 2022 GENERAL ELECTION BALLOT THAT WOULD INCREASE THE CURRENT TOT RATE?

1. YES

Direct staff to prepare Resolution and return to Board no later than August 9, 2022, and Determine the proposed tax rate increase to include in the Resolution

2. NO

No Further action required

Does the Board seek to rescind the Operator Allowance?

1. YES

Direct staff to prepare Ordinance, and

Determine the date to return to Board for consideration

2. NO

No further action required

Thank you to all our Citizens who participated in our meetings. We enjoyed the great questions, comments and conversations across the County.

Thank you to the members of our local media in assisting us on this educational tour.



WRITTEN COMMENTS

- 1. Jim King, June 19, 2022**
- 2. Cynthia Kienitz, July 6, 2022**
- 3. Stephen McNeal, July 6, 2022**
- 4. Jim King, July 11, 2022**

Alisha McMurtrie

From: Matt Kingsley
Sent: Sunday, June 19, 2022 3:41 PM
To: Alisha McMurtrie
Subject: FW: Bed Tax Increase

Just FYI.

From: ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~
Sent: Sunday, June 19, 2022 8:26 AM
To: Jennifer Roeser
Cc: Dan Totheroh; Jeff Griffiths
Subject: Bed Tax Increase

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Dear Honorable Inyo Supervisors-

Thank you all for the incredible job you have been doing running this amazing county. Dan, it was nice chatting with you the other day. Jen, I understand you now represent our little corner of the county with the redistricting and we are excited about that. Jeff, what's Owen up to this summer? We miss his laugh around the resort. Matt, you might remember us from your Forest Service days, hauling us up the Horseshoe Meadow road to start a Kern Plateau snow survey. Rick, we've seen you around forever, but possibly have not officially met yet.

We would like to comment on the proposed TOT increase. Sue and I have been collecting bed tax for 43 years now, starting with it being the same percent as the state sales tax rate around 4%, then climbing to 6%, then passing up the state rate to 9%. When the idea of 12% was being bantered about, I remember discussing the increase with Linda Arcularius, who told me the county really needed the extra funds, and that it was inevitable it would happen. I still cringe every time I figure out our guests' tab for their cabin stays, tacking on a few hundred dollars bed tax to their bill for a week with us at Rock Creek. We realize that 12% is not uncommon for TOT around the state, with some of the municipalities grabbing even another percent from their visitors, Mammoth and Bishop included. 14% feels over the top to us, and we agree with some of the comments that we shouldn't be biting the hands (that severely) of the folks that allow us to live in the eastern Sierra (our visitors). Our guests at the resort tend to be working class families, multi-generational usually, and not necessarily the wealthy, cost-is-no-object crowd that the resort town to the northwest of us likes to court.

It's easy for residents of Inyo County to vote on a tax increase that will not really ever be paid by them, but right now, in our current economic and social climate, a tax increase like this is really poor timing. Go ahead and add campgrounds to the TOT collection (as Mono County did 20 years ago), or eliminate the "operators allowance" if you must, but jumping up another 2% is just not right. Folks are spending a huge part of their vacation budget now just on fuel to get here, adding on 14% to their lodging/camping expenses might cause them to reconsider where they travel to.

Can this proposal maybe be put off for 2 years, let the dust settle a little? Again, horrible timing right now to rush this onto the November ballot.

I always thought Inyo County government was really good at living within its means, and staying within a balanced budget. Any chance of tightening your belts like the rest of us have been doing to get through this crazy time?

Thanks for hearing my 2 cents worth, well, ok, maybe 25 cents worth...

Jim King
Sue is looking over my shoulder
Rock Creek Lakes Resort

From: cynthia kienitz <[REDACTED]>
Sent: Wednesday, July 6, 2022 12:17 PM
To: Darcy Ellis <dellis@inyocounty.us>
Subject: comment from TOT meeting in tecopa

Hi Darcy,
Alisha instructed us to send you our comments:

1. The 5th district has some of the best geology in the world, because it is still "active" in geological terms, and its formations are exposed due to lack of vegetation. Many of us feel the county should support these studies by exempting students and professors from the TOT. Whether from state, local, or federal.
2. Many of us feel that anyone working on environmental projects should be exempt, because they are assisting the county in its environmental mandates.

Thank you,
Cynthia Kienitz
Cynthia's Safaris
[REDACTED]

From: Stephen McNeal <[REDACTED]>

Sent: Wednesday, July 6, 2022 3:56 PM

To: Darcy Ellis <dellis@inyocounty.us>; [REDACTED]

<delightshotspringsresort@gmail.com>

Subject: Re: Amended June 21 agenda

Hi Darcy. We were told to contact you with our concerns about the meeting that the county had the other day concerning the bed Taxes and taking the 4 percent of the 12 percent bed tax from the people who collect the tax for the county.

The county is trying to make more money.

That's ok with me. But to Rob the 35 motels from their earned income after The Motels pay the County over 3 Million dollars a year in money that the county did not have any employees helping to receive or earn this money is not how you treat the people of this county or the businesses that's the reason this has never been an issue in 40 years. And the county has its own campgrounds charging little fees that has a direct impact on the motels and campgrounds in this county it's hard to compete with the county charging such little fees.

If the county wants to make more money start charging more money at their facilities.

We know why you wanna take the money from the motels the 4% of the 12% bed tax is because you want more power to attack the public and there Airbnb rooms among other reasons like auditing Inyo County Businesses. I find that very disturbing that the government wants more power and wants to take away pennies from the public motels after the public motels makes them all that money for nothing. Over 3 Million Dollars a Year.

I hope the supervisors vote this down immediately.

Taking money from the motels makes no jobs and makes it harder to do business in this county.

And then you wanna raise the bed tax money and who's gonna collect that for you? The motels that you're gonna take money from. This makes no sense to me.

Please vote this down. Don't bite the hand that feeds you.

thank you

-----Original Message-----

From: [REDACTED]

Sent: Monday, July 11, 2022 9:53 PM

To: Jennifer Roeser

Cc: Alisha McMurtrie

Subject: Re: Bed Tax Increase

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Jen and Alisha-

Thank you both for educating us this evening at Cardinal Village. I thought I should point out two more Inyo County campgrounds that I didn't see on your comprehensive list: Rock Creek Lake Campground and Rock Ck. Lake Group Camp. Could bump District 3's contribution to overall TOT by 0.001%, but I really hope it doesn't happen.

Yours-

Jim King

COMMUNITY MEETINGS

TAX COLLECTOR POLL

TOTAL ATTENDEES = 70

TOTAL # OF RESPONSES = 45

QUESTIONS #1: WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES 10

NO 31

MAYBE/ NO RESPONSE 4

QUESTION #2: WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARKS TO THE TOT CODE?

YES 24

NO 20

MAYBE/NO RESPONSE 1

QUESTION #3: WHAT WOULD YOU SPEND ADDITIONAL TOT REVENUES ON? (check all that apply)

County Campground Improvements	15
Grants In Support (Local Events)	14
Airports	7
Public Restrooms/Water Stations	20
Low Income/Workforce Housing	17

YOUR IDEAS:

- **RV DUMP STATIONS 2**
- **MEDICAL SERVICES & EDUCATION IN DEATH VALLEY**
- **FIRE & EMS CAPITAL IMPS & PAY INCREASE 9**
- **ADVERTISING FOR TOURISM 2**
- **ROADS 2**
- **COMMUNICATIONS INFRASTRUCTURE**
- **EDUCATE & ENFORCE DISPERSED CAMPING**
- **LAW ENFORCEMENT**
- **SAFE DRINKING WATER 2**
- **BOOTS ON THE GROUND**
- **NON PROFITS (I.E. FRIENDS OF INYO/ALABAMA HILLS WORKING GROUP/LOCAL TRIBES. THOSE THAT HELP MANAGE AND MAINTAIN LOCAL LANDS)**
- **LAND & WATER USE EDUCATION**
- **LOCAL SCHOOL DISTRICTS**

- **SIGNAGE**
- **COMMUNITY CENTER IN DEATH VALLEY 2**
- **PRESERVATION OF HISTORIC LOCAL BUILDINGS**
- **MAIN STREET IMPROVEMENTS & BEAUTIFICATION**
- **CREATE A “BUSINESS MATCH” WEBSITE FOR BUSINESS OPPORTUNITIES**
- **COMMUNITY HEALTHCARE AND MENTAL HEALTHCARE**
- **LONE PINE AIRPORT**
- **OPEN ROADS IN WINTER (i.e. HORSESHOE MEADOW)**
- **ADVERTISING “SLOW SEASON” TOURISM**
- **WATER IN ONION VALLY CAMPGROUND**
- **PARTNER WITH PRIVATE LAND OWNERS TO REHABILITATE VACANT BUILDINGS TO ATTRACT BUSINESSES 3**
- **FISH STOCKING**
- **CODE ENFORCEMENT FOR DILAPIDATED BUILDINGS**
- **LOCAL PARK MAINTENANCE-DEHY PARK IS LOOKING UNFINISHED AND IN NEED OF GRASS AND SPRINKLER SYSTEM. (seeing improvements though)**

ADDITIONAL COMMENTS:

- **DO NOT INCLUDE CAMPGROUNDS AND KEEP AS AFFORDABLE AS POSSIBLE FOR FAMILIES CONNECTING CHILDREN WITH THE OUTDOORS**
- **CATCH UNLICENSED OPERATORS AND ENFORCE COLLECTIONS**

- **THERE ARE THOSE PLACING TRAILERS/TINY HOUSES IN RV PARKS AND RENTING OUT AS STR NEED TO PAY TOT 2**
- **BAD TIMING FOR ANY TAX INCREASE 3**
 - **GAS PRICES/INFLATION MAY CAUSE PEOPLE TO STAY HOME 3**
- **TOURISTS MAY CHOSE OTHER AREAS TO VACATION IF TOT IS TOO HIGH**
- **CONTINUE WITH BOS MANAGEMENT OF DISCRETIONARY REVENUE ALLOCATIONS, ESPECIALLY WITH THOSE INDICATED IN POLL**
- **MAY SUPPORT TOT INCREASE IF REVENUES ARE PROMISED TO SUPPORT THE COMMUNITIES IT IS GENERATED IN**
- **INCREASE AMOUNT OF GRANTS IN SUPPORT**
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- **RAISE THE COUNTY CAMPGROUND RATES 3**
 - **TECOPA COUNTY APRK IS UNDERCUTTING THE THREE OTHER RV PARKS**
- **ALL OF TOT SHOULD BE SPENT ON TECOPA/CHARLESTON VIEW FIRE DEPARTMENT**
- **WE HAVE ENOUGH TAXES-LET PEOPLE SPEND THEIR OWN MONEY**

- COUNTY HAD A 33% TOT RAISE IN 2012, 9%-12%. THIS IS A HUGE INCREASE ON THE 35 MOTELS
- STRONGLY DISAGREE WITH TAKING AWAY OPERATOR ALLOWANCE. IT BENEFITS THE OPERATORS WHO COLLECT TOT. PLEASE DO NOT TAKE AWAY THE SMALL BENEFIT OF OPERATOR ALLOWANCE
- STR'S REPRESENT A SMALL FRACTION OF THE TOT COLLECTED ANNUALLY. STR'S IS NOT AN EXCUSE TO TAKE AWAY OPERATOR ALLOWANCE
- DO NOT TAX HOMES THAT ARE HOMES, OR 2ND HOMES, OF PEOPLE. IT WOULD BE ANOTHER BULLET TO KILL TECOPA. OUR ONLY INDUSTRY IS MINERAL WATER TUBS AND RV'S
- INYO GETS FUNDS FOR MANAGEMENT IN BISHOP
- SOME AREAS HOST THEIR OWN LOCAL EVENTS
- SOME AREAS HOUSE THEIR OWN WORKFORCE

*******NOTHING FOLLOWS*******

IF A NUMBER FOLLOWS AY COMMENT, THAT REPRESENTS HOW MANY SIMILAR OR SAME COMMENTS WERE SUBMITTED

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

Many already camp b/c they can't afford hotels. Camping should be kept as cheap & accessible as possible, especially for young families trying to connect kids w/ outdoors.

3. What would you spend additional tot revenues on?

- County campground improvements
- Grants In Support (Local Events)
- Airports
- Public Restrooms/Water Stations
- Low Income/Workforce Housing

YOUR IDEAS: Hotels area dependent on quality staff. Some revenue should go back to support

Medical Services & Education in Death Valley. Those are the two most common reasons job applicants decline job offers.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

Let's catch the ones who are not required to pay now

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT

YES NO

CODE?

*Yes those that are placing trailers
or tiny houses in RV park & renting
them out to STR need to
pay TOT*

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

X
X

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?
(check all that apply)

- County campground improvements
- Grants In Support () Local Events
- Airports
- Public Restrooms/Water Stations
- Low Income/Workforce Housing
- YOUR IDEAS: _____

✓
✓

_____ *Tourism -*
_____ *Get DWP to Sell*

_____ *(vacant Buildings in*

Independence

Business not enough rent out

*seems like a bad time to
raise travel taxes given
gas prices.*

~~at most~~

*Water in Onion Valley
campground.*

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

We should take away the operator All

Tourist may go else where if TOT is to high

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT

YES NO

CODE?

Especially RV's since they

have STR who are not permitted

3. What would you spend additional tot revenues on?

*Not paying property Tax
Not paying SIH tax as a*

(check all that apply)

County campground improvements

Grants In Support (Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: *RV dumps*

X
X

business like the Houses have too.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

Community center in
Death Valley

✓
✓

But... Keeping it
up to Board as general
fund makes sense, with
these as suggestions.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

Not sure yet. If promised that \$ (more \$) would be spent on programs that do improve + take care of each specific community the TOT comes from.

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Friends of the

Inyo, every Tribe in our

area, Alabama Hills working

Group; any and all groups

that do work on the ground

to take care of + manage +

Promote care of the land

and water that tourists

come for (and we locals will benefit from also!)

✓
✓
✓ ✓

Nonprofits!

I would like to see an increase in the % of TOT revenue spent on local programs, grants, etc. (Increase from 11% to 13% or more!)

Thank you!

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NOT *NSW*

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Let Altern. Hb
ski area pay for airport stuff

X

poor timing right now for a tax increase on our visitors.
Get rid of the operators allowance if you must, its a nice thing, but we probably wouldnt really miss it.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: keep Allowance

<i>DA</i>
<i>✓</i>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

COUNTY CAMPGROUND IN TECOPA
MUST RAISE RV DAILY RATES
CONSIDERATE TO THE OTHER
RV. PARKS. THE EXTRA REVENUE
WOULD BE IN THE \$100'S OF THOUSANDS.
IN TECOPA, THE COUNTY PARK,
IS UNDERCUTTING THE 3 OTHER
RV. PARKS.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on? *Inyo gets THE FUNDS -*

County campground improvements

Grants In Support (Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: *Do Not Tax*

*RV's who are the homes
or ~~RV's~~ homes of people;*

*It would be another bullet off
to kill Tecopa. Our only industry
is Mineral Water Tanks & RV's.*

*FOR MANAGEMENT in Bishop,
←*

*Raymond Reed
TECOPA PALMS Thermal & Hot
SPRINGS RESORT LLC*

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

X

RAISE YOUR OWN RATES TO COVER.

WE HOST OUR OWN

we host our own workforce.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

_____ *DUMP STATIONS* _____

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Fire + EMS support

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support (Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

X

Support Fire Dept Capital Improvements & ALSO RAISE their pay

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

I Don't Agree w/ Appl.
Tot

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

*I am not for
an increase so have
no preference to spend
more*

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

Advertising for tourism

Roads & Communications Infrastructure

✓
✓

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: If campgrounds are being included, the revenue should go to support the tourists who are

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

paying for it. A big help would be better medical/EMS services, which would aid both community members & transients. Including Campgrounds could have unintended consequences such as more dispersed camping outside Campgrounds, more illegal dumping & more land damage. Campgrounds are sometimes the only affordable option for low-income families to be able to travel.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Medical

Police

✓

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: FIRE & EMT

✓

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

<input checked="" type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

MORE BOOTS
ON THE GROUND

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

MAYBE

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

✓
✓

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

10%

Grants In Support ()Local Events)

10%

Airports

10%

Public Restrooms/Water Stations

30%

Low Income/Workforce Housing

10%

YOUR IDEAS: _____

20%

LOCAL SCHOOL DIST.

ROADS & SIGNAGE

10%



TAX COLLECTOR POLL



1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____



TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

Community Center
in Death Valley.

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: \$ TO SUPPORT
EMERGENCY RESPONSE
FIRE & EMS

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: DESIGNATE %
OF TOT TO FIRE/EMS -
POPULAR W/ VOTERS

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?
(check all that apply)

- County campground improvements
- Grants In Support () Local Events
- Airports
- Public Restrooms/Water Stations
- Low Income Workforce Housing

YOUR IDEAS: - Preserving historic ~~buildings~~ buildings in towns.

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

with creative architecture/planning in environmentally sensitive fashion.

- Main street improvements - beautification / trees / traffic calming
- Create a "Business Match" website for business opportunities.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Her

Community healthcare
& mental Health

X
X
X

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

/
/
/
/
/
/

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

L P Airport

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS:

*open roads
in winter & one pme
(Horse show meadow)*

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

X

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Advertisements slow

season tourism.

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support ()Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: _____

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS:

*to help bring
closed down properties to
life and create business
environment, attracting
more tourists (services)*

✓
✓
✓

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

County campground improvements

Grants In Support () Local Events)

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS:

- FIRE DEPARTMENTS
that are volunteers

- Safe drinking water
for communities.

A. I Strongly ~~agree~~ disapprove taking away Operator Allowance
I believe the Operator Allowance benefits the 35
Hotel operators that collect the \$13 million TOT
Annually.

Please do not take away the small benefit of
Operator Allowance.

The short term rental problem represents a small
fraction of the \$13 million collected annually.

Short term rental is not an excuse to take away
the small benefit for the 35 hotel operators. OF Operator Allowance

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES

NO

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES

NO

3. What would you spend additional tot revenues on?

- County campground improvements
- Grants In Support (Local Events)
- Airports
- Public Restrooms/Water Stations
- Low Income/Workforce Housing
- YOUR IDEAS: _____
- _____
- _____

"Raise" the County's Rates on their camp grounds.

We have enough TAXES. INFLATION is high - (sky High)

How about let people spend their own \$.

① ALL of TOT Should be spent on the Fire Dept. Charleston View
TennA

① The county had a $33\frac{1}{3}\%$ Paise in 2012
on Bed tax.

9% to 12%

That is a Huge Jump. on "35" motels

TAX COLLECTOR POLL

1. WOULD YOU BE LIKELY TO SUPPORT A TOT TAX RATE INCREASE?

YES NO

You can keep the 4% manager fee/operating allowance

2. WOULD YOU BE LIKELY TO SUPPORT INCLUDING CAMPGROUNDS/RV PARK TO THE TOT CODE?

YES NO

3. What would you spend additional tot revenues on?
(check all that apply)

County campground improvements

Grants In Support () Local Events

Airports

Public Restrooms/Water Stations

Low Income/Workforce Housing

YOUR IDEAS: Most people

come here to hike

and fish - fishermen

are complaining there are no fish to catch - how about investing on better hatcheries

X
X
X

The timing is bad with gas prices and inflation up way high - lets not give people more reasons to stay home

Community Improvements - clean up ^{Edwards)} Main St
in Independence - too many empty ⁽³⁹⁵⁾
buildings - many owned by DWP -
Have better enforcement - property
owners ~~need~~ need to maintain their
property or sell to someone who will.

Dehy Park is a big improvement but it
still looks unfinished - a large space is
dedicated to dirt and weeds (near the gravesite)
Why not get some grass and a sprinkler system
there?



SHOULD INYO COUNTY RAISE ITS TRANSIENT OCCUPANCY TAX?

The County is considering two possible **BALLOT MEASURES** in November for voters to decide:

1. If the **TOT**, or **BED TAX**, should be increased in the face of rising operating costs.
2. Whether **CAMPGROUNDS AND RV PARKS** should be added to the TOT Code.

Get the **FACTS** on this issue, hear from your **ELECTED** officials, and have your voice heard at these upcoming public meetings:

Bishop

June 16, 1-3 p.m., Bishop Elks Lodge 1603, 151 E. Line St.

Independence

June 20, 12-1:30 p.m., Brown Bag Lunch Meeting (bring your lunch, please), Mt. Williamson Motel and Base Camp, 515 S. Edwards St.

Lone Pine

June 21, 4-5 p.m., Statham Hall, 138 N. Jackson St.

Death Valley

June 22, 12-1:30 p.m., Furnace Creek Visitor Center, Highway 190, Death Valley National Park

Tecopa

June 22, 3-4:30 p.m., Tecopa Community Center, 400 Tecopa Hot Springs Rd.

Big Pine

June 29, 4-6 p.m., Big Pine Town Hall, 150 Dewey St.

Cardinal Village

July 11, 5-7 p.m., Cardinal Village Lecture Hall, 321 Cardinal Rd., Bishop Creek Canyon



County of Inyo



Planning Department

TIMED ITEMS - ACTION REQUIRED

MEETING: July 19, 2022

FROM: Cathreen Richards

SUBJECT: Outdoor Seating Ordinance

RECOMMENDED ACTION:

Request Board:

- 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 Section 18.44.030(G) of and Adding Sections 18.44.040(C), 18.48.040(D), 18.45.040(D), and 18.54.030(F) to the Inyo County Code Pertaining to Zoning;"
- B) Make the requested findings and certify that the action is exempt from CEQA; and
- C) Waive further reading of and enact said ordinance.

SUMMARY/JUSTIFICATION:

In July 2020 the Board of Supervisors adopted a Resolution to temporarily suspend the enforcement of landuse regulations to allow local businesses to operate outdoors. This was primarily done so that businesses that serve food and beverages could do so outdoors during the indoor restrictions set forth by Health Department orders addressing Covid. This Resolution is no longer effective and many County business owners, as well as patrons, would like to continue to have outdoor seating without the time and cost of first obtaining a Conditional Use Permit as is presently required in some commercial zoning districts.

ANALYSIS

Staff has reviewed the County's Commercial zones and found that all of them that allow for businesses that could include outdoor seating, such as food and beverage services, restrict outdoor business activities including outdoor seating in one way or another. Some zones require Conditional Use Permits and others do not allow for it at all. A breakdown of the current regulations regarding outdoor seating in commercial zones that also allow for food and beverage service is as follows:

- 18.44 - Central Business, lists outdoor seating specifically as a Conditional Use;
- 18.48 - Highway Services and Tourist Commercial, outdoor seating is seen as being included under Outdoor Business Activity and requires a Conditional Use Permit;
- 18.45 - General Commercial and Retail, states that the permitted uses listed are permitted when entirely conducted within an enclosed building. Outdoor seating, therefore, is not allowed, even with a Conditional Use Permit. This zone does allow for food and beverage service, however; and,
- 18.54 - Commercial Recreation also does not include any language that would address outdoor seating and thus, is interpreted as not being allowed, even with a Conditional Use Permit. This zone also allows for food and beverage services.

Inyo County with its sunny climate, beautiful views and tourist based economy is a perfect place for businesses with food and beverage service to have outdoor seating and it has become a much more common and enjoyed practice in the United States. It has been a way of life in other parts of the world for many years. During the time that this use was allowed through the Board Resolution suspending regulations, no nuisance complaints were received by the Planning Department or the Code Enforcement Officer regarding outdoor seating, indicating that it is also not perceived as a nuisance.

The proposed Ordinance (attached) will update the code to allow for outdoor seating as a by-right accessory use, to a primary use. This means that a principal permitted use, for example a restaurant, on a specific parcel of land, can have outdoor seating without any additional landuse entitlements. It also means that without a principal permitted use, outdoor seating is not outright allowed. The proposed Ordinance has been written this way with the intention of keeping adhoc outdoor seating from happening on 'just any' parcel of land in the County.

The proposed Ordinance also only affects the ability of a business to have outdoor seating in certain Commercial Zones in the County. It does not change any of the other zoning, building, lighting or health regulations that pertain to individual parcels of land or the businesses being conducted on them.

PLANNING COMMISSION

The Planning Commission reviewed the proposal on June 29, 2022 and adopted a Resolution (attached) by a 4-0 vote to recommend that the Board of Supervisors approve the Ordinance. No substantive issues were brought forward during the public hearing.

RECOMMENDED FINDINGS

Noticing

The hearing regarding Zone Text Amendment 2022-01 was properly noticed in the Inyo Register on July 7, 2022, ten days prior to the hearing date.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the proposal 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. This project is a proposal to amend parts of the County Code to allow for outdoor seating as an accessory use. It does not expand or change the underlying commercial uses, but adds to where on a business' location seating can occur.

General Plan Consistency

ZTA 2022-01 - Amending Chapters 18.44 - Central Business; 18.48 - Highway Services and Tourist Commercial; 18.45 – General Commercial and Retail; and, 18.54 - Commercial Recreation of the Inyo County Code to allow outdoor seating as an accessory use will not change the current underlying commercial uses, or their relationship to accompanying commercial uses per the General Plan. It only adds to where on the property a business is located that seating can occur.

Zoning Ordinance Consistency

ZTA 2022-01 is consistent with the Inyo County Zoning code as amending Chapters 18.44 - Central Business; 18.48 - Highway Services and Tourist Commercial; 18.45 – General Commercial and Retail; and, 18.54 - Commercial Recreation of the Inyo County Code to allow outdoor seating as an accessory use does not discontinue or expand the allowed commercial uses within the zoning designations, but adds to where on the property a business is located seating can occur. The current allowed uses will remain consistent with the use requirements of Title 18.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

OTHER AGENCY INVOLVEMENT:

FINANCING:

Work conducted to update the County code is paid through the Planning Department budget 023800, by the General Fund.

ATTACHMENTS:

1. Outdoor Seating Ordinance
2. Planning Commission Resolution

APPROVALS:

Cathreen Richards
Darcy Ellis
John Vallejo
Cathreen Richards

Created/Initiated - 6/30/2022
Approved - 6/30/2022
Approved - 7/12/2022
Final Approval - 7/12/2022

ORDINANCE NO. 2022-01 Outdoor Seating

**AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS
AMENDING SECTION 18.44.030(G) AND ADDING SECTIONS
18.44.040(C), 18.48.040(D), 18.45.040(D), AND 18.54.030(F) TO
THE INYO COUNTY CODE PERTAINING TO ZONING**

WHEREAS, Title 18 of the Inyo County Code (ICC) sets forth zoning requirements within the unincorporated area of the County; and

WHEREAS, on July 21, 2020 due to the Global COVID-19 Pandemic, the Board of Supervisors temporarily suspended regulations regarding outdoor seating so that businesses affected by forced, indoor closers could continue to do business; and

WHEREAS, sections 18.44 and 18.48 of the ICC currently include outdoor seating as a use requiring prior approval by the Inyo County Planning Commission; and

WHEREAS, the Board finds that the experience of outdoor seating as an allowed use during the suspension of these regulations was positive; and

WHEREAS, the Board now wishes to amend sections 18.44 and 18.48 of the ICC to allow outdoor seating outright as an accessory use when combined with or involving a permitted use; and

WHEREAS, sections 18.45 and 18.54 currently do not allow for outdoor seating as a use under any circumstance; and

WHEREAS, the Board now wishes to amend sections 18.45 and 18.54 to allow outdoor seating as an accessory use when combined with or involving a permitted use; and

WHEREAS, the Inyo County Planning Commission met to discuss the proposal to allow for outdoor seating as an accessory use when combined with or involving a permitted use in Inyo County Code sections 18.44, 18.48, 18.45 and 18.54 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: Section 18.44.030(G) of the Inyo County Code is hereby amended to read as follows:

“18.44.030 Conditional Uses

G. Any permitted use when combined with or involving any outdoor display of goods, or outdoor business activity.

SECTION TWO: Section 18.44.030 of the Inyo County Code is amended by adding the following section C:

“18.44.030 Accessory Uses.

C. Outdoor seating when combined with or involving a permitted use.

SECTION THREE: Chapter 18.48.040 of the Inyo County Code is amended by adding the following section D:

“18.48.040 Accessory Uses.

D. Outdoor seating when combined with or involving a permitted use.

SECTION FOUR: Chapter 18.45.040 of the Inyo County Code is amended by adding the following section D:

“18.45.040 Accessory Uses.

D. Outdoor seating when combined with or involving a permitted use.

SECTION FIVE: Chapter 18.54.030 of the Inyo County Code is amended by adding the following section F:

“18.54.030 Accessory Uses.

F. Outdoor seating when combined with or involving a permitted use.

SECTION SIX: 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:

Dan Totheroh, Chair
Inyo County Board of Supervisors

ATTEST:

By: _____

RESOLUTION NO. 2022-05

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. 2022-01 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

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

WHEREAS, the Inyo County Planning Commission held a public hearing on June 29, 2022, to review and consider a request for approval of Zone Text Amendment No. 2022-01, and considered the staff report for the project and all oral and written comments regarding the proposal

WHEREAS, ICC Section 18.03.020 states in part that it is necessary for the zoning ordinance to be consistent with the General Plan

WHEREAS, the approval of ZTA 2022-01 will result in updates to certain allowed accessory uses related to commercial businesses providing outdoor seating, which does not, cause new use types to what is already allowed based on General Plan designations.

WHEREAS, ZTA 2022-01 is consistent with the Inyo County Zoning code as it will result in updates to certain allowed activities related to commercial businesses providing outdoor seating, which does not cause new use types to 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 June 29, 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 allow for outdoor seating as an accessory use. It does not expand or change the underlying commercial uses, but adds to where on a business' location seating can occur.
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 the Amendments to Title 18 related to commercial businesses providing outdoor seating based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 29th day of June 2022, by the following vote of the Inyo County Planning Commission:

AYES: 4
 NOES: 0
 ABSTAIN: 0
 ABSENT: 0


 Caitlin Morley, Chair
 Inyo County Planning Commission

ATTEST: 
 Cathreen Richards, Planning Director

By 
 Paula Riesen, Secretary of the Commission



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 www.gbuapcd.org

July 7, 2022

Via Electronic and U.S. Mail

Mr. E. Joaquin Esquivel, Chair
Ms. Eileen Sobeck, Executive Director
California State Water Resources Control Board
P.O. Box 100
1001 I Street
Sacramento, CA 95814-0100

Re: Request for Mono Lake Hearing

Dear Mr. Esquivel and Ms. Sobeck:

The Governing Board of the Great Basin Unified Air Pollution Control District (District) is writing to formally request the California State Water Resources Control Board (State Water Board or SWRCB) schedule and hold a hearing on the condition of Mono Lake and surrounding area as required by the State Water Board's 1994 Decision 1631.

The State Water Board and the District share many of the same important goals and are required by law to perform their respective legal duties. Both agencies seek to protect the health of the public and the environment in Alpine, Mono, and Inyo counties of California, and both agencies have a shared history of performing these duties. The State Water Board's decision to adopt Decision 1631 and thereby restore the Mono Basin is one of the great environmental success stories in California history. However, a critical milestone remains unreached: the restoration of the lake level, the submerging of the exposed lakebed emissive areas, and the attainment of the federal air quality standards.

The purpose of Decision 1631 was to establish fishery protection flows in streams tributary to Mono Lake and to protect public trust resources in the Mono Basin by restoring Mono Lake to a sustainable average surface elevation of 6,392 feet above sea level. Decision 1631 established water export restrictions intended to raise the lake level of Mono Lake to protect environmental resources including air quality. If these restrictions did not result in the lake rising Decision 1631 noted that "*the SWRCB could adjust the water diversion criteria in an appropriate manner under the exercise of its continuing authority over water rights.*" Raising the lake level would submerge exposed emissive lakebed areas and thus, mitigate the ongoing and serious violations of the federal air quality standards. These standards are set by the United States Environmental Protection Agency under the Clean Air Act to protect the environment and public health.

In the nearly 28 years since the State Water Board issued Decision 1631, Mono Lake has not risen sufficiently to reach the mandated target lake level, and PM10 emissions from the exposed lakebed continue to cause violations of federal air quality standards. These violations resulted in the Mono Basin being designated a moderate nonattainment area for PM10 (particulate matter with an aerodynamic diameter of 10 micrometers or less). PM10 is one of the most severe and widespread pollutants. Even short-term exposure to these coarse particles may be linked to premature death and increased hospital admissions and emergency department visits for heart and lung disease.

As a result of the lake level remaining significantly below the target lake level, PM10 emissions from the exposed lakebed continue to violate federal air quality standards. Measurements of PM10 at the District's Mono Shore monitoring station, located on the northeast shore of Mono Lake, are some of the highest PM10 concentrations in the United States. The frequency and magnitude of violations greatly exceed federal and state law. For example, in 2016, after several years of drought, and before a multi-foot lake level rise, the PM10 federal standard was exceeded on 33 days by windblown dust from the exposed lakebed. While multiple factors control the frequency and magnitude of PM10 violations of federal air quality standards in the Mono Basin, the most significant factor is the elevation of Mono Lake. Changes in lake level govern the extent of the exposed emissive lakebed and therefore the overall amount of windblown PM10 emissions.

These windblown dust events and the associated air quality violations are a result of lake level declines due to the diversion of a large percentage of Mono Lake's tributary streams by the City of Los Angeles Department of Water and Power (LADWP). After years of scientific study, the only feasible solution to controlling the windblown dust at Mono Lake has been, and continues to be, naturally restoring the lake to the level set by the Decision 1631 by limiting the LADWP's diversion of tributary streams from the Mono Basin. Decision 1631 first set a target lake level of 6,391 feet above mean sea level, to be followed by a management level of 6,392 feet, which was to be maintained thereafter. At this lake level, the majority of the exposed lakebed areas that emit windblown dust will be submerged.

The State Water Board set forth clear timelines and criteria for the reconsideration of LADWP's water diversions from the Mono Basin in the event Mono Lake did not reach the target lake level. Decision 1631 states, "*In the event that the water level of Mono Lake has not reached 6,391 feet by September 28, 2014, the SWRCB will hold a hearing to consider the condition of Mono Lake and the surrounding area and will determine if further revisions to the licenses are appropriate.*" (Emphasis added.)

This date was extended to September 28, 2020, as proposed by the 2013 Stream Restoration Settlement Agreement. The State Water Board amended LADWP's Water Licenses 10191 and 10192 to implement the terms of the settlement and acknowledged "...*the Mono Lake surface elevation level did not reach the target by either the date specified in D1631 or the agreed-upon modified date identified in the 2013 Agreement*" ... and stated that "*The State Water Board will separately schedule appropriate proceedings to gather and consider pertinent information on this issue.*" (State Water Board Order WR 2021-0086).

The lake level of Mono Lake remains substantially below the target and management levels. During this entire time period, up to the present, the emissions of PM10 have continued unabated, and no additional State Water Board hearings regarding the effectiveness of Decision 1631's export limitations or the conditions in and around Mono Lake have been scheduled or held.

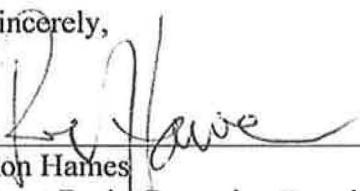
On April 1, 2022, staff of the Mono Lake Committee and LADWP cooperatively measured the level of Mono Lake. The official reading was 6379.92 feet above sea level, 12 feet below the 6,392-foot

management level. Per LADWP's water licenses, the reading triggered a lower diversion level of 4,500 acre-feet of water, a reduction from the 16,000 acre-feet allowed in the prior year, a limitation designed to slow further decline of the lake level. This is the second time in the last seven years that Mono Lake has fallen below the 6380-foot threshold. In the time since Decision 1631 was issued, the highest lake elevation attained was 6385.1 feet above sea level, nearly six feet below the target.


Decision 1631 and LADWP's associated water licenses clearly provide timelines and criteria for when consideration of amendments of the existing water diversions should occur in the event Mono Lake has not met the target lake level. Violations of federal air quality standards continue as Mono Lake remains below the threshold level, with drought conditions and climate change exacerbating the impact of LADWP's water diversions.

There is no time to spare in addressing conditions at Mono Lake. The District Governing Board formally requests that the State Water Board promptly schedule and hold a hearing on the conditions in and around Mono Lake as set forth in Decision 1631 and LADWP's associated water licenses, within the next six months. The need is urgent and the legal duty is clear.


Sincerely,




Ron Hames
Great Basin Governing Board Chair



Jennifer Roeser
Great Basin Governing Board Vice Chair



Stacy Corless (Jul 8, 2022 15:40 PDT)
Stacy Corless
Great Basin Governing Board



Rhonda Duggan (Jul 8, 2022 23:07 PDT)
Rhonda Duggan
Great Basin Governing Board



David Griffith
Great Basin Governing Board



Matt Kingsley
Great Basin Governing Board



John Wentworth (Jul 9, 2022 15:44 PDT)
John Wentworth
Great Basin Governing Board

Cc: (via Electronic and U.S. Mail)

Dorene D'Adamo, Vice Chair, State Water Resources Control Board
Sean Maguire, State Water Resources Control Board
Laurel Firestone, State Water Resources Control Board
Nichole Morgan, State Water Resources Control Board
Erik Ekdahl, Deputy Director, Division of Water Rights, State Water Resources Control Board

Cc: (via U.S. Mail)

Devon J. Mathis, Assembly Member, District 26
State Capitol
P.O. Box 942849
Sacramento, CA 94249

Frank Bigelow, Assembly Member, District 5
Capitol Office
State Capitol
Sacramento, CA 94249

Jay Obernolte, Congressman, District 8
1029 Longworth House Office Building
Washington, DC 20515

Tom McClintock, Congressman, District 4
2312 Rayburn House Office Building
Washington, DC 20515

Alex Padilla, Senator
112 Hart Senate Building
Washington, DC 20510

Dianne Feinstein, Senator
331 Hart Senate Office Building
Washington, DC 20510

Brian Dahle, State Senator, District 1
1021 O Street, Room 7230
Sacramento, CA 95814

Andreas Borgeas, State Senator, District 8
1021 O Street, Room 7240
Sacramento, CA 95814