



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11:30 a.m. Closed Session Informational

FROM: Inyo County Planning Commission

FOR THE BOARD MEETING OF: August 4, 2009

SUBJECT: 2009 General Plan Housing Element Update (General Plan Amendment No. 2009-02/Inyo County)

DEPARTMENTAL RECOMMENDATION:

- A) Conduct a public hearing regarding General Plan Amendment No. 2009-02/Inyo County (2009 Housing Element Update);
- B) Review and adopt the proposed Resolution (1) making certain findings with respect to General Plan Amendment No. 2009-02/Inyo County (2009 Housing Element Update), (2) making certain findings with respect to and adopting a Negative Declaration/Initial Study for the 2009 Housing Element Update, and (3) adopting General Plan Amendment No. 2009-02/Inyo County; and
- C) Direct staff to submit the Housing Element Update to the California Department of Housing and Community Development (HCD) for certification.

SUMMARY DISCUSSION:

The General Plan Housing Element is required pursuant to California Government Code Section 65580 et seq., and works to provide housing for all of Inyo County's residents. Housing Element law is one of the most complicated of the General Plan Elements, and the Housing Element is the only one that must be approved by the State. The County's Housing Element was last updated in 2004¹, and the current update is due August 31.

Due to the complexities of the Housing Element, the County has contracted with PMC, a planning firm with housing expertise, to assist with the update. County and PMC staff prepared a draft Element for review by the Planning Commission on March 25, 2009 and the Board of Supervisors on April 21, 2009. The draft Element was modified per direction to staff by the Commission and the Board, and submitted to HCD for its preliminary review. Meanwhile, consultation with Native American tribes and environmental review continued.

Comments from HCD have been received, and a final draft updated Housing Element (refer to Attachment 2 in Exhibit B) has been prepared that responds to those comments provided by HCD (refer to Attachment 3 in Exhibit B). The Planning Commission reviewed the final draft Update on July 22, 2009 and recommended adoption.

¹ Refer to the following website for the 2004 Housing Element -
<http://inyoplanning.org/documents/FinalInyoCoHousingElement04.pdf>.

ANALYSIS

Housing Element law declares that the availability of housing is of vital Statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order. Inyo County's Housing Element provides for adequate housing for its population, addresses the County's lack of private land, and minimizes the impact of its relatively high housing costs compared to incomes. The updated Housing Element builds upon the previous 2004 Element, incorporating updated demographic information, the RHNA stipulated by the State, and new relevant legislation. Policy changes required by the State include the following:

- Allowing flexibility in locating residential care facilities (e.g., housing for six or fewer persons with disabilities, substance abuse issues, and/or other conditions);
- Incorporating reasonable accommodation provisions as a means for persons with disabilities to request exceptions to zoning and building regulations;
- Allowing second units ministerially in all residential zones;
- Allowing both supportive (e.g., housing for low-income populations with disabilities) and transitional (e.g., housing for up to six months for a variety of populations in transition to more permanent quarters) housing types in all residential zones; and
- Allowing permanent emergency (e.g., homeless) shelters as a permitted use in at least one zone.

A more detailed summary of the updated Element is included in Attachment 5 in Exhibit B.

The updated Element is internally consistent and horizontally consistent with the other General Plan elements. The Element is harmonious with the purposes and intent of the Zoning Ordinance and the individual zoning districts. Specific updates to the Zoning Ordinance will be necessary to bring it into conformance with State law, as discussed in the final draft updated Housing Element.

HCD Comments

Staff from HCD provided comments on the draft updated Housing Element, which are included in Attachment 3 in Exhibit B. The following bullets summarize HCD's comments:

- The County is relying too heavily on Site 11 (i.e., the Hanby Site – DWP Release Site east of Bishop) in the Site Inventory in Chapter 3. This site requires an amendment to the Long Term Water Agreement, and may not be available during the planning period. The County should consider alternative sites to offset the units provided by Site 11.
- The Element should identify a zone in which emergency (i.e., homeless) shelters are permitted without discretionary review as required by California law.
- The County requires a Conditional Use Permit (CUP) for multiple dwellings of more than 15 units in the R-3 zone. An analysis should be included to indicate why this requirement does not impact the timing approval certainty and supply of affordable housing.
- Deadlines should be provided to amend the Zoning Ordinance to allow second units ministerially and allow residential care facilities serving six or fewer by right in all residential zones.

In response, the draft Element was updated and is included in Attachment 2 in Exhibit B; changes relative to the draft submitted to HCD are illustrated by underline and strikeout. More detailed discussions regarding the comments and the subsequent modifications are provided in the Planning Commission Staff Report and the final draft Updated Housing Element in Exhibit B. If any additional comments from HCD are received, they will be reported under separate cover.

Planning Commission Review

The Planning Commission reviewed the final draft updated Housing Element on July 22, 2009 at a noticed public hearing, and all Commissioners present recommended approval. No members of the public attended the hearing or submitted correspondence. Comments provided by the Commissioners include the following:

- The dust issue in south County is improving, which should be addressed in the Initial Study.
- Should the Element prioritize sites for housing?
- References to limited future demand should be removed from Table B-1.
- Housing programs for moderate-income populations, such as people working as teachers, sheriffs, etc., should be more emphasized.
- What will happen if Bishop annexes Site 11 in the Site Inventory?
- How is coordination with the City of Bishop addressed?

The final draft updated Housing Element in Attachment 2 of Exhibit B has been modified to incorporate the last four bullets, as well as several other minor revisions (e.g., incorporating a section summarizing HCD's comments and the County's responses, incorporating a section regarding the Planning Commission hearing, etc.). No revision to the Element is necessary for the first two bullets. For future initial studies, staff will endeavor to include language regarding improving air quality relative to dust in south County, if appropriate. In regards to the second bullet, staff believes that the Element should promote housing production County-wide.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration/Initial Study (ND/IS) was distributed for public review between June 18 and July 17, 2009 (refer to Attachment 4 in Exhibit B). The document was circulated through the State Clearinghouse to relevant agencies, and the Notice of Availability/Intent was posted with the Inyo County Recorder and published in the Inyo Register. No comment letters were received. Staff and the Planning Commission recommend that the Board adopt the ND/IS, as described in Exhibit A.

ALTERNATIVES:

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

OTHER AGENCY INVOLVEMENT:

California Department of Housing and Community Development

FINANCING:

Funds for the update effort are allocated from geothermal royalties by operating transfer to the General Fund/Planning Department budget.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

_____ Date: _____

Exhibits:

- A. Resolution
- B. Planning Commission Packet