

RESOLUTION NO. 2009-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF INYO, STATE OF CALIFORNIA,
RECOMMENDING THAT THE BOARD OF SUPERVISORS
CERTIFY AND ADOPT THE NEGATIVE DECLARATION OF
ENVIRONMENTAL IMPACT AND MAKE CERTAIN FINDINGS
WITH RESPECT TO AND APPROVE, GENERAL PLAN
AMENDMENT NO. 2009-02/INYO COUNTY (2009 HOUSING
ELEMENT UPDATE)**

WHEREAS, 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; and

WHEREAS, the Housing Element is required to be updated periodically, and the deadline to next update Inyo County's Housing Element is August 31, 2009 for the period extending between January 1, 2007 and June 30, 2014; and

WHEREAS, Inyo County comprehensively updated its Housing Element in 1992 and adopted updates in 2001 and 2003; and

WHEREAS, work has continued on a variety of housing issues since 2003 to improve housing conditions throughout the County, including emergency shelter and affordable housing programs operated by the County and housing service providers; the Housing Task Force; the Housing Plan Committee; implementation of the HOME grant program; and zoning text amendments to update the County's Density Bonus Ordinance and permit multiple dwellings and mixed use in commercial zones; and

WHEREAS, on September 4, 2008 the California Department of Housing and Community Development (HCD) transmitted the Regional Housing Need Allocation (RHNA) to Inyo County; and

WHEREAS, the County began work in earnest on updating the Housing Element in January 2009; and

WHEREAS, correspondence was transmitted to approximately 100 stakeholders in the County in February 2009, including real estate professional, homeless service providers, public agencies, Native American tribes, and others, advising them of the update process and requesting input; and

WHEREAS, the County held advertised public workshops on March 4, 2009 in Lone Pine and on March 5, 2009 in Bishop to educate interested parties about housing issues, the Housing Element update process, and solicit input; and

WHEREAS, the County produced and made available a draft updated Housing Element on March 18, 2009; and

WHEREAS, the Inyo County Planning Commission held a noticed public hearing on March 25, 2009 and considered the draft updated Housing Element, the staff report, and public comments, and unanimously recommended that the Board of Supervisors conceptually adopt the draft updated Housing Element with specified modifications and submit it to HCD for its preliminary review; and

WHEREAS, the Planning Commission's recommendations were incorporated into the draft updated Housing Element, and the Inyo County Board of Supervisors held a noticed public hearing on April 21, 2009 and considered the draft updated Housing Element, the staff report, and public comments, and on a unanimous vote conceptually adopted the draft updated Housing Element with specified modifications and directed staff to submit it to HCD; and

WHEREAS, the Board of Supervisors' recommendations were incorporated into the draft updated Housing Element, and it was submitted to HCD on May 5, 2009; and

WHEREAS, pursuant to Senate Bill 18 (SB18) and Government Code Section 65352.3, on March 30, 2009 the County requested a list of appropriate native American contacts from the California Native American Heritage Commission (NAHC) from whom to request consultation regarding the Housing Element update; and

WHEREAS, the NAHC transmitted a list of native American contacts to the County on April 8, 2009 for purposes of SB18 consultation regarding the Housing Element update; and

WHEREAS, on April 20, 2009 correspondence was transmitted to the contact list provided by the NAHC requesting consultation regarding the Housing Element update; and

WHEREAS, representatives from the Bishop Paiute Tribe and the Big Pine Band of Owens Valley requested consultation, and met with County representatives on May 28, 2009 and May 29, 2009 respectively, and the consultative process has continued throughout the Housing Element update; and

WHEREAS, HCD transmitted correspondence to the County on July 3, 2009 requesting modifications to the draft updated Housing Element to bring it into compliance with State law; and

WHEREAS, the suggested modifications were incorporated into the draft updated Housing Element appropriately, and a final draft updated Housing Element was produced and made available for public review on July 15, 2009; and

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

WHEREAS, in compliance with the requirements of the CEQA, on June 18, 2009 a draft Negative Declaration/Initial Study (ND/IS) was prepared for the proposed project and circulated to the State Clearinghouse, all affected agencies, and all interested parties for public review and comment pursuant to the provisions of CEQA; and

WHEREAS, in compliance with CEQA, a Notice of Availability/Intent was recorded by the Inyo County Recorder and published in the Inyo Register; and

WHEREAS, the public comment period for the draft ND/IS closed on July 17, 2009; and

WHEREAS, this Commission does hereby find and declare adoption of the updated General Plan Housing Element to be in the public interest; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received at the July 22, 2009, hearing, including the staff report for the project, this Planning Commission makes the following findings regarding the final draft updated General Plan Housing Element and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

- 1.) An ND/IS was prepared and circulated in accordance with CEQA and reflects the County's independent analysis and judgment. Together with the ND/IS, all comments received, the responses to those comments, and all other information in the record, the ND/IS demonstrates that there is no substantial evidence that the project will have a significant effect on the environment.
- 2.) Based on substantial evidence in the record, the proposed updated General Plan Housing Element is consistent with the goals and policies of the Inyo County General Plan.
- 3.) Based on substantial evidence in the record, the proposed updated General Plan Housing Element is consistent with the purposes and intent of Title 18 (Zoning Ordinance) of the Inyo County Code.
- 4.) Consistent with California Government Code Section 65585, the County submitted the draft updated Housing Element to HCD, and HCD provided comments regarding said document, and the County has modified the Element

appropriately in response to those comments as illustrated in the subsequent staff reports, oral testimony, and correspondence with HCD.

- 5.) Based on substantial evidence in the record, the updated Housing Element complies with California Government Code Section 65580 et seq. (i.e., the State's regulations for Housing Elements).

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Certify that the subject ND/IS was prepared in compliance with CEQA, was presented to and considered by the Board, and reflects the independent judgment of the Board; and adopt the ND/IS.
2. Make certain findings with respect to, and approve General Plan Amendment No. 2009-02/Inyo County (Updated Housing Element) based on all of the information in the public record and on recommendation of the Planning Commission.

PASSED AND ADOPTED this 22nd day of July, 2009, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

William Stoll, Chair
Inyo County Planning Commission

ATTEST:

Mike Conklin, Planning Director

By _____
Sharon Birmingham,
Secretary of the Commission