



**Planning Department  
168 North Edwards Street  
Post Office Drawer L  
Independence, California 93526**

**Phone: (760) 878-0263  
(760) 872-2706**

**FAX: (760) 878-0382**

**E-Mail: inyoplanning@inyocounty.us**

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**AGENDA ITEM NO.:** 8 (Public Hearing and Action Item)

**PLANNING COMMISSION  
MEETING DATE:** July 22, 2009

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

#### **EXECUTIVE SUMMARY**

Inyo County is in the process of updating its General Plan Housing Element. The update incorporates the requirements of new relevant legislation, the Regional Housing Needs Allocation (RHNA) stipulated by the State, and new demographic information. A final draft updated Housing Element is provided for the Planning Commission's review and recommendation to the Board of Supervisors.

#### **PROJECT INFORMATION**

**Supervisorial District:** County-wide

**Recommended Action:** **Conduct a public hearing and adopt Resolution No. 2009-05 (Attachment 1) recommending that the Board of Supervisors adopt the 2009 General Plan Housing Element Update and direct staff to submit the Element to the California Department of Housing and Community Development (HCD) for certification**

**Alternatives:**

- 1.) Recommend modifications to the Element.
- 2.) Continue the item to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:** Joshua Hart, AICP, Senior Planner

## **BACKGROUND**

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 2004<sup>1</sup>, 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 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.

The final draft updated Housing Element (refer to Attachment 2) responds to comments provided by HCD (refer to Attachment 3). Responses to the issues raised are summarized below under the subheading "HCD Comments." A copy of the final draft updated Housing Element, which includes changes made in response to its comments, has been provided to HCD for review. If HCD staff raises any additional issues, they will be reported under separate cover. Following the Planning Commission's and the Board of Supervisor's subsequent review of the modification, the updated Housing Element will be submitted to HCD for certification.

## **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

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

- 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.

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. The following analysis provides a summary of the comments, responses to the comments, and an overview of the modifications made. Changes relative to the draft Element submitted to HCD are illustrated in Attachment 2 by underline and strikeout. Most of the changes relate to HCD comments, but also include several clarifications and the results of consultation with local Native American tribes.

***Summarized Comment:*** 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 (LTWA), and may not be available during the planning period. The County should consider alternative sites to offset the units provided by Site 11.

***Response:*** It is appropriate to include Site 11 in the Inventory because it is close to the City of Bishop, near existing infrastructure, and in an area of the County that has a reasonable potential for growth. The site is zoned Multiple Residential (R-3), which permits a range of housing types and higher densities, including the potential for affordable housing.

- The County, DWP, and the City of Bishop have identified an appropriate path to amend the LTWA;
- Amendments to the LTWA have been approved by the County and the DWP Board and now need only be approved by the court;
- The site is included in the release schedule; and
- DWP has committed to expediting the process.

Nevertheless, to offset the units from Site 11, a range of properties appropriate for residential development and located throughout the County have been surveyed and are included in the final draft updated Element, in the unlikely event Site 11 is not available for development during the planning period. In addition, numerous other potential housing sites exist throughout the County, including vacant properties available for infill

development in West Bishop, Wilkerson, Lone Pine, Independence, Big Pine, etc. This analysis illustrates that more than adequate sites are available to accommodate the RHNA.

***Summarized Comment:*** The Element should identify a zone in which emergency (i.e., homeless) shelters are permitted without discretionary review as required by California law.

***Response:*** The final draft updated Element identifies the Highway Services and Tourist Commercial (C-2) zone as the most appropriate zone to permit emergency shelters by right. Possible development standards to be required for such facilities are also identified, such as maximum number of beds, lighting, security, hours of operation, distance to other shelters, etc.

The C-2 zoning district is designated for properties on the north side of Bishop and the south side of Lone Pine, and also properties scattered elsewhere throughout the County, such as in Olancha, Charleston View, and Tecopa Hot Springs. Attachment 6 includes an inventory of C-2 zoned properties in the County and maps illustrating the general location of certain clusters of this zoning. Subsequent to adoption of the updated Housing Element, amendments to the Zoning Ordinance will be necessary to implement the specified policy direction. Development standards may also be specified in the amendments.

Staff believes the C-2 zoning district is the most appropriate selection, primarily because vacant properties with this zoning are available near Bishop and Lone Pine where homeless services are most in demand. Facilities for homeless are also consistent with the purposes and intent of the C-2 zone, due to its highway commercial emphasis (which already permits hotels and motels by right).

Alternative zoning districts for by-right emergency shelters include the Central Business (CB) and Industrial (M1 and M2) zones. Staff believes that these zoning districts are less suitable than the C-2 zone for the following reasons:

- No CB zoning is designated in the Bishop area, which accommodates the greatest population concentration in the County; and
- Most industrial zoned land is located away from the County's main population centers, such as in Pearsonville, Olancha, and Laws.

Except for Commercial Recreation (C-5), little other commercial zoning remains in the County. Properties with C-5 zoning generally are located in more remote locations, consistent with that zoning district's recreational purpose.

Staff believes it is most appropriate to permit emergency shelters by right in non-residential zones. The remaining non-residential zone is Public (P); lands within this zoning designation generally are not vacant. Although the County's airports could

physically accommodate emergency shelters, these uses generally are not considered compatible. An overlay district could also be created to specify locations for shelters.

***Summarized Comment:*** 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.

***Response:*** Very few multiple dwelling projects with more than 15 units are processed in the County, so it is difficult to compare processing times between multiple dwelling projects that required a CUP and those that did not. Nevertheless, staff believes that the CUP component is a relatively minor contributor to processing time, and that compliance with other State and Federal regulations, such as the Subdivision Map Act, the Clean Water Act (i.e., wetlands regulations), and the California Endangered Species Act, represents more time-consuming factors.

Approval findings for CUPs relate to consistency with the General Plan and the Zoning Ordinance, and such consistency is required in any case. Conditions imposed for the only recent multiple dwelling project CUP of which staff is aware (i.e., the Arbors on the north side of Bishop – Site 10 in the Housing Element Site Inventory) generally require compliance with existing regulations. Several other minor conditions were required for the Arbors for (1) refuse collection/disposal and (2) design (i.e., lighting, building materials, and landscaping).

Staff believes that these conditions are not overly onerous. Furthermore, staff believes that discretionary review is appropriate for some residential unit threshold to ensure appropriate site design, adequate infrastructure, and coordination with other agencies to minimize potential impacts regarding traffic, water, noise, biology, and other factors. Alternative thresholds that could be considered include a lower or higher number of units, a density factor (for example, 15 units per acre), or design review.

***Summarized Comment:*** 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.

***Response:*** Specific deadlines have been added to the final draft updated Element for these issues.

## **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). 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 have been received as of the date of publication of this report. It has been requested that references to the Zoning Code in the ND/IS instead refer to the Zoning Ordinance, and this modification is hereby made. If any additional comments are received prior to the Planning Commission hearing, they will be addressed under separate cover.

## **RECOMMENDATIONS**

Staff recommends that the Commission recommend that the Board of Supervisors approve the 2009 Housing Element Update, and upon approval, direct staff to submit the document to HCD for certification.

## **ATTACHMENTS**

1. Resolution No. 2009-05
2. Draft Final Updated 2009 Inyo County General Plan Housing Element
3. HCD Correspondence Dated July 3, 2009
4. Negative Declaration/Initial Study
5. Planning Commission Agenda Report for Draft Updated Housing Element
6. C-2 Zoning Exhibits

Prepared By:

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Joshua Hart, AICP  
Senior Planner

Approved By:

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Mike Conklin  
Director, Inyo County Planning Department