

General Plan Annual Progress Report

2009

County of Inyo



Prepared by Inyo County Planning Department

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I. Introduction

This report has been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR)¹.

The purpose of the document is to report on Inyo County's progress in implementing its General Plan. The document was provided to the Planning Commission and Board of Supervisors for their review. Subsequently, it was submitted to OPR and the Department of Housing and Community Development (HCD).

Background

The County adopted a comprehensive update to the General Plan on December 11, 2001, and has amended the Plan on certain occasions since. The planning process for the update took over four years, many public hearings and meetings, and substantial effort on the part of staff, the Board of Supervisors, the Planning Commission, local organizations and interest groups, and the general public.

The Plan replaced, reformatted, and/or updated a number of older General Plan Elements and other planning documents that had been adopted over the years. In addition to the many working documents, staff reports, and outreach materials, the Plan resulted in the following major documents that are utilized on a day-to-basis in the County's planning processes:

- General Plan Summary
- Background Report
- Goals and Policies Report
- Land Use and Circulation Diagrams
- Environmental Impact Report (EIR)

The Inyo County General Plan received awards of excellence from local chapters of the American Planning Association in 2001. The policy document and diagrams are available on the Planning Department's website at the following link: http://inyo.planning.org/general_plan/index.htm.

Informational Document

This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.

¹ General Plan Annual Progress Report Guidance. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. Revised July 11, 2007. Refer to http://www.opr.ca.gov/planning/publications/GP_APR_Guidance_2007.pdf.

Organization

After this Introduction, a summary of projects and issues addressed in the last year is provided, and then each General Plan element is addressed. Following these topics, the County's planned General Plan and Zoning Ordinance update are addressed. Appendix A includes Government Code Section 65400. Appendix B includes the draft HCD reporting forms.²

II. Plans, Projects, and Accomplishments

During 2009, the County processed numerous projects and participated in a variety of planning programs. The following summaries provide a brief overview of these projects and programs, and are not intended to be exhaustive.

Permits

During 2009, the Department of Building and Safety issued approximately 270 building permits. Of these, about 70 were reviewed by the Planning Department for zoning and General Plan consistency issues. Building permits were issued for three new single-family homes, and demolition permits were issued for three single-family homes, resulting in no net change. Permits for three new mobilehomes were issued, and one demolition permit was issued, for a net increase of two. A demolition permit was issued one second unit. The resulting building permit activity indicates a net increase of one dwelling unit. Certificates of occupancy were issued for eight residences, four mobile homes, two second units, a new store in Olancho, and other minor miscellaneous structures throughout the County, for a total of 31. Building permits were issued for one mobilehome office and one commercial building. Numerous permits were issued for storage containers, including 39 in Laws. Permits were issued for the recently approved water pipeline for the Coso Geothermal Plant and Whitney Portal project. Work on demolishing the Big Pine care facility also was completed.

Planning Permits

The Planning Department processed a variety of planning permits during 2009, including variances, conditional use permits (CUP), subdivisions, and associated environmental reviews. The breakdown in applications received is as follows:

- 2 Parcel Mergers

² HCD is promulgating rules for implementation of the Government Code Section 65400 requirements to provide standards forms for reporting Housing Element implementation status. The current versions of the draft forms are included in Appendix B. Refer to <http://www.hcd.ca.gov/regulations/> for more information regarding the rule-making process.

- 4 Lot Line Adjustments
- 5 Tentative Parcel Maps
- 7 CUPs
- 4 Variances
- 1 Reclamation Plan
- 4 General Plan Amendments (GPA)
- 4 Zoning Reclassifications (ZR)
- 1 Design Review

In addition, 8 zoning violations were logged.

During the past year, the Planning Commission agendas included the following application types:

- 9 CUPs
- 3 Tentative Parcel Maps
- 5 GPAs
- 6 ZRs
- 1 Tentative Tract Map
- 2 Extensions
- 6 Variances
- 3 Reclamation Plans (including amendments)
- 2 Appeals
- 3 Workshops

Of the projects reviewed by the Planning Commission, nine applications were presented to the Board of Supervisors. In addition, the Lone Pine Architectural Design Review Board heard one design review case. No emergency ordinances or moratoria were approved in 2009.

Zoning and General Plan Amendments

The following ZRs and GPAs were reviewed by the Planning Commission and/or Board of Supervisors during the past year:

ZR No. 2009-01 (Mixed Use and Multiple Dwellings in Commercial Zones) – this ZR implemented the General Plan’s direction to conditionally permit mixed uses and multiple dwellings in commercial zones.

GPA No. 2008-02/ZR No. 2008-03/CUP No. 2008-04 (Poole) – this project increased the permitted floor-area-ratio (FAR) in the Retail Commercial (RC) General Plan Land Use Designation from 40 percent to 50 percent, with a CUP, and made corresponding changes to the General Commercial (C-1) and Retail and Highway Services and Tourist Commercial (C-2). Concurrently, a CUP was processed for a 3,450 square foot cabinet

making shop on a property located at 188 Pa Me Lane in Bishop with an FAR of 55 percent.

GPA No. 2009-01/ZR No. 2009-02 (Kemp) – This project at portions of the Kemp/Lubken Ranch in the Alabama Hills involved changing the General Plan Land Use Designation from Agriculture (A) to Rural Residential Medium Density (RRM) and the zoning from Open Space with a 40-acre minimum parcel size (OS-40) to Rural Residential with a 2.5-acre minimum parcel size (RR-2.5).

GPA No. 2009-02 (Housing Element Update) – the County completed a comprehensive update to its Housing Element in 2009, required by State law to be completed by August 31, 2009. The update incorporates the requirements of new relevant legislation, the Regional Housing Needs Allocation (RHNA) stipulated by the State, and new demographic information. The updated Element was adopted by the Board of Supervisors on August 4, 2009 and certified by HCD on September 15, 2009.

ZR No. 2009-04/CUP No. 2009-05 (Batchelder) – This project rezoned three parcels in the community of Laws from General Industrial and Extractive (M-1) to Light Industrial (M-2). The project involved expanding existing storage tanks on the subject properties.

GPA No. 2009-03/ZR No. 2009-05/CUP No. 2009-06 (Crystal Geysers) – This project involved a GPA from Rural Protection (RP) to Light Industrial (LI) and a ZR from Rural Residential (RR) to Light Industrial (M-2) for a 2.3-acre vacant site adjacent on the south side of an existing water bottling plant in Cartago for a proposed new warehouse. The CUP was processed for the use and FAR. The Planning Commission reviewed the project in December 2009, and the Board approved it in January 2010.

ZR No. 2009-06 (Non-conforming Buildings) – Inyo County Code (ICC) Section 18.78.280 indicated in part that a non-conforming building destroyed by more than 50 percent shall not be restored except in full conformity with the Zoning Ordinance. Due to community concerns, the Planning Commission held three workshops regarding this clause, and recommended that the Board amend the ICC to permit reconstruction of destroyed non-conforming residential buildings in all zones, regardless of the extent of destruction. The Board approved the ZR in January 2009.

Other Projects

The following discussion summarizes other current projects regarding which the County expended substantial efforts.

Conditional Use Permit #2007-03/Coso Operating Company LLC ("Hay Ranch" Water Extraction & Delivery System) – in 2008, the County prepared and circulated draft and final EIRs for this project, which proposes to pump water from Coso's Hay Ranch property in Rose Valley near Coso Junction to a geothermal plant in the China Lake Naval Air Weapons Center. The Planning Commission and Board of Supervisors (subsequently on appeal) reviewed and approved this project in 2009.

Tentative Tract Map 239/Walters (Whitney Portal) – a 27-lot subdivision originally approved in 2005. The project EIR was recirculated in 2008 to address alternatives and other issues raised. The Planning Commission and Board of Supervisors (subsequently on appeal), evaluated and approved the project in 2009.

Tentative Tract Map 246/Hooper (Pine Creek Village) – involves a proposal in and adjacent to Rovana to improve and sell 85 existing units and four existing lots, create lots for 47 manufactured homes, provide for 28 patio homes and associated lots, and create 10 new large lots. Staff continued working with the applicant regarding water and wastewater issues. Consultant services to prepare an EIR were solicited in 2009, with the EIR anticipated to be completed in 2010.

Tentative Tract Map 247/Hill-Lopez (Bishop Summit/Starlite) – a 48-lot subdivision in Starlite, west of Bishop. Staff coordinated with the applicants for water supply, fire suppression, and environmental clearance. These activities continue, and it is anticipated that the environmental review process will move forward in 2010.

Mining – pursuant to the Surface Mining and Land Reclamation Act (SMARA), the County continued its oversight activities to encourage production and conservation of minerals and minimize any associated environmental impacts. Staff inspected approximately 100 mines and processed reclamation plans or amendments for the Billie Mine (American Borate Company) in Death Valley, a pit in Chicago Valley (Sorrells), and the Pine Creek Mine (Stratacor, U.S. Tungsten Corp.). The County successfully completed a closure plan and financial assurances for Pine Creek Mine in 2009.

Los Angeles Department of Water and Power (DWP) Land Release – the County continued its coordination efforts with DWP to release lands for private ownership.

Inyo Complex Fire and Mudflows Response – fires in the Oak Creek drainage in 2007 denuded the land. A subsequent rainfall event in 2008 resulted in mud debris flows that impacted the Mount Whitney Fish Hatchery, campgrounds, residences and other structures, and Highway 395. The County provided emergency response services, and continues to work to minimize risks to life and property in the area, as well as plan for reconstruction and mitigation.

Highway 395 Widening – two projects to widen portions of Highway 395 through central Inyo County on either side of Independence continued in 2009, with the Blackrock widening project north of Independence being completed. The County coordinated with Caltrans to minimize impacts during construction. The County also continued to coordinate with Caltrans regarding future widening planned in Olancho. Due to the State budget crisis, progress on the Olancho project could be threatened.

Brill Model 55 Car (Death Valley Railroad Car) – The County assisted implementation of a proposal to begin offering rides to the public on the Brill Car, an existing display at

the Laws Railroad Museum. Public rides will be offered on approximately four holiday weekends per year, for a small fee.

Digital 395 – Inyo County has been supporting efforts to implement this project, which proposes upgrades to telecommunications infrastructure between Mojave and Carson City.

Planning Programs

In addition to the cases described above, the County participates in numerous programs and policy discussions at the local, State, and federal levels. The following list summarizes some of the more active projects from 2009.

Regional Transportation Plan (RTP) – Work began in 2008 on updating the County's RTP, which serves as the planning blueprint to guide transportation investments in the County involving local, state, and federal funding over the next 20 years. The LTC held hearings and workshops in 2008, and adopted the plan in 2009.

Eastern Sierra Transit Authority (ESTA) Short Range Transit Plan – This plan, completed in 2009, provides opportunities for public input into the future of public transit services in all areas of Inyo and Mono counties; establishes goals and performance standards; documents transit needs; provides service plan recommendations; establishes a detailed operating and capital financial plan; and provides a comprehensive marketing plan.

Lower Owens River Project (LORP) – Work continues on LORP, which expands on initial work by DWP to create or enhance riparian and wetland habitats for a wide variety songbirds, waterfowl, and shorebirds along the lower Owens River. LORP provides recreational opportunities for anglers, botanists, hunters, hikers, bicyclists, and bird watchers and preserve historical uses of the land, such as ranching and farming.

HOME Grant – The First Time Home Buyer Program funded four successful applicants, three of which were approved in 2008. The County did not apply for funds for the 2009 Notice of Funding Availability.

Landscaping Ordinance – The County worked on implementation of the State's model water efficiency ordinance.

Water Quality Planning – The County is continuing to work with its partners and the State to tailor septic system standards locally per AB885 to provide for standardized regulations throughout California. The County is also monitoring the Regional Board's efforts to update the Basin Plan and the State Board's update to the National Forest Plan.

Renewable Energy Planning – the County participated in and monitored numerous planning initiatives for renewable energy. These include the BLM's West-wide Energy Corridor EIS, Wind Energy EIS, Solar EIS, and Haiwee Geothermal EIS; California's

Renewable Energy Transmission Initiative (RETI); the Desert Renewable Energy Conservation Plan (DRECP); and, DWP's solar projects on Owens Lake and in the lower Owens Valley.

Inyo County Wildfire Protection Plan – This plan works to identify high-risk communities, proposed fuel-reduction projects, preoperational suggestions, and other measures to reduce fire risk, and was completed in 2009.

Multi-agency Regional Planning Projects – the following projects are independent, but exhibit similarities in certain respects.

Blueprint Project – this project involves iterative land use/transportation modeling and scenario planning in Inyo and Mono counties. Training and modeling has commenced, which will lead to evaluation of future land use scenarios based on transportation decisions, and vice versa.

Eastern Sierra Corridor Enhancement Plan – this project is working to build a theme and identity for communities in the 395 Highway Corridor (including State Route 14) in Kern, Mono, and Inyo counties. The Plan is expected to be completed in 2010.

Land Tenure Project – focusing on opportunities and priorities for land exchanges in Mono and Inyo counties, including public outreach and education about land exchange processes. Work began on this project in earnest in mid-2008, including convening the coordinating committee and selecting a consultant for public outreach. Relying on a grant from the Sierra Nevada Conservancy, this project had been on hold due State funding issues, but recommenced in late 2009.

Inyo National Forest Motorized Travel Management Plan and Environmental Impact Statement – the County requested coordination with the Forest Service regarding the scope of the Environmental Impact Statement (EIS) for this Plan to work to improve access to public lands. The Final EIS and Preferred Alternative were issued in 2009, and numerous meetings were held between County staff, the Board of Supervisors, and Forest Service staff.

Other Forest Plans – the County is monitoring other forest plans, including the updated National Forest Planning Rule, Part A of the Travel Management Rule, and the update to the Inyo National Forest Plan.

Death Valley Park Backcountry Plan – The County is monitoring this plan, which is being proposed to guide decisions regarding future use and protection of the Park's wilderness and backcountry lands, including Congressionally-designated wilderness lands, backcountry road corridors and campsites, backcountry cabins near roads, and non-wilderness backcountry lands.

Wilderness Proposals – the County continued to provide input on the various wilderness proposals that will impact it. The County provided extensive input regarding proposals by Senator Boxer and Representative McKeon that were approved in 2009. The County is monitoring Senator Feinstein’s proposed Desert Protection Act of 2010 as well.

Yucca Mountain Repository Assessment Office – On December 22, 2008, the County filed a Petition for Intervention to the U.S. Department of Energy’s license application to the Nuclear Regulatory Commission, to construct and operate the nation’s first geologic repository for high-level nuclear waste at Yucca Mountain, Nevada. The County was admitted to and participated in the licensing proceedings as a petitioner. Several monitoring and deep wells have been drilled with funds from cooperative agreements and grants between the County and the U.S. Department of Energy. Work began on a socioeconomic impact analysis to evaluate potential impacts from the proposed Repository on the County’s economy and society. The Geographic Information System (GIS) that is housed in the Planning Department works to augment the County’s emergency preparedness, hazard mapping and risk analysis capabilities. A data inventory of known wells in Inyo County and the Death Valley region has been imported into the County’s GIS database system.

Geographic Information System (GIS) Upgrade – the County received a Homeland Security grant to upgrade the County’s GIS, and procured a new dedicated GIS server. High-resolution aerial photographs of the County were acquired, and all data were verified, corrected (if necessary), combined with new data, and migrated to the new server. Two web-based applications were developed for internal access to the GIS, and limited external access is planned in the future. Certain General Plan and zoning inconsistencies were identified and corrected.

Census 2010 – The County is cooperating with the Census Bureau towards the decennial census, including providing updated demographic information, addresses, and development trends, and assisting in modifying census statistical boundaries accordingly.

Regional Agency Integrated Waste Management Plan – this document addresses waste management and provides an overview of the actions that will be taken to achieve diversion requirements and to maintain 15 years disposal capacity. Statute requires that the document be reviewed every five years, and be revised, if necessary. Inyo County’s most recent five-year review was completed May 6, 2009, deemed complete by the California Integrated Waste Management Board November 5, 2009, and approved December 15, 2009.

III. General Plan Elements

The General Plan details the County’s guiding principles for a variety of planning topics and is the constitution for future development. California Government Code Section

65300 et seq. provides direction and specifications for the content of the General Plan. The following seven elements are required:

- Land Use
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Housing

The elements may be combined or renamed, but basic requirements must be included. An agency may adopt any type of optional element, such as an Economic Element, at its discretion. Only the Housing Element must be certified by another agency (i.e., HCD), although some oversight of the Safety Element is provided by the State Geologist.

The Inyo County General Plan consists of the following Elements:

- Government
- Land Use
- Economic Development
- Housing
- Circulation
- Conservation/Open Space
- Public Safety

Subtopics are included in the elements to meet California's requirements. The following sections address implementation for each of the County's General Plan Elements.

Government Element

The Government Element works towards (1) coordination by federal land managers in the preparation of plans that impact the use of lands they manage; (2) improving overall communication and coordination between the County and federal, state, and local agencies and Native American tribes; (3) enhancing and collaborative planning with other federal, state, and local governmental agencies working in California; (4) establishing issues to be considered in the transfer of land between government agencies and with the public; and (5) administrative and maintenance of the General Plan. Towards these ends, the County has continued dialogue with local, regional, state, and federal agencies on a variety of projects, as discussed elsewhere in this report, thereby continuing the previous coordination efforts of the Collaborative Planning Team. The County constantly strives to ensure collaboration between national, California, and regional agencies as required by federal, state, and local regulations. The County works to make such agencies aware of County programs and policies and bring their actions into conformance with the General Plan. Although not always successful in achieving conformance, the County has raised important issues for consideration by decision-

makers in other agencies. In particular, the County worked with the Forest Service regarding its EIS for Motorized Travel Management Plan, and with Senators Feinstein and Boxer, and Representative McKeon regarding wilderness proposals to address local concerns.

The County involves the citizens, Native American tribes, and public interest groups in the planning process whenever feasible. Routine feedback and public input is requested, and the County's website is maintained to provide for current up-to-date information regarding planning issues. The County works with other public agencies to minimize impacts to the County's revenues due to land exchanges, and planning for release of DWP lands continued in 2009. The County continues to strive to keep the General Plan current, and is working towards updating the General Plan and zoning ordinance, as discussed in Section IV. Work is proceeding on updating the General Plan Government Element, which is anticipated to be completed in 2010.

Land Use Element

The Land Use Element guides County land use policy to allow appropriate development with adequate provision of public services and utilities. Land use designations are specified, defined, and mapped in the Land Use Diagrams. The land use designations roughly correspond to the County's zoning districts. Public services and utilities are also addressed in the Land Use Element. Development in and around existing towns is encouraged, which is where most building permits are issued.

During 2009, two amendments to the land use diagram was approved to make minor adjustments to the boundaries of properties in Cartago and the Alabama Hills. Another amendment was processed to adjust floor area ratios. Although no other amendments have been processed, the General Plan/zoning code update project described in Section IV will work to improve consistency between the documents. Amendments to Title 16 (Subdivisions) were implemented to allow for administrative approval of lot line adjustments and mergers, provide for parcel map waivers, etc. Amendments to Title 18 (Zoning) included modified floor-area-ratios, changes to the zoning map, and permitting mixed-use and multiple-family development in commercial zones. Work also began on amending the zoning ordinance's non-conforming provisions.

Potential impacts from new development are assessed under CEQA. Several major EIRs were processed in 2009, including for the Coso/Hay Ranch and Whitney Portal projects. Work is beginning on an EIR for a new proposal for Rovana, known as Pine Creek Village. The County continues to apply CEQA to projects with potential impacts. Additional conditions of approval and mitigation may be required if deemed necessary to provide for screening, parking, noise-reduction, or otherwise address issues per the General Plan's direction.

Economic Development Element

The Economic Element works to support long-term efforts to improve economic conditions for all County residents, and addresses tourism, natural resources, and retail sales. Towards these ends, the County has continued to promote access to public lands and limit new restrictions being planned. Promotions regarding Inyo County in major population centers elsewhere in the State (including at the State fair) are carried out. Filming opportunities are exploited, and several dramatic locations were featured in film, television, and other venues in 2009. Work is beginning on a socioeconomic impact analysis for the Yucca Mountain project.

Housing Element

The Housing Element, updated and certified by HCD in 2009, works to provide housing for all of the community, and addresses the needs of specified populations. Preliminary data indicate that in 2009 approximately one net new housing unit was produced. Policy changes required by the State in the updated Element 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.

The County continues to work with service providers to provide for the needs of lower-income households, the disabled, and other special needs populations, per the direction provided in the Housing Element.

Circulation Element

The Circulation Element addresses a wide variety of topics, including roads, scenic highways, public transportation, bicycles and trails, railroads, aviation, canals, pipelines, and transmission cables. During the 2009, the County updated the RTP, thereby achieving the Circulation Element's policies to maximize State and federal funds and plan a comprehensive transportation system. These planning programs prioritize improvement to achieve implementation measures for roadway repaving and reconstruction projects. Widening of Highway 395 as recommended by the Circulation Element continues, and other County roads are improved and maintained as funding permits. Due to current State budget issues, maintenance of existing facilities and continuation of these improvement projects will be challenging.

As discussed previously, projects are reviewed to minimize impacts, provide for parking, reduce vehicle trips, and optimize transportation access. Continuing improvement in telecommunications infrastructure provides opportunities for telecommuting and economic development. The County has coordinated with Caltrans to minimize environmental impacts from the 395 four-lane projects. Viewshed issues along scenic highways are also addressed, as they may apply. The County continues to press the Forest Service and other federal agencies to address local concerns regarding appropriate motorized transport on federal lands and to otherwise maintain and improve access.

The County continues to work with and support ESTA to implement transit service throughout the County and beyond. The Short Range Transit Plan completed in 2009 implements the General Plan's direction to support and promote public transit and accessibility, despite difficulties brought on by the State budget crisis.

The County worked with the City of Bishop, Caltrans, and other local stakeholders to implement the Collaborative Bikeways Plan, which was adopted in 2008. This project implements the Circulation Element's bicycle goals, policies, and implementation measures. Continued coordination with DWP, the Forest Service, and the Bureau of Land Management ensures appropriate trail maintenance and access to public lands. The County continues its planning efforts to improve the Bishop airport, and is working with DWP regarding long-term ownership. The County is working on improving other airports in its jurisdiction by seeking grant funds and coordinating with Caltrans and the Federal Aviation Administration.

The County has been involved in planning activities for utility transmission and distribution systems passing through it, working to facilitate appropriate resource development. The County continues to work with telecommunication providers to provide for enhanced wireless communication systems.

Conservation/Open Space Element

The Conservation and Open Space Element works to provide for resource management, open space for recreation, and park development. Inyo County's Element includes sections on soils, agriculture, minerals and energy, water, biology, cultural (i.e., archaeology), visual, and recreation.

The County continues its programs to support agriculture and ranching. Mineral resource development is encouraged, and the County reviews projects to ensure compliance with SMARA and other regulations. As discussed above, the Planning Commission continues its work providing oversight for reclamation plans, and staff inspected approximately 100 mines in 2009. The County is working with State and federal agencies to encourage mineral production, but has had difficulty limiting wilderness proposals and other actions that adversely impact mining viability.

The Environmental Health Department provides oversight and permitting for potable water and wastewater treatment systems to manage and improve water quality. Individual projects are reviewed to ensure that they do not adversely impact groundwater quality or quantity. Work on LORP and other enhancement projects improve surface water quality through biological filtering. Water transfers are reviewed to minimize environmental and economic effects. The County has intervened in the Yucca Mountain project to work to protect groundwater supplies in the vicinity of and downgradient from the site. Potential impacts on biological, cultural, and visual resources are analyzed for projects and programs through environmental review processes. Design review in Lone Pine is carried out to ensure compatibility, and the County is participating in 395 Corridor planning to strengthen identity along the highway.

The County continues to work to improve its parks. The County continues to work to provide access to federal lands.

Public Safety Element

The Public Safety Element works to reduce hazards regarding air quality, floods, avalanches, wildfires, geology and seismicity, and noise. The County continues to cooperate with DWP to reduce dust from Owens Lake, and evaluates air quality issues for major discretionary projects. Building permits and other development proposals are reviewed for flooding, fire, avalanche, and faulting hazards. The General Plan EIR's mitigation requirements for avalanche hazards are enforced in areas subject to avalanche hazards. As discussed previously, the County has completed a fire management plan, and continues to address the Inyo Complex Fire and Oak Creek mudflow. Noise issues are addressed through environmental review, but the County Code has not been updated with a noise ordinance.

IV. General Plan and Zoning Code Update

The County is updating the General Plan to address issues that have arisen since the 2001 General Plan was adopted. Several items were addressed individually since then, but a holistic review and update is desired. Some follow-up modifications to the zoning ordinance specified in the General Plan have yet to be implemented, and a comprehensive update to the zoning is also being pursued.

A comprehensive update to the Government Element began in 2009. This effort includes addressing coordination, resource and policy issues, and other government-to-government relations, and was completed in February 2010.

Work remains to update the General Plan and Zoning Ordinance. Major tasks anticipated include the following:

- Reconcile the General Plan and Zoning Ordinance;
- Reformatting;
- Address specific issues;
- Public outreach.

County staff maintains a list of issues to be addressed, including the following major topics:

- Expand language regarding natural resource production to encourage mining and rural agricultural uses;
- Address changes in General Plan requirements that have occurred since 2001, including climate change, environmental justice, etc.;
- Provide consistent definitions and language in the zoning ordinance;
- Provide standards for wind and solar energy development;
- Incorporate noise standards into the County Code;
- Provide for ability to flex development standards in limited situations.

V. Conclusion

The General Plan is the County's constitution and guiding vision. Due to the world's ever-changing nature, upkeep and maintenance of the General Plan is a continuous process. The County implements the General Plan's vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process. However, the County has encountered difficulty in making the voice of its citizens heard in some State and federal planning issues.

The County provided leadership and participated in many planning activities in 2009, as identified in this report. It continued its project review responsibilities to further the General Plan's goals, policies, programs, and implementation measures. Several focused updates to the General Plan have commenced or been approved in the last year, including approval and certification of the updated Housing Element, and a comprehensive update to the Government Element is moving forward. Completion of the Government Element update is planned in 2010, as well as updates to remainder of the General Plan and the zoning ordinance.

Appendix A

Government Code Section 65400

- (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:
 - (1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
 - (2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:
 - (A) The status of the plan and progress in its implementation.
 - (B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583. The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). Prior to and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.
 - (C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.
- (b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the

housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

Appendix B

**Draft Housing and Community Development Department Annual Element Progress
Report Forms**

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Inyo
Reporting Period January 1, 2009 - December 31, 2009

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information				Housing with Financial Assistance and/or Dead Restrictions			Housing without Financial Assistance or Dead Restrictions	
1	2	3	4	5	6	7	8	
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Income			Assistance Programs for Each Development See Instructions	Dead Restricted Units See Instructions	
			Very Low Income	Moderate Income	Above Moderate Income			
				Total Units per Project	Est. # Mill Units*			
(9) Total of Moderate and Above Moderate from Table A3				6				
(10) Total by income Table A/A3				6				
(11) Total Extremely Low-Income Units*								

* Note: These fields are voluntary

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Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) Description of Activity including Housing Element Program Reference
	Extremely Low Income*	Very Low Income	Low Income			
(1) Rehabilitation Activity					0	
(2) Preservation of Units At-Risk					0	
(3) Acquisition of Units					0	
(5) Total Units by Income	0	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	3				3	6	6

* Note: This field is voluntary

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Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted											116
	Non-deed restricted											
Low	Deed Restricted											70
	Non-deed restricted											
Moderate	Deed Restricted											83
	Non-deed restricted											
Above Moderate		18	16	6							40	148
Total RHNA by COG												
Enter allocation number												457
Total Units		18	16	6							40	417
Remaining Need for RHNA Period												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

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Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
	Goal 2.0 - Provision of adequate sites	Release of DWP lands	Ongoing	The County continues to work with DWP to release identified lands. The County is working to identify a judge to approve amendments to the LTWA, as the presiding judge has retired.
	Policy 2.2 - Emergency Shelters and Transitional Supportive Housing	Amendments to Zoning Ordinance	August 2010 (and later)	The County is working on amendments to the Zoning Ordinance, and anticipates completion prior to August 2010.
	Policy 2.3 - Extremely low-income			
	Policy 3.3 - Second Units			
	Program 5.2.2 - Admin. Approvals			
	Policy 5.4 - Residential Care Facilities			
	Policy 5.1 - Residential in commercial areas	Mixed and residential uses in commercial areas	Ongoing	The County amended the zoning ordinance in 2009 to permit mixed/multi-family development in commercial zones, and initiated an amendment to allow reconstruction of non-conforming residential buildings in any zone.

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General Comments:

1. affordability levels for newly permitted units cannot be determined - assumed to be above moderate; 2) physical site preparation began for Site No. 2 (i.e. Whitney Portal), in the sites inventory; 3) EIR commencing for Site No. 3 (i.e., Pine Creek Village) in the sites inventory.