

Foreward

Draft Inyo County Zoning Code and General Plan Update

May 2013

The County adopted a comprehensive General Plan update in 2001.¹ One of the follow-up actions directed in the 2001 General Plan was to update the Zoning Code, which is a component of the Inyo County Code (ICC).² Staff worked with Willdan to prepare updated Zoning Code sections, which were provided for review by the Board and the Planning Commission in a series of workshops in 2011. Staff incorporated this input into a comprehensive Zoning Code update and prepared a related General Plan update in 2012;³ these were presented to the Board and Planning Commission in a joint workshop on July 10, 2012. Two issues were investigated further at workshops later in 2012: (1) code enforcement and (2) special event permits. This document incorporates the interim resolution to these issues and all of the previous input, and is being presented for public review and feedback prior to beginning environmental review.

Next Steps

For the preliminary community engagement, staff plans to first meet with interested organizations and community groups, such as the chambers of commerce, to describe the Update and solicit input. Following the initial public engagement, staff plans to hold more formal public meetings in Bishop, Big Pine, Independence, Lone Pine, and Tecopa/Shoshone. Once these have been completed, staff plans to update the documents and begin working on the environmental review phase, which will include additional opportunities for public input. Lastly, the Commission and the Board will review and consider the final documents, which will incorporate input from the environmental review phase.

Zoning Code Overview

The proposed Zoning Code Update comprehensively reorganizes the Code. Also proposed are updated Zoning Maps developed with Geographic Information Systems (GIS) to replace the current paper maps in a format consistent with the General Plan Land Use Diagrams. The following subsections highlight several major changes proposed to the Zoning Code. A more comprehensive summary is provided in Attachment 1. The draft Code is included in Attachment 2, the Use Matrix is included in Attachment 3, and the draft Zoning Maps are included in Attachment 4.

Code Enforcement: currently staff processes code enforcement cases based on written complaints, with enforcement limited to forwarding unresolved cases to the District Attorney. The draft Code proposes to substantially strengthen the system, including specific text for staff to investigate violations independent

¹ The 2001 General Plan Policy Documents and land use diagrams may be viewed online at http://inyoplanning.org/general_plan/index.htm. The Background, Issues/Alternatives, Draft/Final Environmental Impact Report, and other information from the 2001 General Plan update effort are available for review at the Planning Department offices.

² The existing Zoning Code may be reviewed online at <http://www.qcode.us/codes/inyocounty/>, and the existing Zoning Maps are available for review in the Planning Department offices.

³ Previous documents from the update effort, including the preliminary draft Zoning Code/General Plan Update are available at this website - <http://inyoplanning.org/GPandZoningUpdates.htm>.

of any complaint, abate the violation, impose fines, and collect costs from property owners for processing costs.

Permitted/Conditionally Permitted Uses: the proposed permitted and conditionally permitted uses by Zone District are included in the matrix in Attachment 3. These use classifications have been standardized across Zone Districts.

R-1 and RMH Zoning Districts: the existing One Family (R-1) and Single Residence or Mobilhome Combined (RMH) Zone Districts are proposed to be merged into the Single Family Residential District (R-1). Consideration may be given to not merging these districts due to the different character between them.

Community Overlays: due to the varying character throughout the County, interest in varying development standards has been expressed, possibly through an overlay, maintaining the distinct R-1/RMH zoning districts, or another mechanism. No proposal is being carried forward at this time, but may be included as the process proceeds.

C-4 and M-2 Zoning Districts: the Heavy Commercial (C-4) and Light Industrial (M-2) Zoning Districts are proposed to be merged, primarily due their similarity in the existing code. The permitted and conditionally permitted uses in these districts have been substantially expanded relative to the existing zoning.

Definitions: definitions are provided based on the updated Zoning Code. These have been crafted based on a mix of the existing definitions, those previously recommended by the consultant, and previous input. It is requested that the Board and the Commission review these in more detail than previously.

Modifications: a new procedure is proposed to allow for administrative approval of minor deviations to development standards (e.g., minor setback reductions) and accommodations for people with disabilities.

Special Event Permit: a new procedure for special event permits is proposed, including incorporating the County's music festival ordinance (Inyo County Code Chapter 5.12). Exemptions for a limited number of garage sales and small commercial parties in Residential (R) zone districts are proposed.

Animal Maintenance: minor clarifications are proposed to make the regulations more clear, and provide for setbacks between structures intended for animals and off-site residential structures.

Right-to-Farm: new right-to-farm provisions are proposed.

Storage: requirements for storage have been expanded to limit storage in front and corner-side yard setbacks and on vacant parcels.

Noise: staff worked with the Sherriff to identify a qualitative standard for noise control per California Penal Code Section 415. The proposal regulates noise generated in and received in R zone districts.

Parking: standardized parking standards and new loading standards are proposed. Parking/loading space dimension and aisle width requirements are also proposed.

Military Operations Area Overlay: Representatives of the Department of Defense have requested that the County consider a Military Operations Overlay to provide for project review within the Overlay by the Military and notice to people living or developing within the Overlay (refer to Attachment 4).

Major Issues with Zoning Code Update

Generally, most of the changes proposed to the Zoning Code have not been controversial or are primarily format-oriented. The following issues, however, have engendered a great deal of discussion: code enforcement, special event permits, storage containers, storage in required yards, commercial parking lots, parking, noise, animal maintenance, and merging zoning districts.

General Plan Update

Due to the County's rural character and lack of change since 2001, modifications proposed to the General Plan are relatively insubstantial. For the most part, these consist of minor changes to address the Zoning Code Update, changes to State law since 2001, and other desirable changes. A summary of the proposed changes is included in Attachment 5, the draft General Plan Update is included in Attachment 6, and the General Plan Diagrams are included in Attachment 7. The following summarizes the more substantive alterations.

- The most noticeable change is a reformat, elimination of extraneous editorial and cross-referencing, and updating the implementation schedule.
- Substantive changes include providing more flexibility for noise and agricultural resources; reflecting the updated Zoning Code; addressing legacy communities more specifically; providing for climate change, and; eliminating certain aesthetic and scenic highway goals, policies, and implementation measures.
- No changes are proposed to the Housing Element, as this would require approval by the State, the Element was updated in 2009, and the next update cycle is approaching in 2014.
- Minor changes are proposed to the Safety Element, which will require review by the State.
- Due to its recent update, no changes are proposed to the Government Element.
- Staff will work to identify any policy changes that may be desirable based the Environmental Protection Agency's (EPA) Toolbox program that the County applied and was accepted for to address elderly populations. There may be related changes recommended to the Zoning Code.
- The County recently received grant funding from the California Energy Commission to prepare an Environmental Impact Report for the County's previously rescinded Renewable Energy General Plan Amendment (REGPA). Depending on the timeline for this process, the REGPA could be folded into this General Plan Update in the future.

Staff has prepared a user friendly set of Land Use Diagrams, incorporating amendments processed since 2001 (refer to Attachment 7). Staff has also cross-referenced the maps with the GIS and worked to better define the Agricultural (A) land use designation, and continues working on cross-checking.

Several major issues are not addressed by this update, primarily due to their complexity. For example, in a number of instances, staff believes the General Plan land use designations and zoning for particular properties may not be compatible. Correcting this issue at a County-wide scale would require a great deal of analysis and discretion. Also, a clarified General Plan definition for net and gross acreage (previously amended but rescinded due to litigation) is not being carried forward due the potential complexity of environmental review. Staff recommends that these issues be addressed in the future when greater resources are available.