

Attachment 5

Summary of Inyo County General Plan Update

May 2013

The County comprehensively updated its General Plan on December 11, 2001. One of the follow-up actions was to update the County's Zoning Code per the direction provided in the General Plan. During the past several years staff has been working to update the Zoning Code and holding workshops on proposed changes with both the Inyo County Planning Commission and the Inyo County Board of Supervisors. As a result of those changes to the Zoning Code, related changes to the General Plan are being considered to maintain consistency between the two documents.

This document summarizes the changes proposed to the General Plan and serves as a background report for the update effort. On broad terms, the changes are relatively minor, primarily related to the Zoning Code update. Other changes are proposed to address new State laws and planning practice, as well as evolving local policy.

Following this introductory section, a description of the changes through the General Plan document is provided. Then, an analysis of changes to State law since 2001 is presented. Finally, an analysis of the 2001 General Plan's recommendations for the Zoning Ordinance is provided.

Overview

The proposed General Plan Update is included in Attachment 6. With a few exceptions, major substantive changes from the current General Plan are illustrated in ~~strikethrough~~ and underline, as illustrated in the previous clause. Approved amendments since 2001 have been incorporated (these are not illustrated in ~~strikethrough~~ or underline as they are considered part of the current General Plan).

The document has been reformatted for ease of use. Substantive changes not illustrated in ~~strikethrough~~ and underline include the following:

- Format changes, including style, numbering, relocation, and page layout.
- Introductory sections have been deleted to make the document more friendly and focused on policy. Deleted sections include a description of communities, repetitious forwards in the individual chapters, and unneeded definitions. The Introduction has been substantially revised to be more user-friendly, and illustrating the changes would be confusing.
- Cross-referencing has been deleted. Staff believes these are unutilized and unneeded.
- The implementation schedules have been updated, and illustrating the alterations would be confusing.

The one major issue that has changed since 2001 and warrants updating the General Plan is renewable energy. However, the County attempted to update the General Plan in 2010 to address renewable energy, and was forced to rescind the update due to litigation. The California Energy Commission recently approved funding for the County to prepare an Environmental Impact Report (EIR) for renewable energy; any outcome from this work may be folded into this General Plan Update if possible.

Substantive Changes

The following summarizes the proposed substantive changes to the General Plan.

Introduction: some of the general background information on Inyo County, the explanation of the processes in California that govern General Plans, as well as the specific history of the Inyo County General Plan process, has been deleted from the prior version of the General Plan document, as a way to make the overall document shorter and more focused. In addition, the listing of all the various communities within the County has also been deleted from this version of the General Plan document – again, as a way to make the overall document more abbreviated and focused.

Chapter 1 (Government Element): no changes are recommended, as this Element was recently updated in 2010.

Chapter 2 (Land Use Element): this Element includes the following two subsections (1) Land Use and (2) Public Services and Utilities.

- Land Use – minor changes to the DWP land releases are proposed to reflect progress since 2001. References to the Manzanar land exchange have been deleted as this has been completed. Reference to healthy communities, seniors and special needs populations, climate change, and legacy communities has been added.
- Public Services & Utilities – Reference to the Model Water Efficiency Landscape Ordinance and Digital 395 are added. The policy to streamline childcare facilities is deleted as it is unnecessary. Reference to legacy communities and onsite renewable energy generation has been added.

Chapter 3 (Economic Development Element): minimal changes are proposed. Minor changes to the main street program implementation measures are proposed to make them more generalized, outdated sections are proposed to be deleted, and references to Digital 395 are added.

Chapter 4 (Housing Element): no changes are proposed for the Housing Element, as it was recent amended, with the amended document approved by the California Housing & Community Development (HCD).

Chapter 5 (Circulation Element): new policies are proposed to protect and enhance access, off-highway vehicle routes, and County roads.

Chapter 6 (Conservation/Open Space Element): minor changes are proposed to provide for flexibility for agricultural resource mapping and better describe noxious weeds. References to the environmental resource area mapping are deleted as these are unneeded due to the extensive resource protection provided by other agencies.

Chapter 7 (Public Safety Element): references to climate change are added. The 100-year flood zone definition is replaced with FEMA definition. Slope constraints are deleted based on the Zoning Code update. Table 7-8 regarding noise has been modified to provide for greater flexibility. Noise-related implementation measures for the Zoning Code are deleted as they have been addressed.

Changes to State Law Since 2001

There are a number of State-mandated requirements that have been added since 2001 when updating general plan documents. The following lists such requirements, together with staff's understanding of how Inyo County is in compliance.

- **SB 244:** Implements a requirement that on or before the next adoption of its Housing Element a city or county must review and update the Land Use Element of its General Plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as well as water, wastewater, stormwater drainage, and structural fire protection deficiencies in such communities, and financially feasible ways to extend those services.
Application to Inyo County: There are no communities within the County that could be defined or identified as island or fringe. A number of Legacy Communities are identified in the County (refer to Exhibit A); these are Charleston View; Darwin; Furnace Creek; Keeler; Lone Pine; Shoshone; Tecopa; Trona; and Wilkerson. The County works to improve water, wastewater, stormwater drainage, and fire protection in these (and all its communities) within its fiscal, administrative, social, and legal constraints. (For example, the County recently submitted a grant proposal to upgrade the Lone Pine water system, and continues to assist in identifying funding for development of safe drinking water supplies in Tecopa.) In many cases, the inhabitants that live in these communities do so due to their rural character and solitude, and therefore development of services and facilities requires a balanced approach. The General Plan's existing discussion of water, wastewater, stormwater drainage, and fire protection addresses the requirements of SB 244; clarifications are proposed to further refine the treatment of Legacy Communities.
- **AB 162 of 2007 (now Chapter 369 of the 2007 Statutes):** Implements a requirement that three elements of General Plans (i.e., Land Use, Conservation, Safety) address flood control management issues in the following ways:
 - **Land Use Element:** must identify, and annually review, areas covered by the General Plan that are subject to flooding, based either on FEMA (Federal Emergency Management Agency) or California Department of Water Resources (CA-DWR) mapping.
Application to Inyo County: the General Plan already has done this, both as a result of the EIR prepared when the General Plan was updated in 2001, and also in 2011, when new FEMA maps were updated and adopted.
 - **Conservation Element:** must identify rivers, creeks, streams, flood corridors, riparian habitat, and any lands that may accommodate floodwaters for the purpose of both groundwater recharge and stormwater management.
Application to Inyo County: this has already taken place through both the FEMA mapping process and the EIR prepared as a result of the 2001 update of the Inyo County General Plan.
 - **Safety Element:** must identify flood hazards to communities, and establish a set of comprehensive goals, policies, and objectives for the prevention of flooding of communities.
Application to Inyo County: mapping for flood-prone areas of the County has already taken place through FEMA mapping efforts; the General Plan already contains goals, policies and objectives for flood prevention (Chapter 9.3 Flood Hazards).

- **SB 2 (now Chapter 633 of the 2007 Statutes):** Implements a requirement that local governments assess their need for emergency shelters, and requires such local governments to identify at least one zone district where such emergency shelters are allowed, subject to approval of a conditional use permit or other discretionary permit process.
Application to Inyo County: This requirement is being addressed with the planned changes to the Inyo County Zoning Ordinance, which will identify appropriate zone districts for emergency shelters.

- **AB 1553:** Specifies that the Office of Planning & Research (OPR), within its *General Plan Guidelines* document, should propose methods for local governments to address the following issues of environmental justice within their General Plans (see pages 25-30 of *General Plan Guidelines*):
 - Location of new public facilities and services that enhance community quality of life (including open space).
 - Location of industrial facilities that pose a significant hazard to human health and safety.
 - Location of new schools & residences away from proximity to industrial facilities or uses that pose a significant hazard to human health and safety.
 - Promoting livable communities by increasing transit-oriented development (TOD) as a means of minimizing traffic and pollution impacts.

Other issues of environmental justice include the public participation process. Structuring procedures and processes within the land use review process which allow for early and meaningful involvement by all affected populations, is a fundamental means of assuring that people of all backgrounds have equal opportunities for input into issues of environmental policies and regulations.

Application to Inyo County: A number of General Plan goals address community quality of life issues (Goals SH-1, VIS-1). The appropriate location of industrial facilities is dealt with under Goal LU-4. Issues of transit-oriented development can be said to be addressed within Goal RH-1, which states that it is the goal of the County to pursue a transportation system that is safe, efficient, and comfortable, and which meets the needs of people and goods and enhances the lifestyle of the County's residents. Issues of public participation are dealt with under Goal GOV-2, which states that it is a goal of the County to ensure that planning decisions take place in a collaborative environment and to provide opportunities of early and consistent input, with Policies GOV 2.2 and GOV 4.3 specifically directed at including the public within the planning process.

- **AB 1358 ("The California Complete Streets Act"):** Requires cities and counties to integrate multimodal transportation network policies into the Circulation Element of their General Plan. Such a multimodal network should consist of complete streets which are designed and constructed to serve all users regardless of age or ability, or whether they are driving, walking, bicycling, or taking transit – and taking into consideration that not all pedestrian, bicycle, or transit routes may be located on or along streets, roads, or highways.
Application to Inyo County: Multimodal transit issues are addressed within Inyo County General Plan Goal RH-1, which states that it is the goal of the County to pursue a transportation system that is safe, efficient, and comfortable, and which meets the needs of people and goods and enhances the lifestyle of the County's residents. Policies RH-1.8 and RH-1.9 also support multimodal transit issues, as both policies prioritize transportation projects that improve the efficiency, safety, and quality of existing facilities, and seeks to develop a comprehensive

transportation system in cooperation with other groups. Policy PT-1.8 specifies the development of multimodal facilities at airports, where appropriate.

- SB 1468 & SB 1462: Outlines the responsibilities of cities and counties with respect to addressing military compatibility issues in the planning and land use decision-making process. *Application to Inyo County*: Military compatibility issues are addressed within the government element of the Inyo County General Plan (Goals GOV 1 & 2, and Policies GOV-1.1, -2.1, and -2.2). In addition, in 2008 Inyo County participated as an identified stakeholder in the Governor's Office of Planning & Research R-2508 Joint Land Use Study on military compatibility issues for military bases and air space existing within portions of Inyo, Kern, Los Angeles, San Bernardino, and Tulare counties (the Naval Air Weapons System-China Lake is partially located within Inyo County). The County is also proposing to add an overlay to the Zoning Code for military airspace.

- AB 441: Specifies that the Office of Planning & Research (OPR), within its *General Plan Guidelines* document, should develop voluntary methods for how local governments may incorporate health issues into their general plans, including such issues as opportunities for recreational and physical activities, increasing the availability of fresh produce, health-promoting transportation systems, increasing economic & community development, and increasing opportunities for civic participation & building social networks via the pursuit of healthy activities. *Application to Inyo County*: A number of existing goals and policies within the Inyo County General Plan address issues of healthy communities, such as Goal BT-1 (encouraging use of non-motorized transportation), Goal SH-1 (enhancing quality of life through scenic resources), Policy RH-1.5 (proper access), Policy PSU-7.3 (public participation), Policy PSU-11.5 (community centers). Additional ideas for implementation of health community principles include:
 - Promoting the use of parks and school facilities as community centers, both to encourage opportunities for physical activities and also as a way to build social networks and encourage civic participation activities.
 - Promoting farmer's markets or other programs offering fresh and/or locally-grown produce.
 - Transportation systems that incorporate bikeways and walking paths and other such "commuter choice"/multi-modal transit options.

The General Plan addresses these issues already, and little need for change is recognized. Specific references to healthy communities and seniors are proposed to be added.

- AB 32 and SB 375: these regulations work to minimize impacts from climate change and their General Plan references are focused on design of urban areas. *Application to Inyo County*: Much of the bills' provisions do not apply to Inyo County, and their focus on urban areas makes many of their provisions inapplicable. Since less than two percent of the County is in private ownership, urban sprawl is an impossibility. Regardless, the General Plan's goals, policies, and implementation measures work to promote compact communities where vehicular use is not necessary, limit emissions, and discourage sprawl. Although not required, staff recommends that emissions modeling be undertaken during the environmental review stage. References to climate change are proposed to be added to the Public Safety Element, as these are the most relevant issues for Inyo County.

- SB 1241: this law requires that the Safety Element address the risk of fire in state responsibility areas (SRA) and very high fire hazard severity zones, and that OPR develop guidelines in regards thereto.
Application to Inyo County: The General Plan addresses fire hazards, and additions are proposed to encourage local fire protection in SRA. The County will monitor the progress of OPR's guidelines and coordinate with CalFire through the General Plan update process.

2001 Recommendations for Zoning Ordinance

As part of the 2001 General Plan Update process, a number of changes to the Inyo County Zoning Code were recommended in order for the Zoning Code to achieve greater consistency with the Inyo County General Plan document. Below is a list of those recommended changes, followed by staff's analysis of the status of the recommended changes. As these have been addressed, many of these are no longer needed in the General Plan and are recommended to be deleted.

- I.) 2001 General Plan Recommended Updates to the Zoning Ordinance: The following is a list of changes to the Zoning Code that were recommended as part of the 2001 General Plan update, followed by the status/progress that has been made toward the recommended changes:
- Achieve consistency with the Land Use Element's goals, policies and implementation measures.
Status: These have been incorporated, as appropriate.
 - Implementation of projects and measures from the Long-term Water Agreement.
Status: This has taken place, and no further action is recommended.
 - Undergrounding of utilities.
Status: Staff is unaware of issues related to undergrounding utilities. As a result, staff is not recommending that this issue be carried forward into updates to the Zone Code, and recommends that the General Plan policies (PSU-1.7) and implementation measures (Public Services & Utilities-2.0 – 4.0) connected to this issue be deleted.
 - Financing capital facilities and expanded services.
Status: Existing procedures require addressing certain such issues through the standard development process, and many others are addressed by the Local Agency Formation Commission. Due to the relatively slow pace of development in the County, these existing regulations are adequate to address paying for new capital facilities and expanded services. As a result, staff is not recommending that this issue be carried forward into updates to the Zone Code, and recommends that the General Plan policies (PSU-2.1 – 2.4) and implementation measures (Public Services & Utilities-5.0 & 6.0) connected to this issue be deleted.
 - Recycling.
Status: Due to the relatively low density of development in Inyo County, providing areas for recycling is generally not an issue. As a result, staff is not recommending that this issue be carried forward into updates to the Zone Code.
 - Streamlining.
Status: Streamlining procedures have been incorporated.

- Second unit development standards.
Status: Staff recommends that existing Inyo County Code language be carried forward (Section 18.78.340), without the CUP requirement, which is no longer allowed under State law, which allows second units by right in all residential zones, subject to certain requirements.
- Scenic Resources.
Status: Scenic routes within the County are generally located away from developed areas and are protected by existing zoning and public land management. Additional regulations are therefore unnecessary, and staff recommends that General Plan policies (SH-1) and implementation measures (Scenic Highways SH-1.0 – 4.0) connected to this issue be deleted.
- Airport land use compatibility (including noise).
Status: The Zoning Ordinance includes an Airport Hazard Overlay and County airports are relatively small; no further changes to the Zoning Code are necessary.
- Erosion control and grading.
Status: Staff is unaware of any specific concerns regarding erosion control and grading issues – particularly given the flat topography and lack of rain within the County.
- Establish minimum park standards.
Status: The County’s Subdivision Ordinance addresses park and recreational dedications for subdivisions. Park development plans and funding are addressed through the County’s park and recreational programs. Therefore, the Implementation Measure is unneeded, and staff is recommending that it be deleted in the update to the General Plan.
- Incorporate new identified avalanche standards.
Status: The General Plan EIR’s avalanche hazards are proposed to be incorporated into the Code.
- Limit maximum slope and maximum average slope that can be built on.
Status: Staff is unaware of issues related to construction on steep slopes, and is recommending that this issue not be carried forward into Zoning Code updates, and that the General Plan policy (GEO-1.5) and implementation measure (Geologic & Seismic Hazard-9.0) connected to this issue be deleted.
- Noise standards.
Status: A qualitative noise standard is recommended.
- Construction noise.
Status: The referenced standard has been updated and incorporated into the Code.
- Lighting/ “Dark Skies” Ordinance.
Status: There has been great interest expressed within the County from a number of different groups and individuals on the issue of controlling light pollution. Staff recommends incorporating language from the General Plan policies into the zoning ordinance.

Exhibit A - Legacy Communities

