



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Planning Department and Planning Commission

**FOR THE BOARD MEETING OF:** June 21, 2011

**SUBJECT:** Zoning Code Update Workshop

**DEPARTMENTAL RECOMMENDATION:** Conduct a workshop regarding draft sections of the updated Zoning Code and provide input to staff and the Planning Commission.

**SUMMARY DISCUSSION:** The County adopted a comprehensive update to the General Plan on December 11, 2001. One of the follow-up actions from the General Plan was to update the Zoning Code. Staff has been working with Willdan to prepare updated Zoning Code sections, the first batch of which was provided for the Planning Commission's review and input on April 27, 2011, and is now being provided to the Board. Staff plans to provide draft Zoning Code sections to the Planning Commission and the Board in a series of workshops to solicit feedback regarding the proposed approach. Staff will incorporate this input into a comprehensive Zoning Code update, and then identify any modifications that might be necessary to the General Plan in response to the proposed Zoning Code updates, as well as other desirable General Plan modifications. Public input will be solicited throughout the process. Subsequently, a comprehensive package will be prepared to begin environmental review.

The existing Zoning Code is a component of the Inyo County Code (ICC) in Title 18, and is divided into approximately 35 sections in a relatively standard linear format. It appears as if the Code began as a modified pyramid zoning scheme, with industrial and commercial zoning being more permissive than residential zoning, but has become customized over time. The Code begins with general provisions and definitions, and then moves to zoning districts, and then special zoning districts and standards (such as signs, water transfers, and small wind energy conversion systems), and lastly to general regulations and procedures. Pertinent sections of the existing Zoning Code to this Workshop are included in Attachment 2, and the full Zoning Ordinance may be viewed online through the County Code website<sup>1</sup>.

The 2001 General Plan recommended a number of changes to the Zoning Code, including regarding the following issues:

- Reflect goals, policies, and implementation measures of the Land Use Element
- Implementation of projects and measures from the Long-term Water Agreement
- Undergrounding of utilities
- Financing capital facilities and expanded services
- Recycling
- Streamlining
- Second unit development standards
- Scenic resources

<sup>1</sup> Refer to <http://www.qcode.us/codes/inyocounty/>.

- Airport land use compatibility (including noise)
- Erosion control and grading
- Establish minimum park standards
- Incorporate new identified avalanche standards
- Limit maximum slope and maximum average slope that can be built on
- Noise standards
- Construction noise

The 2009 update to the Housing Element commits the County to address homeless shelters, second dwelling units, supportive and transitional housing in residential zones, residential care facilities in residential zones, single-room occupancy hotels, exceptions to zoning and building ordinances for people with disabilities, and updated second unit standards.

Since 2001, the following amendments to the Zoning Code have been processed in response to the General Plan's guidance:

- Central Business Zoning District
- Density Bonus Overlay Zoning District
- Residential and Mixed Uses in Commercial Zones

### **Draft Zoning Code**

The first two draft chapters of the Zoning Code being presented are Chapter 1 (Administration) and Chapter 2 (Permits and Approvals), and are included in Attachment 1. The following summarizes the key issues presented in the draft.

### **Reorganization**

The consultant has recommended a reorganization of the Zoning Code into the following chapters:

- Chapter 1 – Administration*
- Chapter 2 – Permits and Approvals*
- Chapter 3 – Combining and Overlay Districts*
- Chapter 4 – Special Zone Districts*
- Chapter 5 – Residential Zone Districts*
- Chapter 6 – Commercial Zone Districts*
- Chapter 7 – Industrial Zone Districts*
- Chapter 8 – General Development Standards*
- Chapter 9 – Specific Use Development Standards*
- Chapter 10 – Parking Regulations*
- Chapter 11 – Sign Regulations*

This is acceptable to staff and the Planning Commission.

## **Chapter 1 (Administration)**

Chapter 1 provides basic administration of the Zoning Code. This Chapter lays out the duties of the Planning Director and the Planning Commission, describes the General Plan and the Zoning Districts, and provides definitions.

### **Zoning Districts**

The consultant has recommended grouping the Zoning Districts into chapters as discussed above. The consultant has also recommended deleting the following Zoning Districts: Single Residence Mobile Home Combined (RMH), Administrative and Professional Office (C-3), and Heavy Commercial (C-4). The consultant has also recommended renaming the Zoning Districts, as described in Chapter 1 in Attachment 1. If the County moves forward with this plan, the Zoning Map will require substantial updating.

The consultant has recommended merging the One-family Residences Zoning District (R-1) with the RMH Zoning District. Little difference currently exists between the R-1 and RMH Zoning Districts, with the exception of transitional housing. Therefore, staff concurs with this recommendation. The Planning Commission also expressed comfort regarding this change.

The consultant has recommending merging the C-3 Zoning Districts into the General Commercial (C-1) Zoning District, and that the C-4 Zoning District be merged with the Industrial and/or Commercial Zoning Districts. Very few C-3 zoning exists in the County, and staff concurs with the recommendation to merge the C-1 and C-3 Zoning Districts. The Planning Commission also expressed comfort with this change. However, staff feels that the C-4 zoning district should be maintained for heavy commercial activities that may not be consistent with less intensive commercial zoning or the more intensive Industrial Zoning Districts. The Planning Commission agreed with staff's assessment.

### **Enforcement**

Under current practice, staff responds to written complaints regarding zoning violations and works with property owners to rectify such issues. If no resolution can be reached, staff notifies the District Attorney of the violation. Staff had recommended that this procedure be maintained. However, the Planning Commission expressed concern about this procedure, and several members suggested that more aggressive code enforcement may be warranted, and that more discussion occur. Alternatives that could be considered include authorizing staff to investigate violations based on observation (rather than written complaints) and authorizing staff to issue tickets for violations. A suggestion was made at the Planning Commission meeting that the Board could provide a forum for investigating particularly egregious violations. However, staff believes that Code Enforcement should be an administrative function, which can be appealed to the Planning Commission and Board under standard appeal procedures.

### **Determination of Use**

The consultant has recommended a new Determination of Use procedure (Section 18.01.090), which allows the Planning Director to determine if a use not defined by the Code is similar to other uses in the Code. Currently, several of the Zoning Districts permit the Planning

Commission to make this determination, and a similar procedure is permitted by ICC Section 18.81.020. The new proposed Determination of Use section will streamline this procedure. The Planning Commission expressed concurrence with this proposal.

### **Land Use Committee**

The updated Government Element creates a Land Use Committee comprised of the Environmental Health Director, the Public Works Director, the Water Department Director or their designated representatives and chaired by the Planning Director or appropriate designated representative. The draft codifies this Committee. The Planning Commission expressed concern about creation of a new committee.

### **Definitions**

The consultant has provided a subsection in Chapter 1 devoted to definitions. A comprehensive set of definitions is important to consistently apply the Zoning Code. The definitions will need to be reconciled at the end of the process, so the Board is advised to not exert a great deal of effort reviewing the draft definitions. However, identification of critical issues will be helpful in crafting a more comprehensive set of definitions later in the process.

In some jurisdictions, the land use classifications are separate from the remainder of the definitions, but in this case it was recommended that they be combined. The Planning Commission recommended instead that the land use definitions be separate from the remainder of the definitions.

### **Chapter 2 (Permits and Approvals)**

This Chapter provides for more detail for how applications are processed. Subsections are provided for General Plan Amendments; Zoning Reclassifications; Variances; Conditional Use Permits; Modifications; Temporary Land Use, Special Event, and Occupancy Permits, and; appeals.

### **Acceptance of Conditions**

The consultant has recommended a new procedure for many of the permits requiring the applicant to submit an acceptance of conditions. This procedure is common in many jurisdictions to provide proof that the applicant has consented to the conditions for the permit. If this recommendation is approved, the Planning Department will create a new form. The Planning Commission concurred with this recommendation.

### **Findings**

Findings are specified for a number of the permit types. These findings have been updated and/or are included anew. The Planning Commission concurred with the new and updated findings.

## **Modifications**

A new section for Modifications (18.02.360) is proposed to allow for specified alterations to certain development standards. The Planning Director would be the decision-maker for Modifications. The averaging standards for front yards (ICC Section 18.78.100) would be discontinued under the proposal; the Planning Commission suggested that this procedure be maintained. An alternative procedure could be created to allow for neighborhood standards applications in cases where most properties in a neighborhood do not meet the Zoning Ordinance's development standards. If such a procedure is implemented, the Planning Director or the Commission could be the decision-maker, or some combination thereof.

## **Temporary Land Use Permits**

A new procedure for Temporary Land Use Permit is proposed to permit temporary land uses such as modular buildings used for classrooms or offices, outdoor storage, and swap meets. The new procedure would be similar to a CUP. The Planning Commission recommended deleting this section, as it appears duplicative to the CUP process.

## **Temporary Occupancy Permits**

The Code currently is silent regarding Temporary Occupancy Permits, but does provide for temporary uses in ICC Section 18.78.190. The proposed new section would provide for Temporary Occupancy Permits for a wider variety of temporary uses, as well as procedures and standards. The Planning Commission concurred with the recommendation, and suggested that sizes for storage containers be specified [refer to draft Code Section 18.02.100(f)].

## **Special Event Permits**

The Code currently allows temporary uses pursuant to ICC Section 18.78.190. Special Event Permits would largely replace and expand procedures for these types of events. The Planning Commission recommended that no permit be required for some or all events, and that more clearly defined definitions be provided (for example, possibly providing exemptions for non-profit events).

## **Non-conforming Uses/Structures**

The proposed Code would substantially clarify and enhance the existing Code's treatment of non-conforming uses and structures. Clearer differentiation between non-conforming uses and structures would be provided. Additionally, the Planning Commission could approve, conditionally approve, or disapprove the moving, alteration, enlargement, extension, or reconstruction of non-conforming uses and/or structures pursuant to a CUP process, if not otherwise permitted. The Planning Commission concurred with the recommendations.

## **Appeals**

Appeals would largely proceed in a similar manner as under the existing Code. However, staff had recommended that appeals would have to be filed within 10 days, rather than 15 days

currently. The Planning Commission expressed a desire to continue with the 15-day appeal period.

**ALTERNATIVES:** The Board may consider the following alternatives:

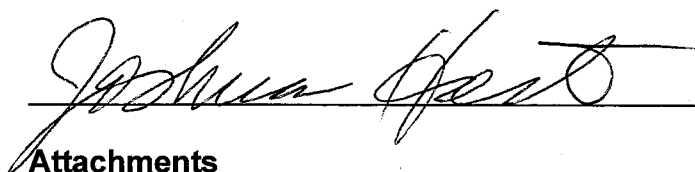
- Direct staff to cease working on the updated Zoning Code. This is not recommended as the 2001 General Plan indicates that the County will update the Code, and numerous changes to relevant law have occurred requiring updates.
- Create an Advisory Committee and direct staff to work with the Committee to review draft Code sections. Staff believes that the process will be streamlined by working directly with the Planning Commission and Board of Supervisors, and that ample opportunities for public input will be provided through this process.
- Direct staff otherwise.

**OTHER AGENCY INVOLVEMENT:** None directly; other County departments and/or outside agencies may be affected during implementation.

**FINANCING:** Resources from the County's general fund are being utilized for staff to process the updated Zoning Code. Funds for Willdan to prepare the draft Code were allocated from geothermal royalties by operating transfer to the General Fund/Planning Department budget.

<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

**DEPARTMENT HEAD SIGNATURE:**  
(Not to be signed until all approvals are received)



Date: 6-14-11

**Attachments**

1. Draft Zoning Code Sections – Chapter 1 (Administration) and Chapter 2 (Permits/Approvals)
2. Pertinent Existing Zoning Code Sections