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AGENDA ITEM NO.: 6 (Action Item and Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** May 23, 2018

SUBJECT: GPA 2018-01/ Cook; and, ZR
2018-02/Cook

EXECUTIVE SUMMARY

The applicant, Reginald Cook, is proposing to change the Zoning and General Plan Designations on a property he owns, located at 1 Hidden Valley Ranch Road, Lone Pine, CA with Assessor Parcel Number (APN) 026-070-09 (Attachment - site and vicinity maps). Currently, this parcel is zoned Commercial Recreation with a 5-acre minimum (C5-5.0) and has the General Plan designation of Resort Recreational (REC). The applicant is requesting the Zoning Designation of Open Space; and the General Plan Designation of Rural Protection (RP). These designations best fit the current uses on the parcel as well as the applicant's future plans for the parcel and the applicant has indicated that a continuation of very low density residential and agriculture uses are foreseen for the future. There is no development proposed at this time.

PROJECT INFORMATION

Supervisory District: 5

Applicants: Reginald Cook

Landowners: Reginald Cook

Community: Lone Pine, CA

A.P.N.: 026-070-09

Existing General Plan: Resort Recreational (REC)

Existing Zoning: Commercial Recreation with a 5-acre minimum (C5-5.0)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Residential and agriculture	Resort Recreational (REC)	Commercial Recreation with a 5-acre minimum (C5-5.0)
North	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
East	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
South	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
West	Vacant	State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2018-01/ Cook, and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2018-02/ Cook, and certify it is exempt from CEQA.

Alternatives:

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cathreen Richards

BACKGROUND

The applicant has applied for a Zone Reclassification (ZR) and General Plan Amendment (GPA) for a parcel of land with APN: 026-070-09 located a 1 Hidden Valley Ranch Road in the community of Lone Pine (site and vicinity map attached). The parcel is approximately 28-acres in size and is currently used for a single family home and agriculture activities including a small vineyard, fruit and nut orchard, and vegetable beds The applicant has owned the property for over 20-years and has never used it for resort recreational activities. The property has only been used for low density residential and agriculture. The applicant also potentially intends on using the property for commercial cannabis cultivation compliant with all Inyo County and State licensing and permitting requirements.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by vacant, open space lands managed by the Bureau of Land Management. The GPA and ZR will not alter the existing land use and there are

no development proposals for it at this time. The applicant is contemplating eventually obtaining the appropriate licensing and permitting to engage in a commercial cannabis cultivation operation. The GPA and ZR will not alter the character of the property or the surrounding area as they are designations for low density residential and agriculture uses similar to the current uses on the property.

Zoning: The parcel that is proposed for the ZR has a zoning designation of C5-5.0. The applicant is requesting a change to OS-40. Inyo County Code (ICC) Chapter 18.12 states the minimum standard parcel size for development is 40-acres; the parcel widths must be 500-feet; and the setback requirements are 50-feet for front, side and rear yards. This parcel does not meet the requirements of the OS-40 zone. Inyo County Code 18.78.057, however, states that

“Minimum lot size provisions contained in this title shall not be construed to prohibit rezoning of existing lots which would be of substandard size under the proposed classification where the planning commission and the board of supervisors find the rezoning to be in the public interest”.

The change in designation will not provide for additional future subdivisions as the parcel will not be large enough to divide into 40-acre parcels. It is also in the public interest to have zoning designations match the uses on a parcel, and even more so to have zoning that matches an applicant’s future plans for a parcel. This produces consistency between use and designation. The Open Space zone is also a less intensive designation than C5-5 and will eliminate the potential for the parcel to subdivide. It currently could be divided into 5 separate parcels with each allowed to have a commercial recreational use (campground, dude ranch, lodge, etc.).

General Plan: The parcel’s current General Plan REC designation relates to the current zoning C5. The proposal to change to the RP General Plan designation will result in it corresponding to the proposed OS-40 zoning. Zoning and General Plan consistency are required by the State and by the Inyo County Code meaning a zoning designation cannot be changed in a manner that causes it to no longer be compatible with the General Plan designation. In this circumstance, the ZR requires the GPA to be in compliance. The GPA will also result in the General Plan designation being aligned with the current uses and future vision for the property

TRIBAL CONSULTATION

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to request consultation opportunities. Staff mailed consultation invitations on March 29, 2018 to the: Lone Pine Paiute-Shoshone Tribe, Kern Valley Indian Council, Fort Independence Indian Community of Paiutes, Walker River Reservation, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, no requests for consultation have been received to date. There is still time for the Tribes to request consultation and the County cannot approve the GPA until the 90-day window for a consultation request has passed.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General Rule 15061(b) (3) that CEQA applies only to projects which have the potential for

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causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a ZR and GPA is for a property that is already disturbed and includes no additional development proposals; the land use designations that are proposed will result in lower impact uses than are possible with the current designations; and, Pursuant to the California Environmental Quality Act (CEQA), potential, subsequent, development to this proposal falls into the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a) One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption; and, any potential commercial cannabis cultivation will require a discretionary approval (Conditional Use Permit) by the Inyo County Planning Commission that will require an evaluation pursuant to the California Environmental Quality Act.

NOTICING & REVIEW

The application for GPA 2018-01/Cook and ZR 2018-02/Cook have been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

The project was noticed on May 12, 2018 in the Inyo Register and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

RECOMMENDATIONS

Planning Department staff is recommending that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment 2018-01/Cook and Zone Reclassification 2018-02/Cook and certify that they are Exempt from CEQA.

Recommended Findings

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2018-01/Cook and Zone Reclassification 2018-02/Cook are Exempt from CEQA.

[Evidence: the proposed project is covered by the General Rule 15061(b) (3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a ZR and GPA is for a property that is already disturbed and includes no additional development proposals; the land use designations that are proposed will result in lower impact uses; and, Pursuant to the California Environmental Quality Act (CEQA), potential, subsequent, development to this proposal falls into the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a) One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption; and, any potential commercial cannabis cultivation will require a discretionary approval (Conditional Use Permit) by the Inyo County Planning Commission that will require an evaluation pursuant to the California Environmental Quality Act.

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2018-01/Cook and Zone Reclassification 2018-02/Cook are in conformance with the Goals and Objectives of the Inyo County General Plan.
[Evidence: The proposed designation of RP provides for low density residential and low intensity agriculture uses, which better matches the actual uses and the planned future uses for the property, as well as, the proposed zoning designation.]
3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2018-01/Cook and Zone Reclassification 2018-01/Cook are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.
[Evidence: The proposed designation of OS-40 provides for low density residential use and agriculture use, which better matches the actual uses and the planned uses for the property, as well as, the proposed General Plan designation.]
4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.
[Evidence: The project is consistent with the rural character of the surrounding area and this request for a GPA and ZR will not allow for a development type that would change the character of the site or the surrounding area. The GPA and ZR will not increase the potential for increased intensity or density on the site as it changes the parcel to OS-40, which does not allow for as much density or intensity in use as the current C5 designation does. Well and septic systems are in place on the property, but may need to be updated if additional development is to occur on the property in the future. Other utilities and services are also available in the area, if the parcel is further developed.]
5. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.
[Evidence: The proposed General Plan Amendment and Zone Reclassification will allow the current uses on the property to be consistent with the County's Zoning Ordinance by changing the zoning to match the current and future planned uses on the parcel and changing the General Plan to properly correspond with the zoning designation. The designation changes will not allow for increased density or intensity of use on the property; and therefore, will not create substantial impacts to the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.]

Attachments:

- Vicinity Map
- Site Map

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2018-02/COOK AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING A 28.04-ACRE PARCEL LOCATED AT 1 HIDDEN VALLEY RANCH ROAD, LONE PINE, CA (APN 026-070-09) FROM COMMERCIAL RECREATION WITH A 5-ACRE MINIMUM (C5-5.0) TO OPEN SPACE WITH A 40-ACRE MINIMUM (OS-40).

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board and Sections 18.81.310 and 18.81.350 of the Inyo County Code, which establish the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County, set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

Upon consideration of the material submitted, the recommendation of the Inyo County Planning Commission, and statements made at the public hearing held on this matter, this Board finds as follows:

- (1) In accordance with Inyo County Code Section 18.81.320, Reginald Cook applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Commercial Recreation with a 5-acre minimum (C5-5.0) to Open Space with a 40-acre minimum (OS-40) as described in Section III of this Ordinance.
- (2) On May 23, 2018, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2018-02/Cook, following which the Commission made various findings and recommended that this Board amend Title 18, to rezone the property described in Section III of this Ordinance to Open Space with a 40-acre minimum (OS-40).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) Reginald Cook applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Resort Recreational (REC) to Rural Protection (RP) to best match the requested zoning and current uses on the property.

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning property to Open Space with a 40-acre minimum (OS-40) as it best matches the current uses on the property.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on the 28.04-acre site located at 1 Hidden Valley Ranch Road, Lone Pine, CA (APN 026-070-09) is changed from Commercial Recreation with a 5-acre minimum (C5-5.0) to Open Space with a 40-acre minimum (OS-40).

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS 10TH DAY OF OCTOBER, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Totheroh, Chairperson
Inyo County Board of Supervisors

ATTEST:
Kevin Carunchio
Clerk of the Board

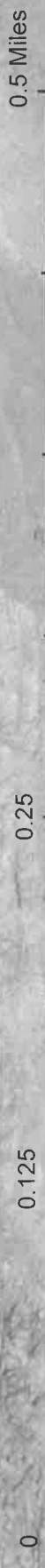
By: _____
Darcy Ellis, Assistant

Current Zoning C5-5.0
Current General Plan REC
Proposed Zoning OS-40
Proposed General Plan RP

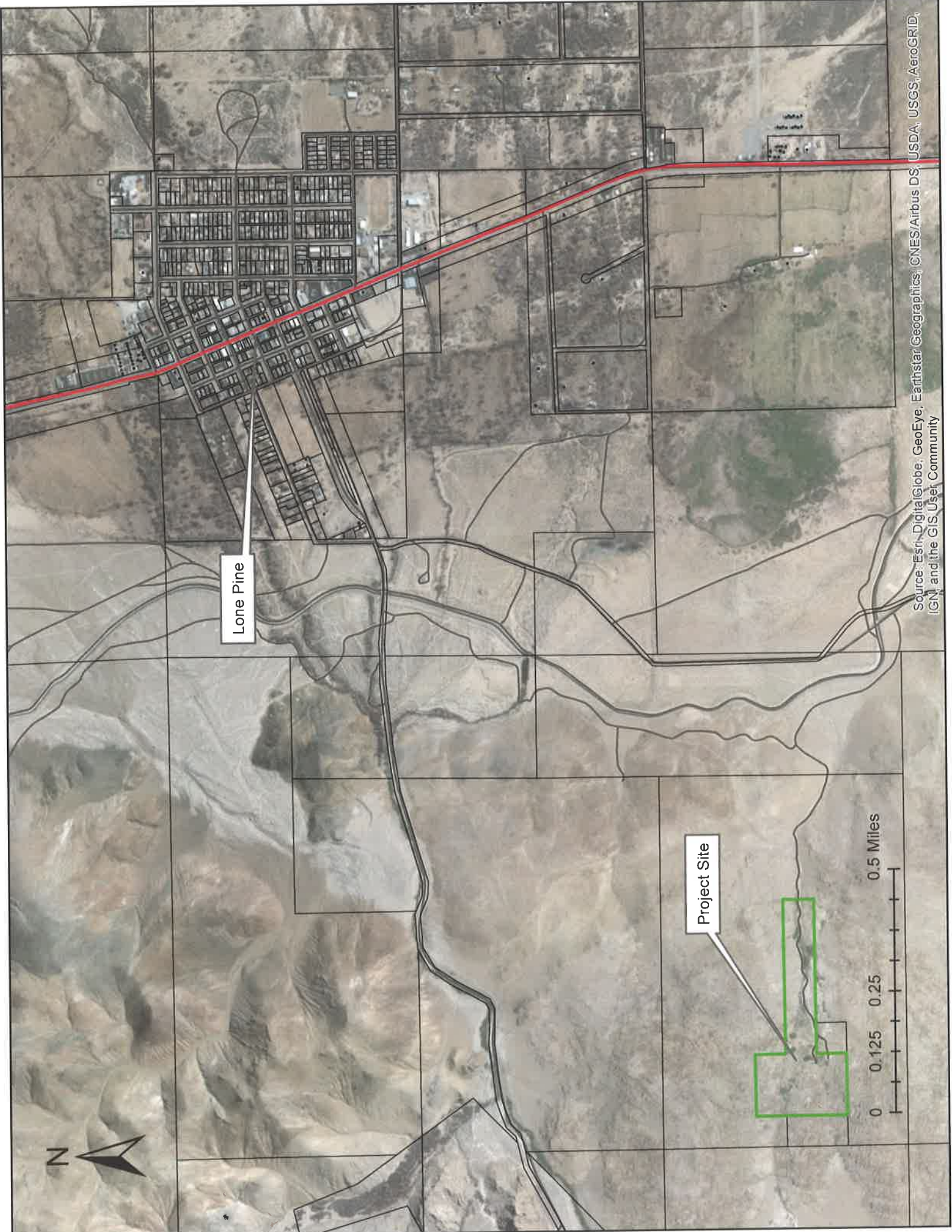


HIDDEN VALLEY RANCH

Project Site



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Lone Pine

Project Site

0 0.125 0.25 0.5 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community