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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: April 25, 2018

SUBJECT: Conditional Use Permit (CUP) 2018-02/White Mountain Research Center

EXECUTIVE SUMMARY

The applicant has applied for a CUP to replace a non-conforming manufactured home (does not meet setback requirements) and continue the current public quasi-public use at the property located at 3000 E. Line Street, near the community of Bishop. The White Mountain Research Center has been operating in the County for almost 70-years. The manufactured home is used to temporarily house students, researchers, professors and military personnel.

PROJECT INFORMATION.

Supervisory District: 2

Project Applicant: University of California, White Mountain Research Center

Property Owner: Los Angeles Department of Water and Power

Site Address/ 3000 E. Line Street, Bishop, CA 93514

Community: Bishop, CA

A.P.N.: 013-010-09

General Plan: Open Space and Recreation (OSR)

Zoning: Open Space with a forty-acre minimum (OS-40)

Size of Parcel: Approximately 640-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Research Center/ Vacant/Open Space	Natural Resources (NR)	Open Space - 40 acre minimum (OS-40)
North	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
East	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
South	Vacant/Open Space	Natural Resources (NR)	Open Space - 40 acre minimum (OS-40)
West	Vacant/Open Space	Natural Resources (NR)	Open Space - 40 acre minimum (OS-40)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2018-02/White Mountain Research Center and find the project is exempt under CEQA.**

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to replace a non-conforming manufactured home (does not meet setback requirements) at the property located at 3000 E. Line Street near the community of Bishop and to allow for the continued use of the property for the research center. The White Mountain Research Center has been operating in the County for almost 70-years. The previous building the applicant is proposing to replace was severely dilapidated and no longer safe for habitation. It was also non-conforming with regard to the setback requirements of the OS-40 zoning district in which it is located. The OS-40 zone requires 50-foot front, rear and side yard setbacks. The foundation of the old building where the applicant proposes to place the new manufactured home is 38-feet from the property line, resulting in a 12-foot encroachment into the required setback. Inyo County Code Section 18.78.250 - Nonconforming buildings—Changes states:

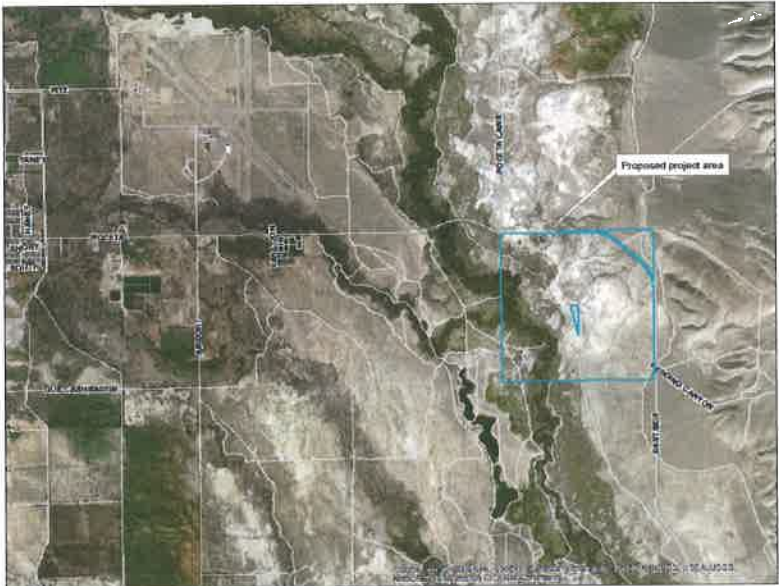
“A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the Planning Commission of a conditional use permit application. . . .”

This building replacement falls under the provision of 18.78.250; and therefore, a conditional use permit approved by the Planning Commission is required. The current use

of the property as a research center falls under public, quasi-public, uses as a university run research center. Public, quasi-public, uses are conditionally allowed in the Open Space zone; therefore, a conditional use permit is also required for the continued operation of the research center to be compliant with the Inyo County Code.

The general project area is in a location surrounded by vacant, open space, lands. The properties adjacent to the project site, on each side, are also vacant.

Site Location Map



Building Being Replaced



General Plan Consistency

The goal of this project is to allow for an established non-conforming building and public, quasi-public, use on the site to continue in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Natural Resources (NR), as it allows for the managed production of natural resources and recreation uses. The research center qualifies as its mission is the focused study and management of natural resources and as a recreation use since the proposed building provides for temporary residency much like a lodge or cabin would. It is also compatible with the General Plan's Economic Development Element's Goal ED-2: Bring more destination-spending into Inyo County. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It also provides about 4-fulltime jobs and 10-12 seasonal jobs per year.

Zoning Ordinance Consistency

The Open Space zoning designation allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. This is an established use at the site and the applicant is seeking the use permit to continue to operate the research center in compliance with County's zoning ordinance. The proposed new building will replace a building that has been at the facility for years to temporarily house visitors to the center. The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission. By acquiring the CUP the applicant is creating consistency with the code.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2018-02/White Mountain Research Center with regard to the building replacement is Categorically Exempt under CEQA Guidelines Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a), One single-family residence, or a second dwelling unit . . . may be constructed or converted under this exemption. With regard to the continued use of the property for a research center it is Exempt under 15301, Existing Facilities – Class 1. Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The main consideration under 15301 is whether the project involves negligible or no expansion of an existing use. This project involves no expansion of an existing use.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2018-02/White Mountain Research Center, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; (15303)(a), Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 3 consists of the building of small structures. The CUP is being applied for to permit replacement of a dilapidated building in the exact same footprint (small structure) and to allow of the continuation of a public, quasi-public use (no expansion or change of the existing use) at the site].

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Natural Resources (NR).

[Evidence: The goal of this project is to allow for the established non-conforming use and a non-conforming building (does not meet setback requirements) at the site to continue operating in compliance with the County's zoning ordinance. The project is consistent with the General Plan designation of NR, as it allows for the managed production of natural resources and recreation uses. The research center qualifies as a place for the managed production of natural resources as its mission is the focused study and management of natural resources and also as a recreation use since the proposed building provides for temporary residency much like a lodge or cabin would. It is also compatible with the General Plan's Economic Development Element's Goal ED-2: Bring more destination-spending into Inyo County. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It also provides about 4 fulltime jobs and 10-12 seasonal jobs per year.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits "public or quasi-public facilities" as a conditional use in the Public zone.

[Evidence: Open Space; Section 18.12.040(C) allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. The research center qualifies as a public quasi-public use as a facility run by a California State University for the provision of teaching and research. This is an established use at the site and the applicant is seeking the use permit to continue to operate the research center in compliance with County's zoning ordinance. The proposed building will replace a building that has been at the facility for years to temporarily house visitors to the center. The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission per 18.78.250 nonconforming buildings. By acquiring the conditional use permit the applicant is creating consistency with the code.]

4. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: The General Plan's Economic Development Element's Goal ED-2 states: 'Bring more destination spending into Inyo County'. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It

also provides about 4 fulltime jobs and 10-12 seasonal jobs per year; therefore, this is a desirable use.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is to make an existing use and building compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The conditional use permit is being proposed to make an existing use and building compliant the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: The continued use of the property for the research center requires a conditional use permit per permit per Inyo County Code Section 18.12.040 and the replacement building requires a conditional use permit per 18.78.250. Therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. Hold Harmless
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2018-02/White Mountain Research Center. The County reserves the right to prepare its own defense.
2. Compliance with County Code
The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.