



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER
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- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: August 16, 2016

SUBJECT: General Plan land-use map designation correction for 2290 Dixon Lane (APN 10-352-01)

DEPARTMENTAL RECOMMENDATION: Adopt resolution entitled “*A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING THAT THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) HAVE BEEN MET AND MAKING CERTAIN FINDINGS WITH RESPECT TO; AND APPROVING THE GENERAL PLAN CORRECTION OF LAND-USE DESIGNATION FOR 2290 DIXON LANE, BISHOP COMMUNITY, INYO COUNTY, CALIFORNIA (APN 10-352-01)*”

SUMMARY DISCUSSION: In processing TPM#386/Pool, an inconsistency was found between the Zoning designation and General Plan Land-use designation map for the property. In order to approve TPM#386/Pool the Zoning and General Plan designation must be consistent. However, in the 2001 General Plan revision a clerical mapping error was created when a portion of the lot zoned Light Industrial was mapped Residential Medium-High Density, and a portion of the lot zoned Single Residential or Mobilehome Combined was mapped Light Industrial (please see EXHIBIT A). The land-use of the property has been consistent with its zoning since the creation of the General Plan. The property owner does not plan to change land-use or create new development for the time being. Due to the inconsistency, PM#386/Pool cannot be completed.

This inconsistency had been noted in 2007 by the former Planning Director when Mr. Pool applied for a similar parcel subdivision. The former Planning Director made note of the General Plan/Zoning inconsistency in a letter to Mr. Pool, stating “in the 2001 Inyo County General Plan an error was made involving the location of the Residential Medium (RM) and Light Industrial (LI) land use designations....They were reversed however the current zoning is correct” (please see EXHIBIT B, number 12).

ANALYSIS: The Property’s eastern portion was zoned for Light Industrial in 1976, while the remaining area was zoned Single Residential or Mobile home Combined. The Cal Tron plant was a pre-existing, non-conforming use prior to the 1976 zone change. Mr. Pool requested the parcel to be rezoned “Manufacturing” at that time but was denied due to inconsistency with the General Plan. The Board then directed the Commission to pursue amending the General Plan to enable the rezoning. The actions were completed and resulted in a section of the Parcel being zoned “Manufacturing” and mapped so in the General Plan (please see EXHIBIT C).

Other than a rezoning classification taken place in 1985 to update the designation title (“Manufacturing” to “Light Industrial”), no land-use changes have taken place since its initial classification. As a result, staff has found no reasoning for the current General Plan Land-use mapping designations shown per location other than a clerical error. Furthermore, no General Plan Land-use maps prior to the 2001 update have been found. As a result, staff is recommending that your Board approve the correction of the General Plan by

designating the east side of the Parcel “Light Industrial” and the remaining west and southwest portion as “Residential Medium Density”, as shown in Exhibit A.


The Planning Commission has approved the Parcel Map Subdivision with a condition of approval being that the correction to the General Plan Land-Use map designation of the Parcel is approved by the Board of Supervisors to reflect the current zoning designation prior to recordation of the Final Map.

NEXT STEP: The Board may consent to allow the mapping correction of the General Plan’s Land-use designation map. In doing so, the Board will remedy a past error, creating greater consistency between the General Plan and Zoning Code.

ENVIRONMENTAL REVIEW: The Inyo County Planning Commission has approved Tentative Parcel Map #386/Pool and deemed it exempt from the requirements of CEQA on July 27, 2016. The proposal 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.


ALTERNATIVES: The Board may choose not to consent to the mapping correction and instead require a General Plan Amendment action.

FINANCING: General funds are utilized.

<u>APPROVALS</u>	
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: 8/4/16

Attachments:

- EXHIBIT A – Staff mapping “General Plan & Zoning Inconsistency; 2290 Dixon Lane; 10-352-01”
- EXHIBIT B – 2007 Incomplete Application letter to Mr. Pool from former Planning Director Pat Cecil
- EXHIBIT C – 1980 Bishop Community Plan Land-use map extraction of Dixon Lane/Meadow Farms

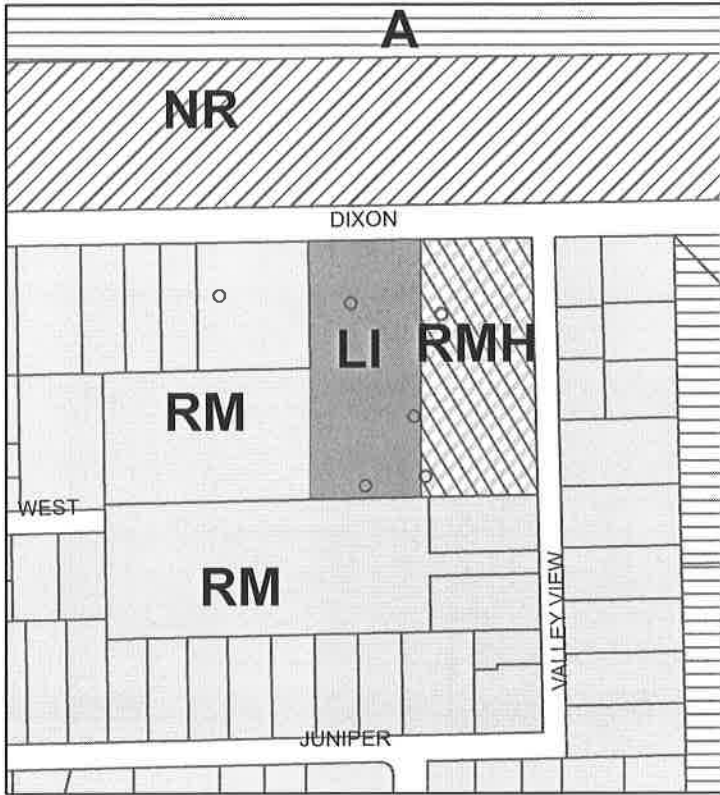
EXHIBIT A

General Plan & Zoning Inconsistency

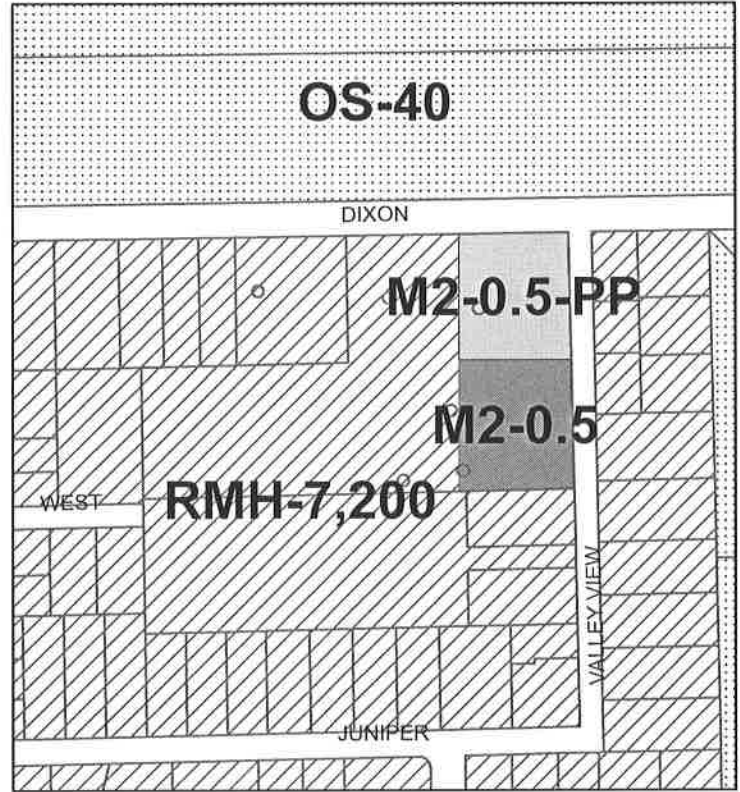
2290 Dixon Lane

10-352-01

General Plan designation



Zoning designation



Proposed General Plan designation

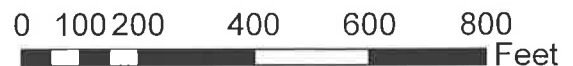
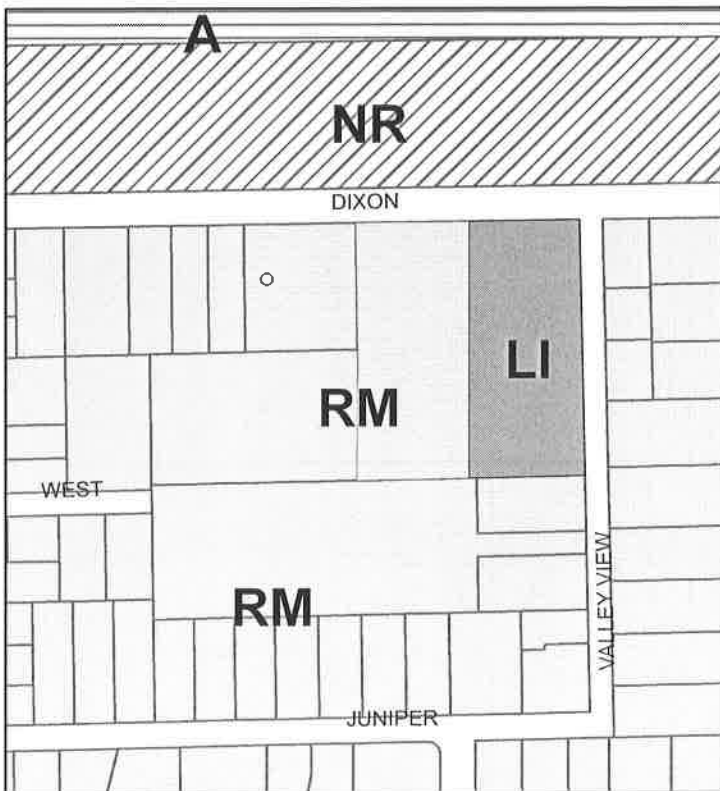


EXHIBIT B



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November 7, 2007

Daniel & Collene Pool
2290 Dixon Lane
Bishop, CA
93514-8094

John R. Langford
Bear Engineering, Inc.
P.O. Box 657
Bridgeport, CA 93517

INCOMPLETE APPLICATION

RE: Tentative Parcel Map #386/POOL

Dear Sirs:

This letter is in regards to the above tentative parcel map. After reviewing your application we feel that it is still complete.

The Planning Department has the following statements and comments regarding Tentative Parcel Map No. 386:

1. A signed updated application is needed (attached).
2. A signed fee agreement is needed (attached).
3. It appears that the property owners list and stamped envelopes are those that were submitted with Parcel Maps #374 & 375 in August 2005. New envelopes, stamps and owners list is needed. (Old envelopes attached).
4. One mylar (24"x 36" & 11"x 17") is needed with the required prints. Note; there are no topographic data shown on the parcel map and fence lines are also missing from the parcel map due to poor developing.
5. According to Bear Engineering most of Jans's letter of 1/26/2006 have been addressed but the applicant still wants a private access to Parcels 2 and 3.

EXHIBIT B

6. Note 3 on the parcel map is unclear. What parcels are to be provided water by Caltrons Corp.? Parcel 2 has an existing well. Cannot tell if Parcel 1 gets water from Parcel 2 or not.
7. Note 13 on the parcel map is untrue. Under the scenario of the least amount of improvements, West Street must be extended by grading with a cul-de-sac; a driveway must be provided to Parcel 1 and the sewer line must be extended to Parcel 3.
8. Note 14 on the parcel map is not true. How is parcel 3 to receive sewer disposal services from the Eastern Sierra CSD? No provisions have been made on the parcel map for easements for electricity or cable TV to serve Parcel 3 from West Street. If the fifteen foot (15') public utilities easement from Valley View is to provide these services to Parcel 3 then the utility lines (sewer, water, electricity, cable TV) must be installed. Assurances must be made to insure that if Parcel 3 is re-subdivided the utilities are capable of handling the increase in demand (especially for water and sewer lines).
9. **Parcel 1:** The existing sewer line that serves Parcel 1 crosses Parcel 2. It is shown that a 10' wide sewer line easement will be provided. This sewer line easement will significantly encumber the future owner of Parcel 2. It even **crosses under** the existing 12'x 70' mobilehome on Parcel 2. It was recommended that the sewer line be relocated to within the proposed 20' driveway serving Parcel 1 if grade permits; is the existing drainage easement (O.R. 198/485) on Parcel 1 & 2 required? If not, can it be terminated which will improve future development of these two parcels?; if the well on Parcel 2 is to provide water to Parcel 1 assurance will have to be provided that the well/pump/storage facilities are adequate to serve the two parcels; a private water system permit will be required from the Inyo County Environmental Health Services Department as a condition of approval for the parcel map.
10. **Parcel 2:** Requirements for curbs, gutters, and sidewalks are covered by the County Subdivision Ordinance. They are required for the frontage along West Street unless waived by the Planning Commission based upon topography or other conditions which would not warrant their installation; the waiver for curbs, gutters and sidewalks along West Street (Parcel 2) could possibly be supported as the five existing lots on West Street cannot be further subdivided and no such improvements exist on that portion of West Street; the twenty foot (20') wide unimproved driveway across Parcel 2 providing access to Parcel 1 cannot be supported. The County does not approve a subdivision creating landlocked parcels with only private access easements. There have been cases when "flag lots" have been approved based upon certain conditions. This would require that the driveway be widened to forty feet (40) and become a portion of Parcel 1; an example of this requirement for forty feet of frontage is clearly shown by Mr. Cline's parcel which receives access to Valley View just south of the Pool

EXHIBIT B

property; a twenty foot wide private driveway access would probably also be opposed by the Bishop Fire Protection District.

11. **Parcel 3:** The access to Parcel 3 is proposed to be provided by a “roadway easement” to be provided by the adjacent property owner (Mr. Cline). This is very unclear as to whom Mr. Cline is going to grant the easement to and who can utilize it. Can the owner of Parcel 1, garbage trucks, propane trucks, the public, utilities, etc. use it? As it would still be Mr. Cline’s property then he is liable for any accidents or problems involving it; this should be changed to an Offer of Dedication to Inyo County; constructed to Inyo County Road standards; have a 50’ wide radius cul-de-sac. It should be extended an additional twenty feet in order to provide forty feet of frontage for Parcel 3. It could then be accepted by Inyo County into their road system for their maintenance and snow removal; it would then allow utilities (i.e electricity, TV, sewer, etc.) and the public to utilize the road and cul-de-sac. It would release Mr. Cline from any future liability problems; the parcel map shows a proposed fifteen-foot utility easement crossing the Remainder parcel for the benefit of Parcel 3. What utilities are to use this easement? If it is for the Eastern Sierra CSD for a gravity sewer line then that sewer line is required to be installed as a condition of the parcel map. The County does not approve parcels that do not have provisions for sewage disposal to the parcel. Just providing a five hundred foot easement to a sewer main is not acceptable; a sewer connection fee will be required to be paid to the Eastern Sierra CSD for Parcel 3 prior to the recording of the parcel map.

12. **Parcel 4:** In the 2001 Inyo County General Plan an error was made involving the location of the Residential Medium (RM) and Light Industrial (LI) land use designations on Parcel 4 and the Remainder Parcel. They were reversed however the current zoning is correct. One of the findings the Planning Commission must make on all subdivisions is that the subdivision is consistent with the General Plan. In this case, they probably can but will be stretching the interpretation; Parcel 4 is designated as LI and requires a ½ acre parcel size which it meets. The use of the parcel as a residence doesn’t; the same can be said for the Remainder parcel. It is designated as RM, which requires about a 7,200 minimum parcel size, which it meets. The use of the parcel as a light industrial use doesn’t; the general plan error really needs to be corrected in order to eliminate future development on the two parcels. The County will process, at no cost, a revision to the general plan. No environmental documentation will be required as it is solely to correct a mistake and will reflect the current land uses. A revision to the General Plan (even to correct a mapping error) requires a hearing before the Planning Commission and Board of Supervisors. If the applicant concurs the County should undertake this correction; with the filing of this parcel map it will make the RM and LI land use designation and the existing zoning (RMH-7,200; M-2-0.5 and M-2-PP-0.5) not coinciding with the parcel lines of the Remainder Parcel. This will adversely affect the future development of the west side of the Remainder Parcel; *Just a thought*, this problem needs to

EXHIBIT B

be resolved, this does not result from a county error but results from the way the applicant desires to subdivide the property. Correcting this would require **both** a General Plan Amendment and Zone Reclassification (and possibly an environmental document) which could be done at a later date but that would just put off the problem. One could consider making the entire Remainder Parcel with an LI land use designation and an M-2-0.5-PP zoning designation); the status of Inyo County's ownership of the Dixon Lane right-of-way needs to be clarified. The parcel map shows Parcel 4 and the Remainder Parcel well into the pavement of Dixon Lane. We may need to clarify its status by requiring an Offer of Dedication along Dixon Lane (30') in conjunction with this parcel map for the frontage along **both** Parcel 4 and the Remainder Parcel. In the RMH zone curb, gutters and sidewalks are required. A waiver of curbs, gutters and sidewalks along Dixon Lane could possibly be supported as none of this portion of Dixon Lane has these types of improvements and there is an existing irrigation ditch at this location.

13. **Remainder Parcel:** It is proposed to provide water to Parcels 3 and 4 from the Remainder Parcel. Assurance will have to be provided that the well/pump/storage facilities are adequate to serve the three parcels. A private water system permit will be required from the Inyo County Environmental Health Services Department; the water line serving Parcel 4 shall be provided with a ten-foot wide water line easement; requirements for curbs, gutters and sidewalks are not required in the M-2 zoning district.
14. There is a number of existing drainage ditches shown on Parcel 1, Parcel 3, Parcel 4 and the Remainder Parcel. These drainage courses should be protected by drainage easements (10 feet?) to be shown on the Final Parcel Map.

Please feel free to contact this office at (760) 878-0263 if you wish to discuss this matter further.

Sincerely,



Pat Cecil
Planning Director

cc: Linda Arcularius – 1st District Supervisor
Ron Chegwiddden – Public Works Director

2001 GENERAL PLAN

Needs A GPA processed
for this mapping error.



EXHIBIT B

RMH

LI RMH

RM

West Street

Juniper Street

re Dr.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING THAT THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) HAVE BEEN MET AND MAKING CERTAIN FINDINGS WITH RESPECT TO; AND APPROVING THE GENERAL PLAN CORRECTION OF LAND-USE DESIGNATION FOR 2290 DIXON LANE, BISHOP COMMUNITY, INYO COUNTY, CALIFORNIA (APN 10-352-01)

WHEREAS, in processing Tentative Parcel Map subdivision #386/Pool, an inconsistency was found between the Zoning designation and General Plan Land-use designation map for the property located at 2290 Dixon Lane, Bishop Community, Inyo County, California (APN 10-352-01); and

WHEREAS, in updating the General Plan in 2001 a clerical mapping error was made for the Parcel; and

WHEREAS, a General Plan map correction for the land-use designation of 2290 Dixon Lane is desired to meet consistency with the current Zoning designation and use of the Parcel; and

WHEREAS, on the 17th of February 1976 the Parcel was split-zoned Residential Medium-High Density on the west and southwest portions, and Light Industrial on the east portion. In 1985 a Rezone was issued for the Parcel to update the zone classification name and since then no other rezoning or land-use changes have taken place; and

WHEREAS, the current General Plan map designation displays Light Industrial on the west portion, Residential Medium Density on the southwest portion, and Residential Medium-High Density on the east portion; and

WHEREAS, evidence from ten (10) building permits for the Parcel dating back to 1969 list the zoning designations consistent with the current zoning designations; and

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission as the Environmental Review Board pursuant to Section 15002 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to Section 15025 of the State CEQA Guidelines as implemented by Section 15.12.040 of the Inyo County Code (CEQA Procedures), the Planning Commission is responsible for the environmental review of all County projects; and

WHEREAS, the Inyo County Planning Commission has approved Tentative Parcel Map #386/Pool and deemed it exempt from the requirements of CEQA on July 27, 2016; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment, including the Planning Department Staff Report concerning the above described clerical mapping error, this Board makes the following findings:

- 1.) Based on substantial evidence in the record, the proposed General Plan land-use designation map correction is consistent with the Goals and Policies of the Inyo County General Plan, current Zoning designation, and current land-use.

[Evidence: The correction is consistent with the land-use that has taken place on the Parcel since the inception of the 1980 General Plan land-use designation map and County Zoning code.]

- 2.) Based on substantial evidence in the record, the proposed General Plan mapping designation reclassification is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

(Evidence: The purpose and intent of the Zoning Code so to be in accordance with the County's General Plan (Inyo County Code Section 18.03.020.)

- 4.) The project site is already developed and will not result in the loss of native vegetation or wildlife habitat. Therefore, this change will have a "de minimus" impact on wildlife resources as outlined in the California Department of Fish and Game Code Section 711.4.

(Evidence: The Parcel is already disturbed land, free of vegetation and is currently used as a Cal-Tron station manufacturing plastic moldings and a residential parcel.)

- 5.) The proposed use is properly related to other uses and transportation and service facilities in the vicinity.

(Evidence: This proposed correction will create consistency with the surrounding parcels designated Residential Medium Density leaving the eastern portion, away from residential, as Light Industrial.)

- 6.) The proposed correction would not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.

(Evidence: The General Plan correction seeks to correct an error and represent the existing and continued land-use taken place on the Parcel. Enforcement of the current General Plan designation would result in a zoning reclassification and change of land-use bring about potentially new adverse effects)

- 7.) The proposed use is necessary or desirable.

(Evidence: The proposed correction is necessary to protect the residential use and allow for the continuation of the industrial use.)

BE IT FURTHER RESOLVED, to approve General Plan Land-use designation map correction of 2290 Dixon Lane, Bishop Community, Inyo County, California (APN 10-352-01) to meet consistency with the Zoning class designation by designating the east portion of the parcel as Light Industrial and the remaining area as Residential Medium Density.

- 1) Hold Harmless: The applicant shall defend, indemnify and hold harmless Inyo County (County), its 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 said approval of the General Plan land-use designation map correction of the Parcel. The County reserves the right to prepare its own defense.

BE IT FURTHER RESOLVED that this General Plan correction shall take effect following this resolution.

PASSED AND ADOPTED THIS 16TH DAY OF AUGUST, 2016:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jeff Griffiths, Chairperson
Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO
Clerk of the Board

By _____