

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF DECEMBER 2, 2009 MEETING

COMMISSIONERS:

WILLIAM STOLL
CYNTHIA LITTLE
SAM WASSON
RICHARD WHITE
PAUL PAYNE

FIRST DISTRICT (CHAIR)
SECOND DISTRICT
THIRD DISTRICT (VICE-CHAIR)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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STAFF:

MIKE CONKLIN
TED PEDERSEN
KEVIN CARUNCHIO
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PLANNING DIRECTOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
PLANNING COMMISSION SECRETARY

TANDA GRETZ
JOSHUA HART
ADENA FANSLER

SENIOR PLANNER
SENIOR PLANNER
ASSOCIATE PLANNER

The Inyo County Planning Commission met in regular session on Wednesday, December 2, 2009, in the Board of Supervisor's Room, Administrative Center in Independence, California. Chair Stoll opened the meeting at 10:00 a.m. Chair Stoll led the recital of the Pledge of Allegiance.

These minutes are to be considered for approval by the Planning Commission at their next regularly scheduled meeting.

Chair Stoll requested that the recital of the Pledge of Allegiance be added to future Agendas of the Planning Commission.

ITEM 1: ROLL CALL - Commissioners: Cynthia Little, Paul Payne, William Stoll, Sam Wasson, and Richard White.

Also present were: Susanne Rizo, Deputy County Counsel; Mike Conklin, Planning Director; Tanda Gretz, Senior Planner; Josh Hart, Senior Planner; and Secretary, Sharon Birmingham.

Absent:

Kevin Carunchio, County Administrator
Ted Pedersen, Public Works Director
Adena Fansler, Associate Planner

ITEM 2: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from October 28, 2009.

MOTION: Moved by Commissioner Wasson and seconded by Commissioner White to approve the minutes from October 28, 2009.

The Motion passed unanimously.

ITEM 3: ADDITIONS/DELETIONS TO THE AGENDA – Opportunity for the Commission to add or delete an item on the Agenda.

There were none.

ITEM 4: PUBLIC COMMENT PERIOD – Opportunity to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

There were none.

ITEM 5: VARIANCE 2009-04/BRITO (Public Hearing & Action Item) - The applicant, requested a variance from the Inyo County Zoning requirement which required that an accessory structure be located a minimum of 5 feet from a side property boundary. The applicant requested that an already partially constructed shade structure, constructed off the garage and up to the south property line, be allowed to remain.

Staff requested that this item be continued to the January Planning Commission meeting.

MOTION: Moved by Commissioner White and seconded by Commissioner Wasson to continue this item to January 27, 2010.

The Motion passed unanimously.

ITEM 6: CONDITIONAL USE PERMIT NO. 2009-06, GENERAL PLAN AMENDMENT 2009-03, ZONE RECLASSIFICATION 2009-05/CRYSTAL GEYSER (Public Hearing & Action Item) – The Crystal Geyser Roxane water bottling plant, located south of Cartago, requested to expand their operations with a 55,000 sq. ft. warehouse facility. The project was a request for a General Plan Amendment and Zone Reclassification to Light Industrial of a 2.3-acre vacant site that is adjacent (on the south) to the existing water bottling plant, and which would serve as the site for the proposed new warehouse. In addition, a Conditional Use Permit was required for the project for two reasons: first, because the proposed warehouse was considered an expansion of the existing water bottling facility, which was classed as a conditional use in the Light Industrial zone; secondly, because the proposed warehouse would cover more than 50% of the site, and anything above this percentage required a conditional use permit.

Senior Planner, Tanda Gretz, presented the Staff Report to the Commission.

Chair Stoll opened the public hearing at 10:08 a.m.

There being no one from the audience wishing to speak on this item, Chair Stoll closed the public hearing at 10:09 a.m.

Commissioner Wasson discussed the landscaping issue and the Commission briefly discussed adding additional language to the Conditions of Approval.

Chair Stoll re-opened the public hearing at 10:10 a.m.

Rick Moore, representative for Crystal Geyser Roxane, explained the difficulties in maintaining landscape to include inability to put in a drip system and discussed the possibility of installing a berm to withstand landscaping.

Commissioner Payne inquired as to increase in employment.

Mr. Moore indicated that the project would increase employment by a few.

Chair Stoll closed the public hearing at 10:19 a.m.

Chair Stoll re-opened the public hearing at 10:20 a.m.

The Commission inquired as to road safety.

Mr. Moore informed the Commission that for this project there would be only one entrance.

Chair Stoll closed the public hearing at 10:21 a.m.

MOTION: Moved by Commissioner Payne and seconded by Commissioner White to adopt the proposed Resolution to include an addition to Condition of Approval number 4, on page 10 as follows: Modify existing landscaping to satisfaction of staff.; recommending that the Board of Supervisors:

1. Adopt the Draft Mitigated Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been met;
2. Make certain Findings with respect to, and approve, the proposed warehouse expansion project, consisting of General Plan Amendment 2009-03, Zone Reclassification 2009-05 and Conditional Use Permit 2009-06, subject to the Conditions of Approval recommended within the Staff Report.

The Motion passed unanimously.

ITEM 7: TENTATIVE PARCEL MAP #395/SORRELLS (Public Hearing & Action Item) – The applicant proposed to subdivide a 160-acre parcel in Chicago Valley, between Shoshone, California and Pahrump, Nevada into four 40-acre parcels. An offer-to-dedicate a 60-foot wide easement was included in the proposal to provide access from all the parcels to State highway 178 through adjacent parcels to the north. No other physical improvements were proposed.

Josh Hart, Senior Planner presented the Staff Report to the Commission and addressed additional correspondence received from CALTRANS.

Chair Stoll inquired as to the requirement of an encroachment permit being obtained.

Mr. Hart responded, as there was no requirement for an encroachment permit.

Chair Stoll opened the public hearing at 10:30 a.m.

Jeff Pfeiler, representative for the applicant and Triad Holmes spoke in support of the proposed project.

Brad Mettam, Deputy District Director of Planning for CALTRANS requested that should the northern access be used that an encroachment permit be required prior to the filing of the final

map. Also, Mr. Mettam informed the Commission that access is the key component to the project. An encroachment permit will insure improvements. Historic use already exists by way of wheel tracks. Mr. Mettam proposed that the following language be considered as a Condition of Approval:

In order to assure legitimate highway access for the applicant and successors in interest if BLM approval for the continued use of west Chicago Valley Road is not obtained prior to the desired time of final map filing the applicant shall obtain an encroachment permit from CALTRANS for the north access and improve it to private roadway standards at its intersection of State Route 178 prior to the recording of the final parcel map.

Additional costs would be needed at the time of obtaining an encroachment permit.

Chair Stoll closed the public hearing at 10:37 a.m.

Commissioner White proposed modification of Condition of Approval 7 as follows:

If BLM approval for the continued use of Chicago Valley Road is not obtained prior to the desired time of filing the final map the applicant shall obtain an encroachment permit from CALTRANS for the north access, improve it to private roadway standards at its intersection State Route 178 in order to insure the legitimate highway access for the applicant and successors in interest.

Mr. Hart, informed the Commission of his concern that the BLM process will not have been completed by the filing of the final map. Mr. Hart also indicated that should the Commission modify the Conditions of Approval he would need to speak with the applicant therefore, requesting a continuance.

Planning Director, Mike Conklin, informed the Commission that he felt that the applicant was willing to work with CALTRANS with respect to an encroachment assuming that BLM will not get the process done in a timely manner.

Deputy County Counsel, Susanne Rizo, explained to the Commission how the Subdivision Map Act works in relation to this issue.

MOTION: Moved by Commissioner Payne and seconded by Commissioner Wasson to:

1. Adopt the Negative Declaration/Initial Study, certify that the provisions of the California Environmental Quality Act have been met, and make certain findings;
2. Make certain findings with respect to and approve Tentative Parcel Map No. 395/Sorrells, subject to Conditions of Approval;
3. Waive street improvements and utility installations required by Inyo County Code Section 1640.010, as permitted.

The Motion passed unanimously.

Commissioner White has recused and removed himself from the Commission as he owns properties in Inyo County related to Item 8.

ITEM 8: NON-CONFORMING USES AND ZONE RECLASSIFICATION 2009-06 (Public Hearing & Action Item) – Inyo County Code (ICC) section 18.78.280 indicates in part that a non-conforming building destroyed by more than 50 percent shall not be restored except in full conformity with the Zoning Ordinance. At its regular September 23, 2009 meeting, the Planning Commission directed staff to identify and evaluate several alternatives to this section.

At its regular October 28, 2009 meeting, the Planning Commission directed staff to work with interested parties to identify a preferred alternative. Staff believes that permitting reconstruction of non-conforming buildings will be detrimental to the community vision, and recommends that the ICC's non-conforming building provisions remain unchanged. Based on consultations with the community, however, staff has drafted and noticed Zoning Reclassification No. 2009-06 to permit reconstruction of destroyed non-conforming residential buildings in all zones, regardless of the extent of destruction.

Josh Hart, Senior Planner, presented the Staff Report to the Commission.

Additional information was presented to the Commission from Cheryl McDermott.

Chair Stoll opened the public hearing at 10:50 a.m.

Mike Johnston, local real estate agent, spoke in opposition to the status quo and in support of the Zone Reclassification. Mr. Johnston also spoke on the need for housing and the vision of the county not being to eliminate housing. Mr. Johnston indicated that there is a need to move forward and create housing. Mr. Johnston also discussed the interpretations of the code section, and the changes. The General Plan and Zone Code updates were also discussed.

Chair Stoll closed the public hearing at 10:55 a.m.

Commissioner Little expressed concern for replacement value for homes, and the percentage of destruction to include the floor area ratio.

Mr. Josh Hart explained the "same footprint" and square footage of a rebuild.

Deputy County Counsel, Susanne Rizo, explained to the Commission the process of the proposed project and the action of the County not being required to conduct an environmental impact report. To broaden the footprint would involve the process of the California Environmental Quality Act.

Chair Stoll re-opened the public hearing at 11:07 a.m.

Mike Johnston, expressed concern with homeowners not being allowed to remodel with the existing code, and is looking forward with the continuation of the updates.

Chair Stoll closed the public hearing at 11:09 a.m.

MOTION: Moved by Commissioner Little and seconded by Commissioner Payne to adopt the proposed Resolution, recommending that the Board of Supervisors:

1. Find the project exempt from the requirements of the California Environmental Quality Act;
2. Make certain Findings with respect to, and approve, Zone Reclassification No. 2009-06/Inyo County;
3. Adopt an Ordinance amending Inyo County Code Section 18.78.280 and adding Inyo County Code Section 18.78.285 to permit re-construction of destroyed non-conforming residential buildings regardless of the extent of destruction.

The Motion passed unanimously.

Commissioner White returned to his seat with the Commission.

COMMISSIONERS' REPORT/COMMENTS – The Commissioners inquired as to the Cabin Bar Ranch, Value Sports property, and lawsuits.

PLANNING DIRECTOR'S REPORT – Planning Director, Mike Conklin, reported on the status of the lawsuits, Starlite, Coso, and the Natural Resource Advisory Committee.

CORRESPONDENCE-INFORMATIONAL – There were none.

ADJOURNMENT - There being no further business, Chair Stoll adjourned the meeting at 11:25 a.m. to reconvene in regular session on Wednesday, January 27, 2010 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared by:

Approved: January 27, 2010

Sharon M. Birmingham

Sharon M. Birmingham,
Secretary To
Inyo County Planning Commission