



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

Phone: (760) 878-0263

FAX: (760) 878-0382

E-Mail: inyoplanning@inyocounty.us

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

**PLANNING COMMISSION
MEETING DATE:**

February 28, 2018

SUBJECT:

Tentative Parcel Map No. 418/Sierra Highlands
CSD; and ZR 2018-01/ Sierra Highlands CSD

EXECUTIVE SUMMARY

The applicant proposes to subdivide a .57-acre (24,919 sq.ft.) parcel of land into 2 parcels; Parcel 1 consisting of approximately 19,587 sq.ft., and Parcel 2 consisting of approximately 5,332 sq.ft. Parcel 2, the smaller parcel (5,332 sq.ft.) will be kept by the Sierra Highlands Community Services District to accommodate existing facilities. Parcel 1 (19,587 sq.ft.) will be sold for future development. The subject property is located in the unincorporated West Bishop area. Currently the parcel is zoned R1 with a 10,000 sq.ft. minimum lot size, and a General Plan designation of RL (Residential Low Density.) This subdivision will require a Zone Reclassification (ZR), as Parcel 2 will not conform to the R1 zone standards. A General Plan Amendment will not be required as the RL designation permits public, quasi-public uses. The applicant is requesting a Zoning Designation of Public Districts (P). This designation will accommodate the existing well house and infrastructure.

PROJECT INFORMATION

Supervisory District: 3

Applicants: Fred Finkbeiner

Landowners: Sierra Highlands Community Services District

Community: Bishop

A.P.N.: 011-510-24

Existing General Plan: Residential Low Density (RL)

Existing Zoning: One-family Residence (R1)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant, Residential	Residential Low Density (RL)	One Family Residences 10,000 s.f. minimum (R1)
North	Residences	Residential Low Density (RL)	One Family Residences 10,000 s.f. minimum (R1)
East	Residence	Residential Low Density (RL)	One Family Residences 10,000 s.f. minimum (R1)
South	Residence	Residential Low Density (RL)	One Family Residences 10,000 s.f. minimum (R1)
West	DWP Land	Agriculture (A)	Open Space, 40-acre minimum (OS-40)

Recommended Action:

- 1.) Make certain findings with respect to and approve Tentative Parcel Map No. 418/Sierra Highlands CSD, subject to Conditions of Approval, and find that it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2018-01/ Sierra Highlands CSD, and find 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: Josh Dan

BACKGROUND

In 2016 the previous owner of this property submitted a Lot Line Adjustment application to planning staff. The application, LLA 2016-07, requested the existing western lot line of parcel 1 be extinguished and adjusted to continue in-line with the existing southern lot line between it and parcel 2. The new, larger Parcel 1 was eventually sold to the Sierra Highlands Community Services District and in November 2017 the District, being the new owners of the parcel applied for a tentative parcel map to subdivide it. Their intent is to divide the parcel in two leaving the smaller parcel to accommodate the existing Sierra Highlands Community Services District facilities. Along with the TPM request, the applicant is also asking for a Zone Reclassification TPM 418/Sierra Highlands Community Services District; Zone Reclassification 2018-01/Sierra Highlands Community Services District Planning Commission Staff Report February 28, 2018

to match the current uses on the property and to be compliant with development standards set forth in the Zoning code.

STAFF ANALYSIS

TPM 418

The applicant proposes to subdivide the subject .57-acre (24,919 sq.ft.) parcel into two parcels (refer to Attachment A). The resulting parcels are both oddly shaped as the applicant is cutting Parcel 2 out of the existing parcel for the sole purpose of accommodating existing Sierra Highlands CSD facilities. This subdivision will create: Parcel 1 that is 19,587 sq.ft. with 6-sides measuring approximately 216' x 175' x 28' x 88' x 148' x 95'; and, Parcel 2 that is 5,332 sq.ft. with 4-sides measuring approximately 40' x 175' x 12' x 175' (refer to Attachment A). Parcel 1 currently has no development on it, and Parcel 2 has part of an existing well house and water tank on it. No additional development is proposed for either parcel at this time.

Land Use Analysis: The property is predominantly surrounded by residential development with open space agricultural land to the west. The subdivision will not alter the existing land uses and there are no development proposals at this time. The applicant will continue to operate the existing well house and water tank on Parcel 2 and in time Parcel 1 will be sold. Therefore, the subdivision will not alter the character of the property or the surrounding area.

Zoning: Both the proposed parcels are designated One Family Residence with a 10,000 sq.ft. minimum. Inyo County Code (ICC) Chapter 18.30 states the minimum standard parcel size for development is 5,800 sq.ft.; the parcel widths must be at least 50-feet; and the setback requirements are 25-feet for front, 20-feet for rear, and 5-feet for side yards. This subdivision will cause the resulting Parcel 2 to be out of compliance with the ICC 18.30 R1 designation; therefore, the applicant is requesting a Zone Reclassification to Public District (P) as this designation best fits the current use of providing water to the surrounding community. Approval of the Final Map will be conditioned on the applicant obtaining the Zone Reclassification.

General Plan: The General Plan designates both of the proposed parcels as Residential Low Density (RL). The RL designation provides for a mixture of residential, public and quasi-public uses, and similar and compatible uses. Since the RL designation is consistent with the existing uses set forth in the General Plan, a General Plan Amendment (GPA) will not be required. Staff has identified no conflicts with the General Plan.

Subdivision: ICC Title 16 and the California Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed Parcel 2 does not meet the applicable lot standards and design requirements specified in ICC Chapter 16.16 with the current zoning designation of R1; therefore, the project is conditioned on the applicant completing a ZR to P (Public District). TPM 418 meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Subdivision Map Act. Additional conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.

Access: Access to Parcel 1 is provided by Carol Lane. Access to Parcel 2 is also provided by Carol Lane. Current access to both parcels is adequate per ICC Section 16.16.180. Any traffic that will be anticipated can be fully accommodated on the existing road.

Utilities and Public Services: Utility and public services are already existent along Carol Lane and can be easily accessed by both Parcels 1 and 2. Water service, to both Parcels 1 and 2, is provided by the Sierra Highlands Community Services District.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by Article 19, Categorical Exemption 15303(d). This CEQA exemption applies to projects which include the new construction or conversion of small structures comprising of water mains and other such infrastructure. 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 TPM is for a property that is already cleared, graded and includes no additional development proposals.

RECOMMENDATIONS

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve TPM No. 418/Sierra Highlands CSD and ZR 2018-01, subject to Conditions of Approval.

Recommended Findings for TPM#418

1. Proposed TPM #418 is covered by Categorical Exemption 15303(d)

[Evidence: the proposed TPM is covered by Categorical Exemption 15303(d) which states that this class 3 exemption consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Subsection (d) includes; water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction. Whereas, proposed Parcel 2 will maintain the well house with minor changes which include a ¾" water lateral with curb stop to better serve the community within its existing infrastructure. This TPM is being conducted on property that has already been graded and developed for residential use and this development has occurred with proper County permits and oversight; therefore, it will not have a significant effect on the environment.]

2. Based on substantial evidence in the record, the Planning Commission finds that TPM#418 is not conformance with the R-1 Zoning designation currently found on the property and a condition of approval to change the Zoning designation to P (Public District) will be required for a Final Map.

[Evidence: Inyo County Code (ICC) Chapter 18.30 states that every building site in an R-1 district shall have an area not less than 5,800-square feet; the parcel widths must be 50-feet; and the setback requirements are 25-feet for front, 5-feet for side yards; and 20-feet

rear yard. This subdivision will cause the resulting Parcel 2 to be out of compliance with ICC 18.30 the R-1 designation; therefore, the applicant is requesting a Zone Reclassification, for Parcel 2, to Public District (P) as this designation best fits the current uses and development pattern. Once this condition is met TPM#418 will be in conformance.]

3. Based on substantial evidence in the record, the Planning Commission finds that TPM#418 is in conformance with Inyo County General Plan, the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

[Evidence: The proposed Parcel 1 and 2 are consistent with the Residential Low Density (RL) General Plan designation, as it provides for single-family residential neighborhoods adjacent to existing communities or rural residential communities, public and quasi-public uses, and similar and compatible uses. Proposed Parcel 2 is already used in a public, quasi-public function. It has a well house and water tank on it that is used supply water to the community.]

4. Based on substantial evidence in the record, the Planning Commission finds 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 residential character of the surrounding area and is already graded and developed. It will not increase demands on public services and utilities. The TPM has been routed to appropriate County departments and the comments that were received have been addressed. The project is not expected to increase demands for fire protection services and is located within a local fire district.]

5. Based on substantial evidence in the record, the Planning Commission finds that the design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

[Evidence: Access to Parcel 1 and Parcel 2 will be provided by Carol Lane. Existing easements for water and sanitary services have been reviewed by the County Environmental Health Department. No conflicts with existing easements have been identified.]

6. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

[Evidence: As indicated by the Exemption, the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly. The subdivision itself will not result in physical modifications, and no changes in the current uses or development are proposed.]

7. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

[Evidence: As indicated by the Exemption, the subdivision will not result in any direct impacts. The site is already graded and developed and the subdivision does not have potential indirect impacts to native vegetation and wildlife; and, the project's incremental contribution to modifying the physical environment will be insignificant.]

Conditions of Approval

1. A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.
2. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 418/Sierra Highlands CSD or applicant's failure to comply with conditions of approval.
3. Payment of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to recordation of the Final Parcel Map.
4. The applicant will complete a Zone Reclassification on Parcel 2 from R-1(One Family Residences) to P (Public District) prior to recordation of the Final Parcel Map.
5. The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all streets and utilities within and serving the subdivision per applicable standards, as may be required by the County in the future.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by Article 19, Categorical Exemption 15303(d). This CEQA exemption applies to projects which include the new construction or conversion of small structures comprising of water mains and other such infrastructure. 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 TPM and ZR is for a property that has been already cleared, graded, and includes no additional development proposals.

Zone Reclassification 2018-01/Sierra Highlands CSD

Both of the proposed parcels are zoned One Family Residence (R-1). Inyo County Code (ICC) Chapter 18.30 states that every building site in an R-1 district shall have an area not less than 5,800sq.ft. and an average width not less than 50-feet. This subdivision will cause the resulting Parcel 2 to be out of compliance with the Chapter 18.30 R-1 designation; therefore, the applicant is requesting a Zone Reclassification to Public District (P) as this designation best fits the current uses and development pattern. The approval of Final Map 418 is conditioned on the applicant obtaining this Zone Reclassification

RECOMMENDATION

Planning Department Staff recommends that Planning Commission recommend the Board of Supervisors approve Zone Reclassification 2018-01/Sierra Highlands CSD.

Recommended Findings for ZR2018-01

1. Based on substantial evidence in the record, the Planning Commission Recommends that the Board of Supervisors find that Zone Reclassification 2018-01/Sierra Highlands CSD are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The existing General Plan designation of Residential Low Density (RL) is sufficient and does not need to be amended. It provides for single-family residential neighborhoods adjacent to existing communities or rural residential communities, public and quasi-public uses, and similar and comparable uses. This designation satisfies Land Use Element Goal PSU-3, which states: To ensure that there will be a safe and reliable water supply sufficient to meet the future needs of the County.]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that Zone Reclassification 2018-01/Sierra Highlands CSD is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of Public District (P) provides zoning regulations for such land and buildings as may be used for public and quasi-public purposes or other similar and compatible uses. Parcel 2 has existing water facilities on the parcel and is being used to service the community. These facilities consist of an existing well house and water tank with the proposal of a ¾" water lateral with curb stop.]

3. 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 residential character of the surrounding area and is already graded and developed and will not increase demands on public services and utilities. The existing use on proposed Parcel 2 would work to alleviate water demand and ensure reliable service to the area. The TPM has been routed to appropriate County departments and comments that were received have been addressed by the applicant.]

4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the proposed reclassification is not likely to cause substantial impacts to public health, safety or welfare.

[Evidence: The proposed Zone Reclassification is proposed as condition of approval for TPM 418. It will allow the current uses on the property to be consistent with the County's Zoning Ordinance. It will not change or increase the current level or type of use on the property; and therefore, will not create impacts to the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.]

SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Tentative Parcel Map No. 418/Sierra Highlands CSD and find it exempt from CEQA, as well as recommend the Board of Supervisors approve ZR 2018-01/Sierra Highlands CSD, and find it is exempt from CEQA.

EXHIBITS

- A. Tentative Map.
- B. Legal Description
- C. Vicinity Map