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

**PLANNING COMMISSION
MEETING DATE:** August 23, 2017

SUBJECT: GPA 2017-02/ Silcott; and, ZR
2017-02/Silcott

EXECUTIVE SUMMARY

The applicants Bobbie Jo and Dean Silcott are proposing to change the Zoning and General Plan Designations on a property they own, located between South Lake Road and Mt. Tom View Drive, west of the community of Bishop. Currently this parcel has multiple zoning designations of Open Space with a 40-acre minimum (OS-40) and OS-40 with a Snow Avalanche Hazard Overlay (SAHO) and has the General Plan designations of Open Space and Recreation (OSR) and Natural Hazards (NH). The applicant is requesting the Zoning Designations of Rural Residential with a 5-acre minimum (RR-5.0) and RR-5.0 SAHO; and Rural Residential with a 2.5-acre minimum (RR-2.5) and RR-2.5 SAHO; and the General Plan Designations of Residential Estate (RE); Residential Rural Medium Density (RRM) and NH. These designations best fit the applicant's plans for the parcel and the applicant has indicated that no changes to the uses are foreseen for the future. There is no development proposed at this time. The applicant will be applying for a Lot Line Adjustment after the GPA and ZR with the property also owned by them located on the north east end of the parcel with the proposed GPA and ZR (Attachment – maps of current and proposed zoning and general plan designations). This Lot Line Adjustment will result in the two parcels being divided by the creek that runs north to south.

PROJECT INFORMATION

Supervisory District: 1

Applicants: Bobbie Jo and Dean Silcott

Landowners: Bobbie Jo and Dean Silcott

Community: West of Bishop

A.P.N.: 014-270-18

Existing General Plan: Open Space and Recreation (OSR) and Natural Hazards (NH)

Existing Zoning: Open Space with a forty-acre minimum (OS-40) and OS-40-SAHO.

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant	Open Space and Recreation; Natural Hazards	Open Space, 40-acre minimum (OS-40); Open Space, 40-acre minimum, Snow Avalanche Hazard Overlay OS-40-SAHO
North	Vacant	Natural Hazards (NH); State and Federal Lands (SFL)	Open Space, 40-acre minimum (OS-40)
East	Vacant and Single Family Homes	Residential Rural Medium Density (RRM); Residential Very Low Density (RVL)	Rural Residential 2.5-Acre Minimum – Snow Avalanche Hazard Overlay (RR-2.5-SAHO)
South	Recreational Vehicle Park	Resort/Recreational (REC)	Commercial Recreation (C-5)
West	Mt. Tom View Rd.; Vacant	Natural Hazards (NH)	Open Space, 40-acre minimum, Snow Avalanche Hazard Overlay (OS-40-SAHO)

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2017-02/ Silcott, with certain Conditions of Approval, and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2017-02/ Silcott, with certain Conditions of Approval 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

In 1991 the previous owner of this property subdivided it with a Parcel Map #291, changed the Zoning and General Plan designations from residential to open space; and obtained a Conditional Use Permit (CUP) to operate a recreational vehicle (RV) park on the western portion of the property. The approval of the PM, GPA, ZR and CUP essentially created an opportunity for a more intensive use than what was currently allowed for at the time (the RV park). The current owners do not want to develop the property with an RV park and may sell part of the property at a future date (the area west of the creek). They also do not want the potential for an RV park to be developed there in the future. The approval of the proposed GPA and ZR would result in the property having similar designations that it had prior to the changes in 1991. The difference being the area to the west had a 2.5-acre minimum and the area to the east had a 5-acre minimum. This current request switches this.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by vacant, open space, low density residential development and an RV park. The GPA and ZR will not alter the existing land use and there are no development proposals for it. The applicant will eventually have a Lot Line Adjustment prepared for this parcel and the parcel located directly to the northeast. This will result in still having two parcels total, but they will be reconfigured to be divided by the creek that runs through property north to south. The GPA and ZR will not allow the potential to alter the character of the property or the surrounding area as they are designations for low density residential uses.

Zoning: The parcel that is proposed for the GPA and ZR is designated Open Space with a forty-acre minimum (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 currently does not meet the requirements of the OS-40 zone. By approving the requested zone change of RR-5.0 and RR-2.5 the parcel will be zoned to match the present size and uses on the property. The area east of the creek is proposed to be zoned RR-2.5 as it will be part of the Lot Line Adjustment proposal and must match the zoning designation of the parcel it will be adjusted with. The section of the parcel located east of the creek will be zoned RR-5.0. This designation will not provide for additional future subdivisions as the parcel will not be large enough to get more than one 5-acre parcel. The areas on the parcel that are within the SAHO will remain. This overlay designation requires: 'Additional development standards for avalanche protective, deflective and preventive structures, devices or earthwork which threaten to deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property are prohibited'. This is appropriate as the SAHO is mapped on the sections of the property where snow avalanches have occurred.

General Plan: The parcel's current General Plan designations relate to the current zoning and were changed at the same time as the ZR, PM, and CUP approvals. The OSR General Plan designation corresponds to the OS zoning. The change will result in this parcel having General Plan designations of Residential Estate (RE) and Residential Rural Medium Density (RRM) that

match the proposed zoning designations and the required densities. The areas of the parcel that are within the SAHO will continue to have the NH General Plan designation. It provides that: 'This designation, which is applied to land or water areas that are essentially unimproved and planned to remain open in character, provides for the protection of the community from natural hazards such as avalanches, floods, and seismic hazards. . . .' This designation is appropriate as the SAHO is mapped on the sections of the property where snow avalanches have occurred.

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 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.

The current site is also compliant with the Conditionals of Approval that were set forth when the previous PM, ZR, GPA and CUP were granted. This includes a forty-foot drainage easement along the creek to protect the riparian area as required by the California Department of Fish and Wildlife and included on Final Map 291. The application has been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

TRIBAL CONSULTATIONS

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 April 24, 2017 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 were received prior to or after the 90-day period ended.

RECOMMENDATIONS

Planning Department staff is recommending that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment 2017-02/Silcott and Zone Reclassification 2017-02/Silcott.

Recommended Findings

1. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2017-02/Silcott and Zone Reclassification 2017-02/Silcott are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The proposed designations of Residential Estate and Residential Rural Medium Density provide for low density residential use, which better matches the actual uses and the planned uses for the property, as well as, the proposed zoning designations. The General Plan designation of Natural Hazards will remain on the appropriate areas of the parcel as these areas have the SAHO due to a history of avalanches on the property and this designation will help to prevent dangerous situations that could be caused by potential future avalanches. The proposed designation of Natural Hazards also supports General Plan Policy AVL 1.1 as it states: 'Discourage new development in areas of known or potential avalanche hazard'.]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2017-02/Silcott and Zone Reclassification 2017-02/Silcott are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designations of RR-5.0 and RR-2.5 fit with the current and planned future uses of the property. This change will also allow the parcel to be compliant with the minimum requirements of the proposed zoning district, which it presently is not. The areas on the parcel that are within the SAHO will remain in the SAHO. This is appropriate as the SAHO is mapped on the sections of the property where snow avalanches have occurred.]

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 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 low density residential development and takes away the potential for the RV Park as was approved for in 1991. Any additional residential development will require well and septic on the property. Other utilities and services are available in the area, if the parcel is ever developed.]

4. 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.

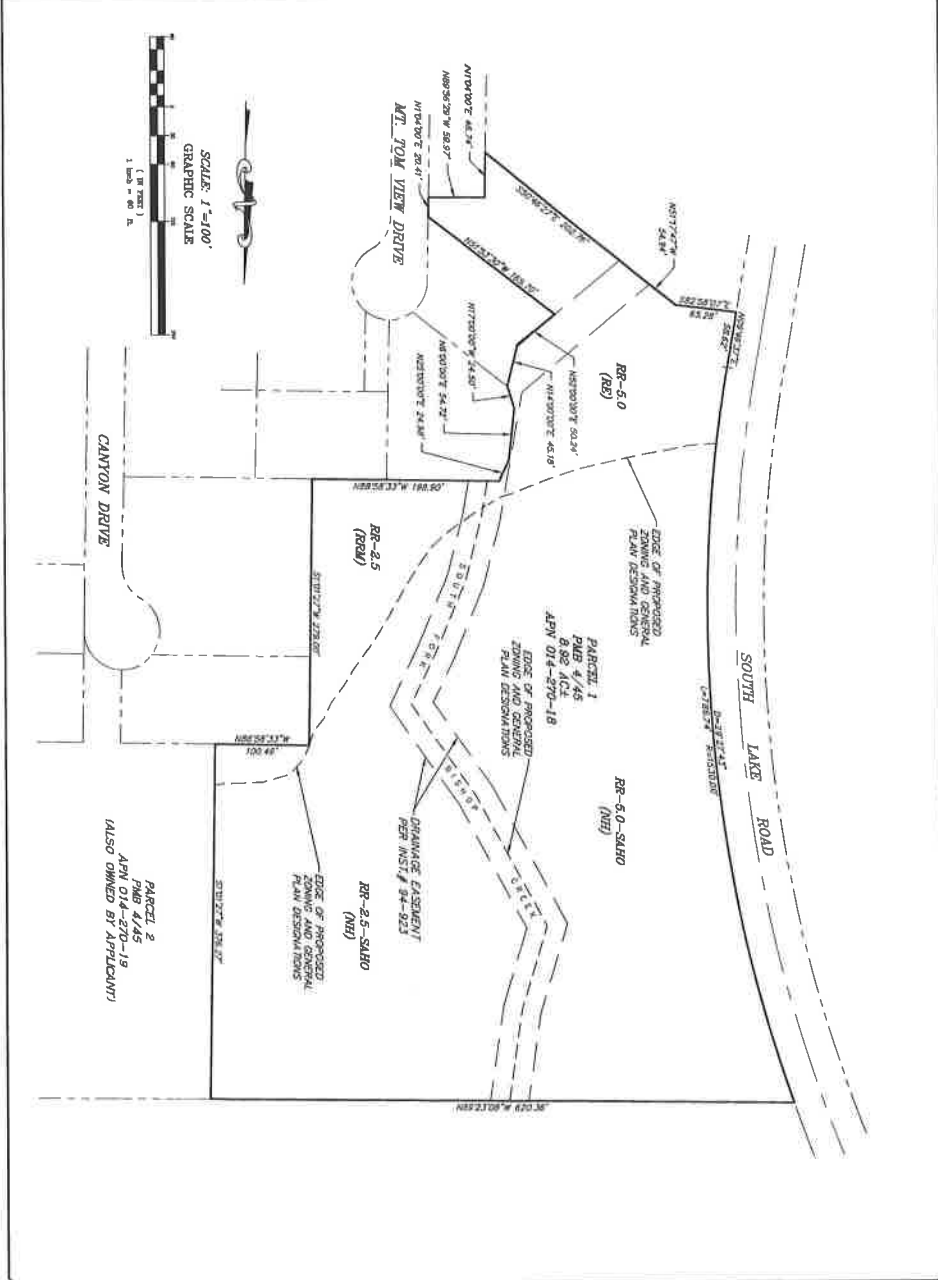
[Evidence: The proposed General Plan Amendment and Zone Reclassification will allow the current uses on the property to be consistent with the County's Zoning Ordinance by changing the zoning to match the size of the parcels and changing the General Plan to properly correspond with the zoning designations. Also, the areas on the property that are currently within the SAHO and have the NH General Plan designation will remain the same as appropriate since they are in an area identified as having experienced snow avalanches. The designation changes will not allow for increased density or intensity 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.]

ENVIRONMENTAL REVIEW

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Attachments:

- Current Zoning and General Plan Map
- Proposed Zoning and General Plan Map



<p>APPLICANT: DEAN & BOBBIE JOE SILCOTT</p> <p>PROJECT: 1-291</p> <p>DATE: 3/28/17</p> <p>SCALE: 1" = 80'</p> <p>2</p>	<p>DATE: 3/28/17</p> <p>SCALE: 1" = 80'</p> <p>2</p>
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PARCEL 1, PARCEL MAP NO. 291, PMB 4/45
PROPOSED ZONING & GENERAL PLAN DESIGNATIONS
 PREPARED FOR: DEAN & BOBBIE JOE SILCOTT