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

PLANNING COMMISSION

MEETING DATE: May 23, 2020

SUBJECT: TPM 422; ZR 2019-02/Olancha RV; GPA 2019-01/Olancha RV

EXECUTIVE SUMMARY

The applicant, Olancha Lake LLC, is requesting a parcel merger/lot-line adjustment of six, primarily 10-acre parcels, one of which is 19 acres. This parcel merger request requires a Tentative Parcel Map because there are “more than four lots involved in the lot line adjustment” and therefore “a re-subdivision tentative map application [is] required” (ICC 16.52.070). This parcel merger also requires a Zone Reclassification and General Plan Amendment to create the correct land use designations for the proposed commercial RV camping business. The applicant is requesting Commercial Recreation with 60-acre minimum (C5-60) and a General Plan designation of Resort Recreational (REC) with between 1 and 24 dwelling units per acre density requirement. The REC designation is intended for a mix of tourism-oriented commercial and residential uses, though permanent residential use is also permitted. The parcel is located in Olancha, one-eighth of a mile east of Highway 395, adjacent to SR 190. It is currently zoned Rural Residential with a 5-acre minimum (RR-5.0); has the General Plan designation of Residential Estate (RE); and, includes six parcels to be merged, with Assessor Parcel Numbers (APNs): 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17 (Attachment - site and vicinity maps). The zone reclassification to C5 and General Plan Amendment to REC properly accommodate the proposed future use as a commercial RV and tent camping site.

PROJECT INFORMATION

Supervisory District: 5

Applicants: Olancha Lake, LLC

Landowners: Olancha Lake, LLC

Community: Olancha, CA

A.P.N.: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17

Existing General Plan: Residential Estate (RE)

Existing Zoning: Rural Residential with a 5-acre minimum (RR-5.0-MH)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant cabins, site currently unused	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
North	Vacant	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
East	Vacant	Rural Protection (RP)	Open Space, 40-acre minimum (OS-40)
South	vacant	Residential Estate (RE)	Rural Residential, 5 acre minimum (RR-5-MH)
West	industrial	Light Industrial (LI) & Rural Protection (RP)	General Industrial (M1) & Light Industrial (M2)

Recommended Action:

- 1.) Make certain findings with respect to and approve TPM 422/and certify the Mitigated Negative Declaration under CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2019-02/Olancha Lake RV, and certify the Mitigated Negative Declaration under CEQA.
- 3.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2019-01/Olancha Lake RV, and certify the Mitigated Negative Declaration under 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: Steve Karamitros

BACKGROUND

The applicant has applied for TPM 422 as part of their business plan to combine six separate parcels into one for purposes of a commercial RV camping business. The applicant is also the current owner of the properties to be merged (Olancha Lake, LLC; Leedy Ying). There are currently four abandoned cabins on two of the parcels, which will be converted into cabins for rent. The property has a preexisting tennis court and a dry lake, which the applicant intends to fill for commercial recreational use (kayaking; swimming). This request by the current property owner and applicant Olancha Lake, LLC is to merge six parcels. Combining four or more parcels without a Tentative Map would not comply with Inyo County Code 16.52.070, and would not be considered a legal parcel without the benefit of this Tentative Parcel Map, as set forth by the California Subdivision Map Act.

The parcels proposed for merger are zoned RR-5.0-MH, which prohibits commercial activities, such as RV parks; therefore, the applicant is also requesting a zone reclassification of the approximately 68-acres to Commercial Recreation with a 60-acre minimum lot size. The minimum lot size under the current zoning will change following the zone reclassification. Once the parcels are merged, the property will not have the potential to be subdivided. A General Plan Amendment is also required as the current designation of RE does not allow for commercial uses, such as the proposed RV camping project.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by vacant and open space land, to the north, east and south, all of it privately owned. Directly to the west is a bridge building warehouse and materials staging area. Less than 0.25 miles west is the community of Olancha. The TPM, ZR and GPA will alter the existing land use to enable future planned development for a commercial RV project. The TPM, ZR and GPA will enhance the character of the property, bringing existing buildings up to Building & Safety Code, and filling the Olancha lake to create recreational opportunities. The site will utilize three preexisting permitted wells to supply the lake, and the applicant is working with the Inyo County Department of Environmental Health to design and upgrade the septic system that can accommodate the RV camping site.

General Plan: The proposed Tentative Parcel Map and zone reclassification necessitate a change to the General Plan land use designation of Residential Estate (RE). The applicant is requesting a General Plan designation of Resort Recreational (REC). The current designation of RE does not allow for non-residential commercial uses, such as the proposed RV park. Changing the General Plan designation to REC will result in a 1-acre per 1/2.5 – 24 dwelling unit density that corresponds with the 60-acre lot size requirement of the proposed C5 zone. Clustering of residential units is encouraged, with density of developed area allowed up to 24 dwelling units per net acre. The REC designation is to be used in rural areas oriented toward tourist use, however, it also permits permanent residential use and public and quasi-public uses. This designation provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, motels, *campgrounds*, *trailer parks*, restaurants, general stores, service stations, and similar and compatible uses. The REC designation is better suited to the proposed future use, providing commercial development and employment to the Olancha community. This would better align with Inyo County's goal to: "provide commercial land uses

that adequately serve the existing and anticipated future needs of the community and surrounding environs.” Preexisting wells for domestic water use would be used and septic systems for the 4 cabins and 40 RV spaces are currently being designed in coordination with the Environmental Health Department. There are currently seven existing buildings cumulatively among the six parcels being merged. Four of these structures will be converted into cabins to be rented for residential use on the proposed recreational project. The merged, 68-acre parcel will have a density requirement of 1 camping/cabin space per acre. This density is applied to projects, such as commercial RV parks and campgrounds, where the density ratio of camping/RV spaces-to-acreage is used, rather than residential units per acre. This change will allow for the proposed 40 RV spaces, 4 cabins, and 10 tent camping spaces.

Zoning: The proposed zone reclassification to C5-60 will result in an increase to the minimum lot size requirement that is currently 5-acres. The property is not currently in use and the C5-60 zoning designation, combined with the merger under the Tentative Map, would allow the owner/applicant to establish a commercial RV campground as a conditional use. The change in designation would not provide for additional future subdivisions. Additionally, the resulting single parcel will not create a situation where there could be as many single-family homes allowed as there are RV/camping spaces. The density and number of RV and tent camping spaces allowed is based on the commercial use of the RV park. Any future subdivision related to residential use and development would require an additional zone reclassification. It is in the public interest to have zoning designations match the uses on a parcel, and even more so to have zoning that matches an applicant’s future plans for a parcel. This produces consistency between use and designation. TPM 422 is conditioned with first attaining the zone reclassification.

Subdivision: ICC Title 16 and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lots meet the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. 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. Due to the rural, undeveloped, nature of the area, staff recommends that the street and utility improvements required by ICC Section 16.40.010 be waived, as permitted. A condition of approval is included to require such improvements in the future if they become necessary.

Access: Access will be provided to the parcel/campground via School Rd.

Utilities and Public Services: The project site does not currently have complete utility provisions. LADWP will be providing electricity to the site and there are existing power poles on the property. The applicant is working with LADWP to create appropriate electrical designs for the project. Water is accessible with 3 existing wells and wastewater with existing and planned septic systems. The required setbacks between structures, wells, septic systems, and property boundaries will be met, based on the current project plans.

Fire

The project area is located within a Local Responsibility Area for fire protection services. The project meets the requirements of the Sub Division Map Act regarding Fire Districts as it

located within the Olancha Community Service District that provides fire protection and suppression services.

TRIBAL CONSULTATION

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. Pursuant to SB 18 Tribes were invited to consult on this General Plan Amendment. In addition, this project is not exempted from CEQA analysis and required an Initial Study/Mitigated Negative Declaration. Consequently, pursuant to AB 52, Tribes received a written request to comment on the environmental document being produced for this project. Staff mailed SB 18 & AB 52 consultation invitations on October 31, 2019 to the: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, and the Cabazon Band of Mission Indians. No requests for consultation were received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration has been completed to evaluate for environmental impacts. This application for a TPM, ZR and GPA is for a property that is already disturbed, which includes a preexisting tennis court, seven built structures (cabins), and utility connections. However, the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations will be added to the proposed TPM, ZR, and GPA as Conditions of Approval for the project.

NOTICING & REVIEW

The application for TPM 422/Olancha Lake RV; ZR 2019-02/Olancha Lake RV; GPA 2019-01/Olancha Lake RV have been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

The project was noticed on May 14, 2020 in the Inyo Register and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

RECOMMENDATIONS

Planning Department staff is recommending:

1. The Planning Commission approve TPM 422 and certify the Initial Study and Mitigated Negative Declaration under CEQA.
2. The Planning Commission provide a recommendation that the Board of Supervisors approve General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV certify the Mitigated Negative Declaration under CEQA.

Recommended Findings and Conditions

TPM 422 - Findings:

1. Proposed TPM 422/Olancha Lake RV an Initial Study and Mitigated Negative Declaration under CEQA was conducted for the project and it was found that impacts will be less than significant with mitigations.

[Evidence: the proposed project will include 10 tent-camping sites, 40 RV camping spaces, 4 existing homes that will be turned into cabins for rental, a star gazing area for campers to enjoy at night, a horse shoe pit, a tennis court, a bird watching area, a restaurant, and kayaking rentals for use on Olancha Lake. Although the property has already been disturbed (a preexisting tennis court, seven built structures, and water and septic connections), the project will create new disturbances from upgraded septic systems, more intense water use, and potential impacts to botanical & wildlife resources. All mitigations will be added to the proposed TPM, ZR, and GPA as Conditions of Approval for the project.]

2. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Rural Residential Zoning designation currently found on the property; therefore, a condition of approval to change the Zoning designation to Commercial Recreation with a 5-acre minimum (C5-5) will be required for a Final Map.
[Evidence: Inyo County Code (ICC) Chapter 18.21.010 states the intent of the current RR zoning designation is to “provide suitable areas...for low density, single family...uses and estate uses where certain agricultural activities can be successfully maintained in conjunction with residential use...” This designation is for low density residential use, which does not align with the planned commercial use of the project. The Final Map will merge 6 parcels for a commercial campground, with multiple RV and tent camping spaces; this planned commercial project will be out of compliance with ICC 18.21 the RR designation; therefore, the applicant is requesting a Zone Reclassification to Commercial Recreation with a 5-acre minimum (C5-5) as this designation best fits the project’s planned use and will allow TPM 422 to be finalized. Once this condition is met, TPM 422 will be in conformance with the Zoning designation.]

3. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 is not in conformance with the Inyo County General Plan designation of Rural Estate (RE) that is currently found on the property and a condition of approval to change the General Plan designation to Resort Recreational (REC) will be required for a Final Map.
[Evidence: The RE designation provides for single-family dwellings with a density of 1 single-family dwelling per 5-acres. This does not correspond consistently with the requested C5 zoning. For consistency and compliance with the General Plan, the applicant is requesting a General Plan Amendment to change the designation from RE to REC. The REC designation is traditionally used in tandem with the C5 zoning designation. It allows for RVs and tent campgrounds, which are geared toward commercial rather than residential uses. Once this condition is met TPM 422 will be in conformance with the REC General Plan designation.]

4. Based on substantial evidence in the record, the Planning Commission finds that TPM 422 as conditioned is in conformance with and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.
[Evidence: Proposed TPM 422 is consistent with the requested C5 Zoning designation as the new parcel meets the development standards of a minimum parcel size and setback requirements of both respective zoning districts. The Tentative Map is being produced because more than four lots are being merged (16.52.070-E). The proposed single lot meets

the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. 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.]

5. 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 rural character of the surrounding area, is already developed and will not increase demands on public services and utilities. TPM 422 has been routed to appropriate County departments and the comments that were received have been addressed in the conditions of approval. The project is not expected to increase demands for fire protection services and is located within a local fire district.]
6. Based on the substantial evidence the Planning Commission finds that the provisions of Government Code 66474.02 have been met (fire Protection and suppression services).
[Evidence: The proposed commercial project is within a local fire district, which effectively exempts TPM 422 from 66474.02. TPM 420 has been routed to the local fire district in Olancha and no comments have been received.]
7. Based on substantial evidence in the record, the Planning Commission finds that the design of the merged lots or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.
[Evidence: Access to the project is already established by School Road. Additional easements for water and sanitary services are not required as there are existing facilities that serve the property and no conflicts with existing easements have been identified.]
8. 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 Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, listed botanical that have blooming periods outside of when surveys were conducted, and potentially nesting bird species. Conditions of approval are included to ensure that the final map mitigates the above mentioned potential impacts. The proposed campground will be regulated as a public water system and has been evaluated by both the County's Environmental Health Department and the Lahontan Regional Water Quality board. Preconstruction surveys will be conducted to determine if storm water management is necessary. Additional preconstruction surveys will ensure that any potential impacts to botanical and or wildlife species are appropriately mitigated.]
9. 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: The site is already developed and the merger of parcels, and resulting campground project, does have potential to impact native botanical species and nesting bird species. These potential impacts will be avoided through preconstruction surveys and any resulting avoidance, minimization, or mitigation measures determined to be necessary by a qualified biologist.]

TPM 420 – 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. 422/Olancha Lake RV 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 shall complete ZR 2019-02/Olancha Lake RV changing the zoning designation on the proposed single Parcel from (RR-5) to (C5-5) prior to recordation of the Final Parcel Map.
- 5.) The applicant shall complete a GPA 2019-01 changing the General Plan Designation from (RE) to (REC) prior to recordation of the Final Parcel Map.
- 6.) The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all roads and utilities within and serving the parcel per applicable standards, as may be required by the County in the future.

GPA 2019-01/Olancha Lake RV; ZR 2019-02/Olancha RV - Findings:

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2019-01/Olancha Lake and Zone Reclassification 2019-02/Olancha Lake are a Mitigated Negative Declaration under CEQA. *[Evidence: the proposed project has been analyzed for environmental impacts Under CEQA, which has resulted in a Mitigated Negative Declaration. As the CEQA lead agency, all mitigations required by the Initial Study, shall be added as conditions of approval for the future campground project. This application for a TPM is for a property that is already disturbed and includes no additional development proposals; the land use designations that are proposed will not result in more impactive uses.]*
2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and

Zone Reclassification 2019-02/Olancha Lake RV are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The proposed designation of REC provides for a mixture of residential and recreational commercial uses, such as resorts, recreational facilities, and campgrounds. This designation is oriented towards commercial use, but does provide for permanent residential use, with a density (1 dwelling unit per 25-acres). Clustering of residential units is encouraged, which would increase the density of developed area to 24 dwelling units per net acre. This higher density is appropriate for the proposed 40 RV spaces, 10 campsite spaces, and 4 cabins and better corresponds to the proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]

3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2019-01/Olancha Lake RV and Zone Reclassification 2019-02/Olancha Lake RV are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of C5-10 provides for low density residential use for people regularly employed on the premises for commercial recreational activities, and commercial recreation, oriented around tourism, which corresponds to the proposed General Plan designation. The proposed zoning will not result in more potential parcels than could currently be subdivided from the property without these changes.]

4. 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 increase the potential for increased intensity or density on the site as it changes the parcel to C5-60, which allows for more intensity in use than the current RR-5 designation does. The property has three existing wells to meet the increase intensity of water use from the proposed lake and domestic water use for the campground. This commercial RV campground will be regulated as a public water system and be subject to the rules and constraints set by the Inyo Environmental Health Department. Additionally, septic systems are already in place on the property and will be redesigned and upgraded to meet the intensity of commercial use. This will be adequate for the planned commercial enterprise. Electricity services are also currently provided to the parcel, but will be upgraded for the proposed campground, although; electrical connections will not be provided for RV hookups.]

Recommendation: 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 future planned uses on the parcel and changing the General Plan to properly correspond with the zoning designation. The designation changes

will allow for increased density and intensity of use on the property; however, this will not create substantial impacts to the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.]

Attachments:

- Vicinity Map
- Site Map
- Tentative Parcel Map 422
- Ordinance