



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

Phone: (760) 878-0263

FAX: (760) 872-2712

E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: 7 (Action Item and Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** September 23, 2020

SUBJECT: ZR 2019-02; GPA 2019-01; TPM 422; CUP 2020-03/Olancha Lake RV

EXECUTIVE SUMMARY

The applicant, Olancha Lake LLC, is requesting a parcel merger/lot-line adjustment of seven parcels. 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 80-acre minimum (C5-80) 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 seven 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, and 033-080-03 (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. Finally, the C5 zoning designation will require a CUP, since mobile-homes and campgrounds are allowed as a conditional use requiring Planning Commission approval, as stated by ICC 18.54.040(A)(C).

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, and 033-080-03

Existing General Plan: Residential Estate (RE) & Light Industrial (LI)

Existing Zoning: Rural Residential with a 5-acre minimum (RR-5.0-MH) & Light Industrial with a 2.5-acre minimum (M2-2.5)

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.
- 4.) Make certain findings with respect to and approve CUP 2020-03/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 seven 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). The project will include 5 cabins for rent, as well as 95 RV spaces and 30 camping spaces. The final buildout for the project will include a tennis court, showers, amphitheater, star gazing area, skate board park, restaurant, and store available to customers at the resort. The applicant intends to fill the preexisting, dry lake for recreational use (kayaking). 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 & M2-2.5, which prohibits commercial, recreational activities, such as RV parks and campgrounds; therefore, the applicant is also requesting a zone reclassification of the approximately 80-acres to Commercial Recreation with an 80-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 and LI 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) and Light Industrial (LI). 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 80-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.” Three preexisting wells, for domestic water use, would be utilized. Drilling an additional well may be required. Septic systems for 5 cabins, showers, restaurant, store, and 95 RV spaces are currently being designed in coordination with the Inyo County Environmental Health Department, Lahontan Regional Water Quality Control Board, and the California Housing Community Development Agency. There are currently seven existing buildings cumulatively among the seven parcels being merged. Five of these structures will be converted into cabins for overnight rentals on the proposed recreational project. The merged, 80-acre parcel will have a density requirement of 1 camping/cabin space per acre; however, the General Plan stipulates that with clustering of dwelling units, densities of developed areas are allowed up to 24 dwelling units per net 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 95 RV spaces, 5 cabins, and 30 tent camping spaces.

Zoning: The proposed zone reclassification to C5-80 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 C5-80 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 lot meets 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 US 395. A condition of approval is included to require that the applicant procure an encroachment permit from the Caltrans, District 9 before construction of the ingress/egress to the proposed project property.

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. Wastewater will be received using septic systems that are still in the design phase. The required setbacks between structures, wells, septic systems, and property boundaries will be met, based on the current project plans. A condition of approval is included that requires the applicant to comply with well and septic permitting requirements and protocols set by the Inyo County Environmental Health Dept., Lahontan Regional Water Quality Board, and the California Housing Community Development Agency.

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 following: 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, GPA, and CUP 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; ZR 2019-02; GPA 2019-01; and CUP 2020-03/ Olancha Lake RV have been reviewed by the appropriate County departments. The Inyo County Environmental Health Dept. has identified well and septic design issues that must be addressed for the proposed project to be compliant with County and State regulations. Completion of this additional project design work will be added as a Condition of Approval for the conditional use permit.

The notice for the project's public hearing was advertised in the *Inyo Register* on September 5, 2020 and the notice was mailed to property owners within 300-feet of the project location on September 4, 2020. 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 and Zone Reclassification 2019-02/Olancha Lake RV and certify the Mitigated Negative Declaration under CEQA.
3. The Planning Commission approve CUP 2020-03/Olancha Lake RV and certify the Initial Study and 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 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an amphitheater, a store, showers, 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, GPA, and CUP 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 80-acre minimum (C5-80) 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 7 parcels for a commercial campground, with 95 RV and 30 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 80-acre minimum (C5-80) 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) or Light Industrial (LI) 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, and the LI designation does not allow for any residential use. 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 422 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: The project will be accessed from US 395. This will require an encroachment permit from Caltrans to address project work within the State's right of way. 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, with possible impacts to botanical and wildlife resources. 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, on all suitable nesting habitats within the Project area, will be performed, no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

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. Preconstruction surveys, on all suitable nesting habitats within the Project area, will be performed no more than three (3) days prior to vegetation clearing or ground disturbance activities. The applicant will coordinate with their biologist, Inyo County, CDFW, and USFWS, following all relevant CDFW protocols, to determine what additional surveys and mitigation measures are needed to avoid impacts to Mohave ground squirrel, Desert Tortoise, and other plant and animal communities.]

TPM 422 – 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) & (M2) to (C5-80) prior to recordation of the Final Parcel Map.
- 5.) The applicant shall complete a GPA 2019-01 changing the General Plan Designation from (RE) & (LI) 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 & 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 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, have been added as conditions of approval for the future RV/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 95 RV spaces, 30 campsite spaces, and 5 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 C5-80 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 C5-80, which allows for more intensity in use than do the current RR-5 and M2-2.5 designations. 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, Lahontan Regional Water Quality Board, and California Housing Community Development 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.]

CUP 2020-03/Olancha Lake RV – Findings

1. The proposed Conditional Use Permit is a Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: The proposed project will include 30 tent-camping sites, 95 RV camping spaces, 5 cabin rentals, a star gazing area, a tennis court, a restaurant, a skateboarding park, an

amphitheater, a store, showers, 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 have been added to the proposed CUP as Conditions of Approval for the project.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Resort Recreation (REC).

[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 95 RV spaces, 30 campsite spaces, and 5 cabins and better corresponds to the proposed zoning designation, which is oriented around such commercial uses as campgrounds and RV parks.]

3. The proposed Conditional Use Permit is consistent with the proposed RV park and campground, as stated in the provisions of the Inyo County Zoning Ordinance, which allow for RV parks and campgrounds in the REC, as a conditional use, following approval from the Inyo County Planning Commission.

[Evidence: Chapter 18.54.040-Conditional Uses (Commercial Recreation) allows for RV parks and campgrounds as a conditional use. The proposed designation of C5-80 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. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: The General Plan's Land Use Element states that the REC designation "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. This project will help the County meet its goals to provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs (Existing Goal 3).]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The project will not cause negative impacts on transportation or service facilities in the vicinity. Access will be provided to the parcel/campground via US 395. A condition of approval is included to require that the applicant procure an encroachment permit from the Caltrans, District 9 before construction of the ingress/egress to the proposed project property.]

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

[Evidence: As indicated by the Initial Study and Mitigated Negative Declaration, the project will have impacts to ground water use, utilities (septic), storm water, with possible impacts to botanical and wildlife resources. 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 additional mitigation is needed to lower the level of impacts to botanical & wildlife resources to a level below significance. The project has been evaluated by the Department of Building & Safety and Environmental Health and will not create impacts on the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.

[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.54.040(A)(C). Therefore, the conditional use permit is necessary for the continued operations at the site.]

CUP 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV – Conditions of Approval:

1) Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County 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 an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2020-03; ZR 2019-02; GPA 2019-01/Olancha Lake RV. The County reserves the right to prepare its own defense.

2) Compliance with the Zoning Code

Any changes to size or configuration of the commercial or residential components of this project shall require further review and potentially approval by the Inyo County Planning Commission.

3) Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

4) Light & Glare

The owner or his agent shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.

5) Noise

The owner or his agent shall post and enforce quiet hours on the campground (9pm – 7am)

6) Transportation

The owner or his agent shall obtain an encroachment permit from Caltrans, District 9 in order to access the proposed project using State right of way.

7) Water Quality & Waste Management

The applicant shall work with the Inyo Environmental Health Department, Lahontan Regional Water Quality Control Board, and the California Housing Community Development Department to ensure that all permitting and regulations, both County and State, are met for the project's proposed wells and septic systems.

8) Biological Resources

Botanical surveys shall be conducted for plants with blooming seasons outside the previous survey period (July 2019 & May 2020). These field surveys shall follow protocols set forth in the 'Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities' (CDFW 2018). As the Project has potential to support special-status species protected by federal and state laws [Fish & Game Code, §§ 711.7 (a) & 1802; PRC § 21070; CEQA Guidelines § 15386 (a), PRC § 21069; CEQA Guidelines, § 15381; Endangered Species Act Section 7(a)(2)], the applicant shall coordinate with CDFW & USFWS on the following surveys and provide the County with CDFW/USFWS' letter of compliance prior to construction:

- Mohave Ground Squirrel
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>)
- Desert Tortoise
(https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf)
- Plant & Natural Communities
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

The applicant shall conduct focused pre-construction surveys on all suitable nesting habitats within the Project area, no more than three (3) days prior to vegetation clearing or ground disturbance activities, and provide the County Planning Department with the survey report and findings before any ground disturbing activities.

Attachments:

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