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**AGENDA ITEM NO.:** 8 (Action Item – Public Hearing)

**PLANNING COMMISSION MEETING DATE:** March 23, 2022

**SUBJECT:** Amendment to Conditional Use Permit (CUP) 85-7 Brown’s Supply

#### **EXECUTIVE SUMMARY**

The applicant has applied for an amendment to their original CUP to expand the area of their salvage yard located on land leased by LADWP. The applicant has an existing 4.87-acre decomposed granite (DG) that the salvage yard has encroached upon. This amendment would bring the existing nonconforming salvage yard into compliance, allowing the entire 18.37-acre property to be used as a salvage yard, and change the end use for the 4.87-acre DG pit to be part of the salvage yard. If the amendment to the CUP is approved, the applicant will be applying for an amendment to the reclamation plan since this area has been mined out of material. The Surface Mining and Reclamation Act and County code require the reclamation plan to be amended for a successful change in end use and closure of the pit.

#### **PROJECT INFORMATION.**

**Supervisory District:** 4

**Project Applicant:** Brown’s Supply (Douglas A Brown)

**Property Owner:** Los Angeles Department of Water and Power

**Site Address:** 2372 Sunland Drive, Bishop, CA 93514

**Community:** Bishop, CA

**A.P.N.:** 13-020-07-03

**General Plan:** Public Facilities (PF)

**Zoning:** Open Space- 40 Acre Minimum (OS-40)

**Size of Parcel:** 18.37-acre lease of the larger 651-acre parcel

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Salvage Yard	Public Service Facilities (PF) and General Industrial (GI)	Open Space – 40-acre minimum (OS-40) and Public (P)
North	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40) and Public (P)
East	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
South	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
West	Vacant/Open Space/Borrow Pit	Natural Resources (NR)	Open Space – 40-acre minimum (OS-40)

**Staff Recommended Action:**

**1.) Approve the Amendment to Conditional Use Permit (CUP) 1985-7 Brown’s Supply, with the Findings and Conditions as identified in the Staff Report and find the project is exempt under CEQA.**

**Alternatives:**

- 1.) Deny the Amendment to 1985-7 Brown’s Supply.
- 2.) Approve the Amendment to 1985-7 Brown’s Supply with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:** Ryan Smith-Standridge

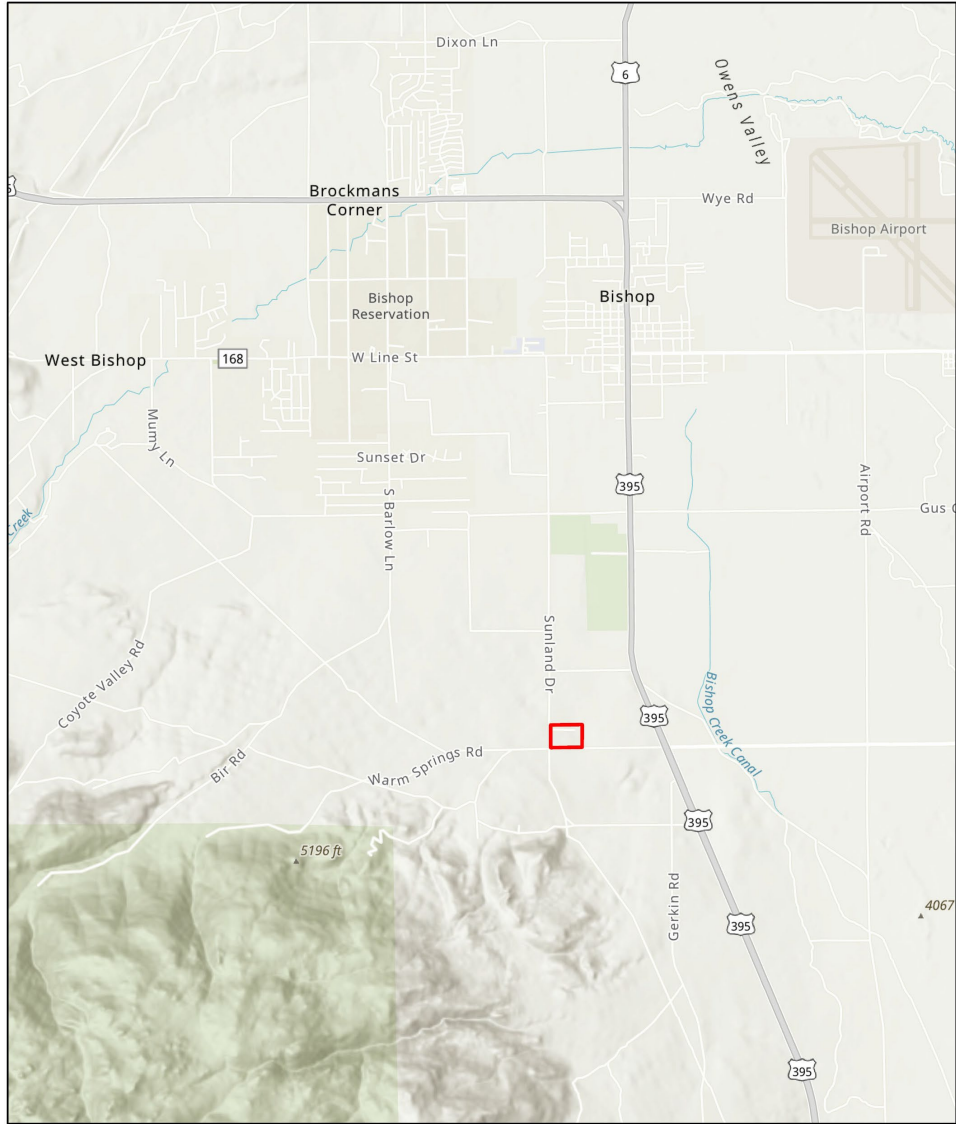
**STAFF ANALYSIS**

Background and Overview

The applicant has applied for an amendment to CUP -1985-7 to expand the area of their existing salvage yard located on land leased by DWP. The original CUP allowed for a 4.6-acre salvage yard, which is adjacent to a 4.87-acre decomposed granite borrow pit approved under CUP 1994-2. The proposed amendment would expand the salvage yard use to the entire 18.37-acre leased area and change the end use of the borrow pit area to a salvage yard. The 4.87-acre DG pit has been unofficially reclaimed and is currently being used for salvage, storage and metal recycling operations, therefore, the proposed amendment would bring the existing land use into conformance with Inyo County Zoning Code. LADWP, the property owner, has indicated this amendment is “minor,” and has submitted a letter in support of this amendment.

If the amendment to the CUP is approved, the applicant will be applying for another amendment, which would be to their reclamation plan, 1994-2. It is associated with CUP 1994-2, and would be to remove the 4.87-acres from the mining permit and change the end use to a salvage yard.

#### Vicinity Map



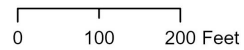
 Project Area

0 0.5 1 Miles

Site Map



- Originally Permitted Salvage Yard- 4.6 Acres
- Decomposed Granite Borrow Pit- 4.87 Acres
- Leased Area- 18.37 Acres



The proposed amendment to CUP 1985-7 would bring the existing use into compliance by allowing the full leased area to be used as a salvage yard.

General Plan Consistency

The goal of this project is to allow for an existing non-conforming use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Public Service Facilities (PF), as it allows for solid waste facilities, which includes salvage yards.

Zoning Ordinance Consistency

The Open Space zoning designation allows public and commercial refuse disposal sites with a conditional use permit. Brown's supply is the only licensed salvage yard in Northern Inyo County and has been operational for over 25 years and currently holds

salvage contracts with local government entities. The applicant is applying for an amendment to bring an existing non-conforming use on the site into compliance with County's zoning ordinance.

**NOTICING & REVIEW** The amendment for CUP 1985-7/Brown's has been reviewed by the appropriate county departments and LADWP. The applicant is currently working with Environmental Health staff to obtain certifications necessary to operate as a salvage yard. The amendment is being conditioned with meeting all state permits and certifications necessary to operate.

### **ENVIRONMENTAL REVIEW**

The amendment to Conditional Use Permit 85-7 is Categorically Exempt under CEQA Guidelines 153021, Existing Facilities – Class 1. Class 1 consists of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The amendment is being applied for to permit the additional area of operation to an existing salvage yard. No new construction is being proposed at this time; the site is already completely disturbed, and in use as a salvage yard; and therefore, the project is exempt.

### **RECOMMENDATION**

Planning Department staff recommends the approval of Amendment to Conditional Use Permit No. 1985-7/ Brown with the following Findings and Conditions of Approval:

### **FINDINGS**

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Class 1 consists of the permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The amendment is being applied for to permit the operation of an existing salvage yard. No new construction is being proposed at this time, ; the site is already completely disturbed, and in use as a salvage yard; and therefore, the project is exempt.]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of (PF).  
*[Evidence: The goal of this project is to allow for an existing non-conforming use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Public Service Facilities (PF), as it allows for solid waste facilities, which includes salvage yards.]*

3. The proposed Conditional Use Permit is consistent with the Inyo County Code designation of OS.  
*[Evidence: The Open Space zoning designation allows public and commercial refuse disposal sites with a CUP. The salvage yard is invaluable to Northern Inyo County and has been operational for over 25 years. The applicant is applying for an amendment to bring an existing non-conforming use on the site into compliance with County's zoning ordinance.]*
  
4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The entire 18.37-acre lease is currently being used as a salvage yard and the proposed amendment would bring the existing land use into conformance with Inyo County Zoning Code.]*
  
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed amendment is to make an existing land use compliant with the County's Zoning Code. It will not substantially add to the current level of use of the site or the type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]*
  
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: The amendment is being proposed to make an existing land use compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]*
  
7. Operating requirements necessitate the Conditional Use Permit for the site.  
*[Evidence: The use of the leased land as a salvage yard requires a CUP per Inyo County Code Section 18.12.040; therefore, the CUP is necessary for the continued operations at the site.]*

## **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 the amendments made herein to Conditional Use Permit No. 1985-7/Brown. The County reserves the right to prepare its own defense.
  
2. Compliance with County Code  
 The applicant/developer shall conform to all applicable provisions of Inyo County Code. Failure to do so may result in the revocation of the CUP. If the use provided by

this conditional use permit is not established within one year of the approval date it the Conditional Use permit shall become void.

### 3. Compliance of Lease Agreement

The applicant shall obtain and adhere to the requirements of Los Angeles Department of Water & Power Lease Agreement. LADWP will enforce all conditions in the lease and notify Inyo County any violation of the lease. The applicant shall provide the county any updated lease agreements within 30 days of being executed. Failure to comply may cause revocation of 1985-7/ Brown.

### 4. Permits and or Certification Requirements.

The applicant shall maintain all state permits or certifications necessary to operate as a salvage yard. The applicant shall work with the Environmental Health Department to ensure all State and County requirements have been met. Failure to comply may cause revocation of 1985-7/ Brown.