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

PLANNING COMMISSION

MEETING DATE: August 23, 2023

SUBJECT: General Plan Amendment (GPA); Zone
Reclassification (ZR) 2022-01/LADWP.

EXECUTIVE SUMMARY

The Los Angeles Department of Water and Power (LADWP) is requesting a Zone Reclassification and General Plan Amendment (GPA) for Assessor Parcel Number (APN) 031-010-01. The parcel is currently zoned Open Space with a 40-acre min (OS-40) and has a General Plan designation of Natural Resources (NR). The proposed Zone Reclassification is to General Industrial and Extractive (M-1) and the General Plan Amendment to General Industrial (GI) to fit the current land uses. The change will allow continued operations and expansion of the Keeler Construction, Operations, and Maintenance Facility (Keeler Facility).

PROJECT INFORMATION

Supervisory District: 5

Applicants: LADWP

Landowners: LADWP

Community: Keeler, CA

A.P.N.: 031-010-01

Existing General Plan: Natural Resources (NR)

Existing Zoning: Open Space with a 40-acre minimum (OS-40)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
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Site	Sand and Gravel Mine, Construction and Maintenance facility	Natural Resources (NR)	Open Space, 40-acre minimum (OS-40), Public
North	Vacant Land	State and Federal Land (SFL)	Open Space, 40-acre minimum (OS-40)
East	Vacant Land	State and Federal Land (SFL)	Open Space, 40-acre minimum (OS-40)
South	Vacant Land	Natural Resources (NR)	Open Space, 40-acre minimum (OS-40)
West	Vacant Land	Natural Resources (NR)	Open Space, 40-acre minimum (OS-40)

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2022-01/LADWP., and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2022-01/LADWP, 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:

Ryan Smith-Standridge

BACKGROUND

The Planning Commission approved a reclamation plan on December 6, 1995, for LADWP to operate an approximate thirteen-acre aggregate, open pit mine. The mining has been continuous since approval. During the 2021 annual inspection, LADWP enquired about possible closure since the site's future activities will change from active mining to storing aggregate for the Owens Valley Dry Lake mitigation project and associated equipment. The applicant was requested to provide a map of the mine area with clearly defined elevations and boundaries. County staff reviewed the approved reclamation plan, SMARA, and the current map to provide recommendations to move toward the closure of the mine. SMARA requires that the end use to comply with zoning ordinances. The current open space zoning only allows for outdoor storage with a mining conditional use permit. The approved reclamation plan requires the land be returned to its natural state of vacant land, but the recent map showed that LADWP built the Keeler Facility inside the mining boundary. Since the Keeler Facility is a permanent part of the Owens Lake Dust Mitigation Program, LADWP proposes that the mine site be retired, and the use change to storage for the Keeler Facility. A GPA and ZR will be required to allow outdoor storage of material as a principle permitted use. SMARA requires the end use to comply with zoning to retire the mine ID. The proposed GPA and zone reclassification of General Industrial and Extractive (M-1) zoning is appropriate for warehousing and processing.

STAFF ANALYSIS

Land Use Analysis: This parcel is a zoned open space surrounded by vacant open space to the north, south, and west, most of it managed by the Bureau of Land Management, and directly to the east is the LADWP shale pit located on BLM land. The proposed ZR and GPA will alter the existing land use by providing space suitable for warehousing, processing, mining, ore reduction, and mineral development activities, but does not change the character of the property or the surrounding area as the Keeler Facility located on the same parcel will continue to provide mandated mitigation measures to control Owens Valley Dry Lake dust.

General Plan: The parcel's current General Plan designation relates to the current zoning OS-40. The proposal to change to the GI as a General Plan designation will correspond to the proposed M-1 zoning. Zoning and General Plan consistency is required by the State and the Inyo County Code, meaning Inyo County cannot change a zoning designation in a manner that causes it to no longer be compatible with the General Plan designation. The GPA will also result in the General Plan designation aligning with the property's current uses and future vision.

Zoning: The applicant requests a zone reclassification to M-1 as it is needed to retire the mine id. By approving the zone change LADWP, will be able to change from active mining to storing and processing aggregate without being housed inside a structure, which is allowed by the M-1 zoning as a principle permitted use that produces consistency between use and designation. The proposed use is also consistent with what is already on the parcel and will not cause additional impacts to the parcel or surrounding area.

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. Staff mailed consultation invitations on November 29, 2022, 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, Cabazon Band of the Mission Indians, and the Torrez Martinez Desert Cahuilla Indians, no request for consultations were received prior to or after the 90-day period.

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 proposed land use designation impacts will remain the same or lessen over time as the mine transitions into an accessory storage area for the Keeler facility.

NOTICING & REVIEW

The application for ZR 2022-01; GPA 2022-01/LADWP. have been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

The project was noticed on August 5, 2023, 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 the Planning Commission:

1. Recommend the Board of Supervisors approve General Plan Amendment 2022-01 LADWP and Zone Reclassification 2022-01 LADWP and certify they are Exempt from CEQA.

Findings:

The Planning Commission certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied, as the project was deemed exempt from environmental review under CEQA General Rule 15061(b) (3).

[Evidence: This application for a ZR and GPA is exempt under CEQA General Rule 15061(b) (3) General Rule 15061(b) (3). There is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed ZR and GPA is located on property that is already disturbed and includes no additional development proposals.]

1. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2022-01 LADWP and Zone Reclassification 2022-01 LADWP are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The proposed general plan designation of General Industrial (GI) will change the project area to a designation that allows outdoor storage of materials for the mandated dust mitigation of the Owens Dry Lake project to use as needed for its operations. Upon approval of the ZR and GPA the previous mine end use will change; the pit will be closed to future mining; and, a request for a final inspection will occur to retire the mine id as required by SMARA.]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2022-01 LADWP and Zone Reclassification 2022-01 LADWP are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of (GI) will change the project area to a designation that allows outdoor storage of materials for the mandated dust mitigation of the Owens Dry Lake to use as needed for its operations. Upon approval of the ZR and GPA the previous mine end use will change; the pit will be closed to future mining; and, a request for a final inspection will occur to retire the mine id as required by SMARA.]

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.

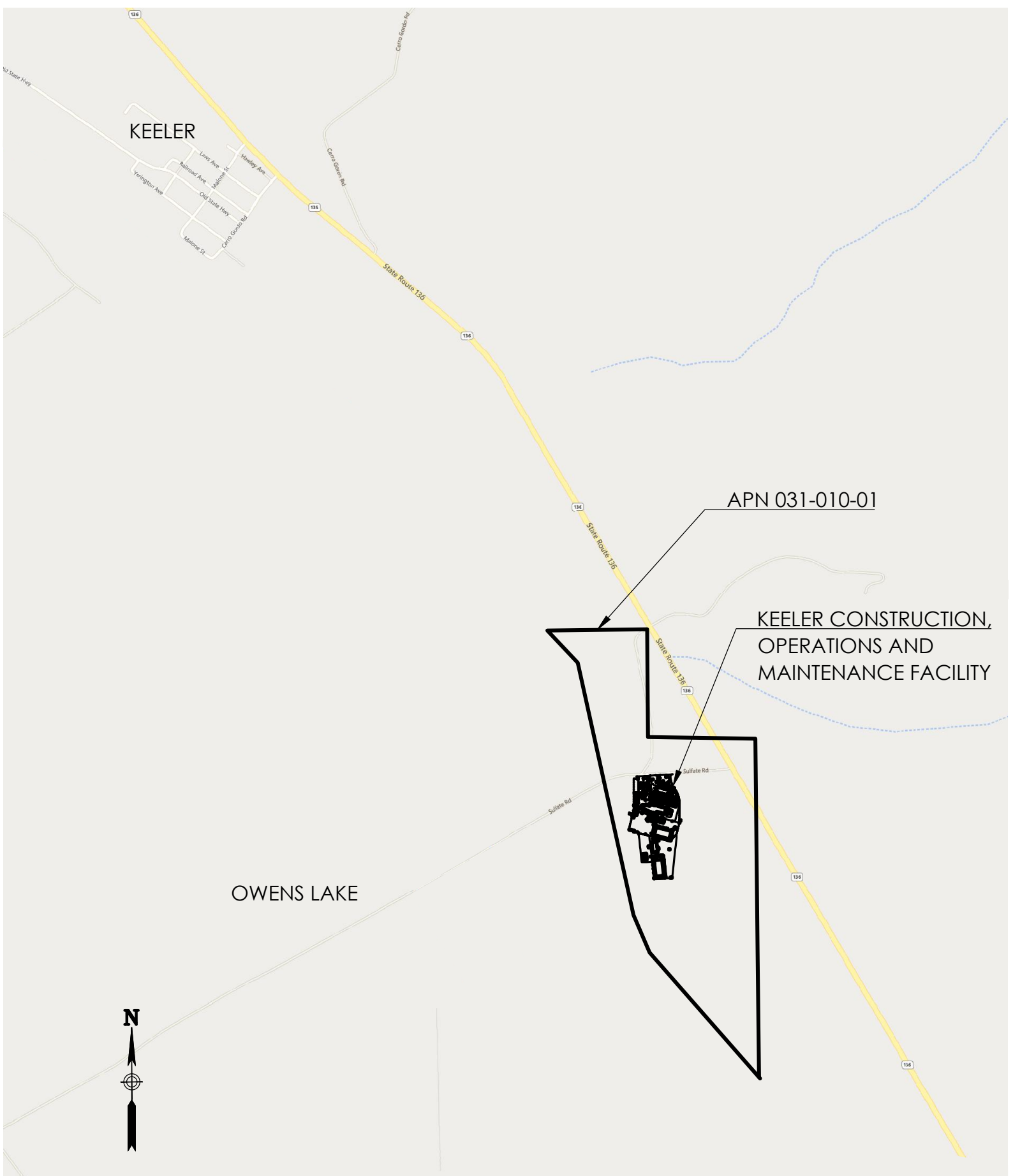
[Evidence: The project is consistent with the current use at the site and of the surrounding area. This request for a GPA and ZR to change the zoning and General Plan to more compatible designations that allow the storage of material outside without a mining conditional use permit. The GPA and ZR will allow the existing Keeler Facility, to maintain and expand their operations for storage, by closing the mine.]

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 current and future planned uses on the parcel and changing the General Plan to properly correspond with the zoning designation. The designation changes will allow the Keeler, Construction, Operation, and Maintenance Facility to maintain and expand their operations in a manner that protects public health and safety by supporting the mitigation work on the Owens Dry Lake.]

Attachments:

- Vicinity Map
- Current Zoning Designations/ Proposed Zoning Designation
- Current General Plan Designations/ Proposed General Plan Designations
- Parcel and Mine Boundary
- Keeler Facility site plan
- Proposed Ordinance
- Resolution 2023-02



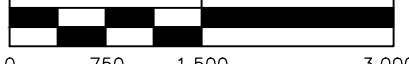
APN 031-010-01

KEELER CONSTRUCTION,
OPERATIONS AND
MAINTENANCE FACILITY

OWENS LAKE



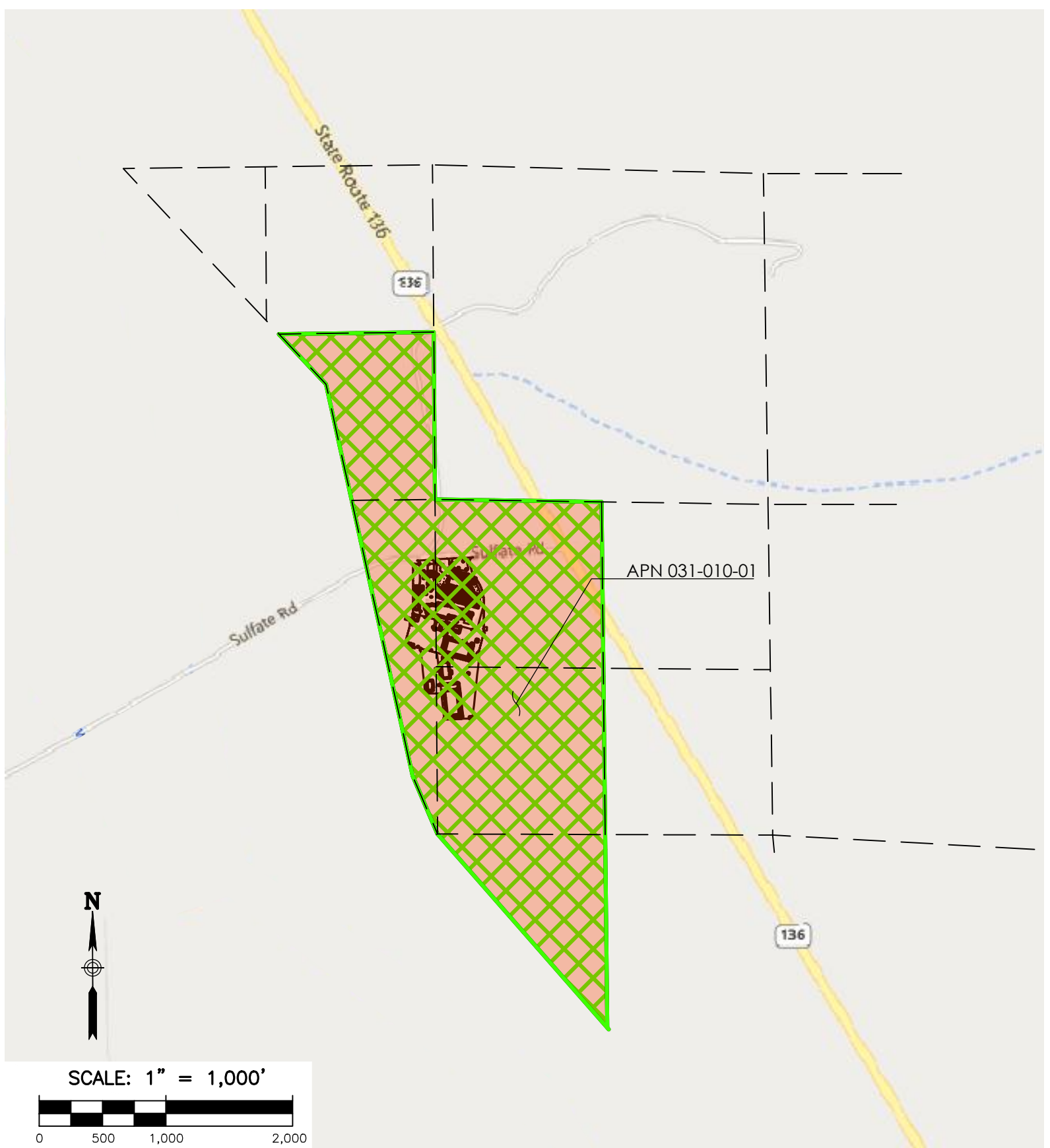
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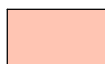

0 750 1,500 3,000

VICINITY MAP
(ATTACHMENT 1)

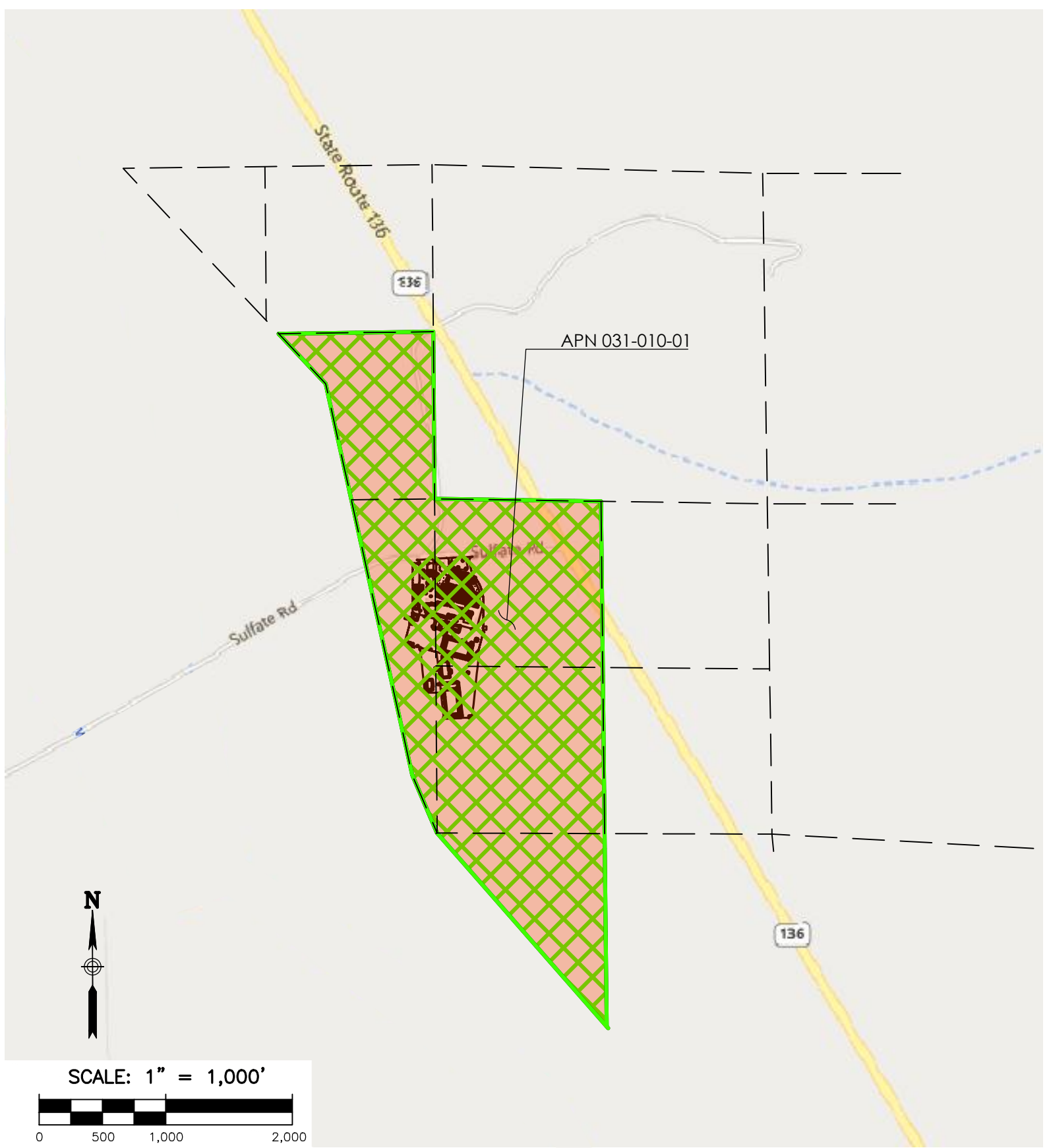
LOS ANGELES DEPARTMENT OF WATER & POWER



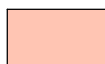
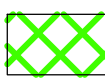
ZONING LEGEND

-  CURRENT ZONING:
OPEN SPACE, 40-ACRE MIN, (OS-40)
-  PROPOSED ZONING:
GENERAL INDUSTRIAL AND EXTRACTIVE (M-1)

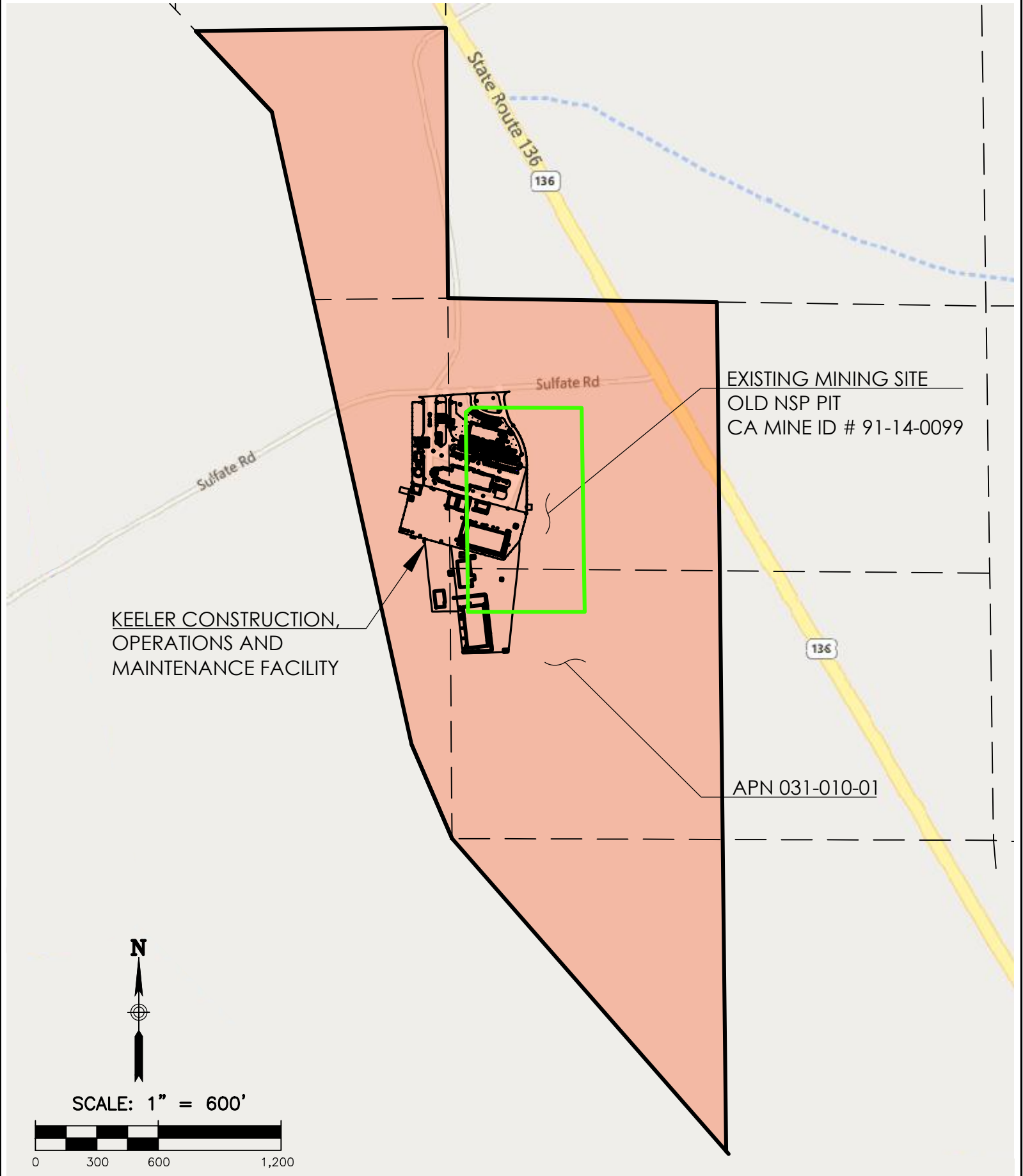
CURRENT/PROPOSED
ZONING DESIGNATION
(ATTACHMENT 2)



GENERAL PLAN DESIGNATION LEGEND

-  CURRENT GENERAL PLAN DESIGNATION:
NATURAL RESOURCES (NR)
-  PROPOSED GENERAL PLAN DESIGNATION:
GENERAL INDUSTRIAL (GI)

CURRENT/PROPOSED
GENERAL PLAN DESIGNATION
(ATTACHMENT 3)



EXISTING MINING SITE
 OLD NSP PIT
 CA MINE ID # 91-14-0099

KEELER CONSTRUCTION,
 OPERATIONS AND
 MAINTENANCE FACILITY

APN 031-010-01



SCALE: 1" = 600'

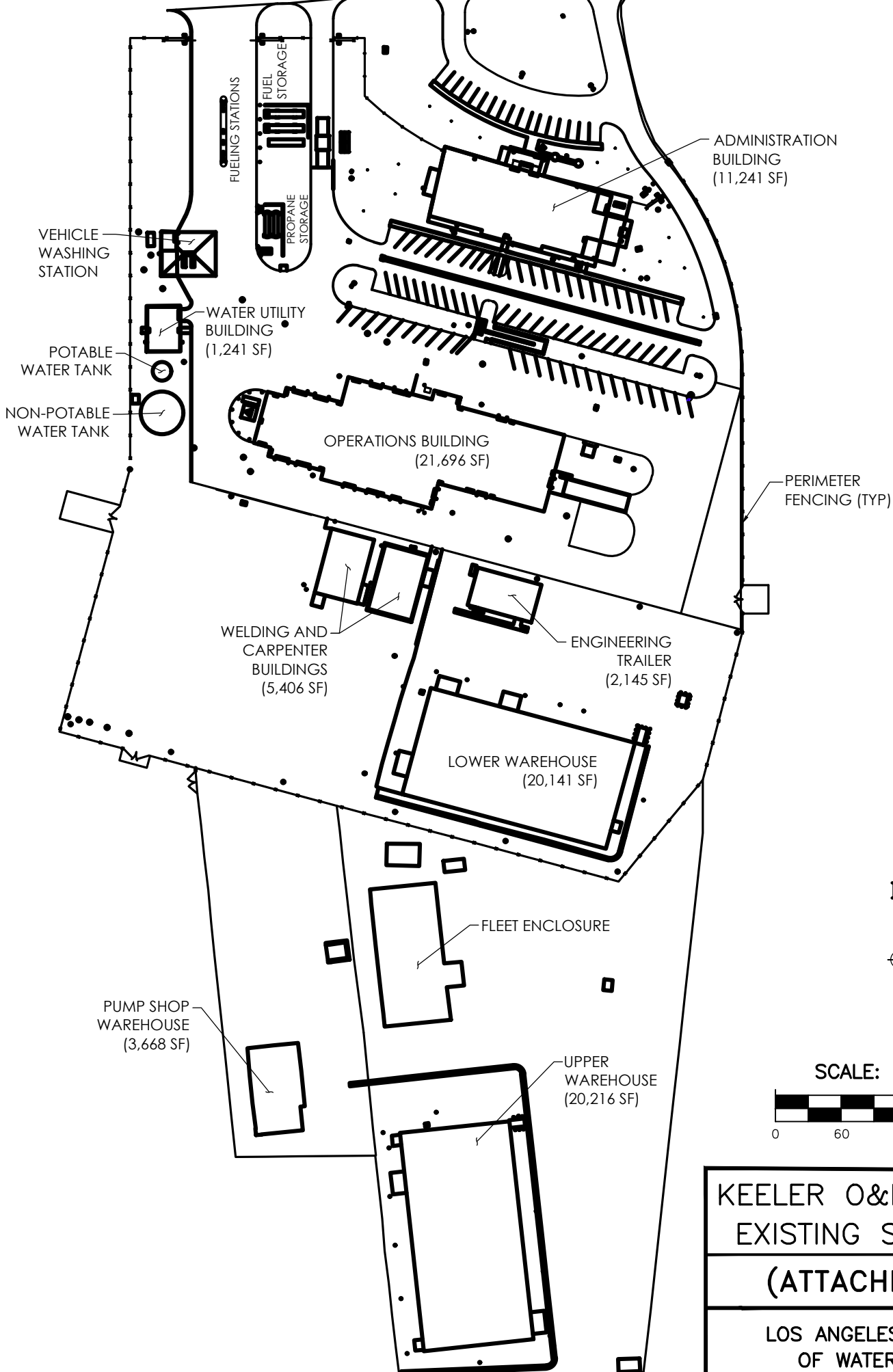


LEGEND

- APN 031-010-01
- EXISTING MINING BOUNDARY
 OLD NSP PIT, CA MINE ID # 91-14-0099

**PARCEL AND MINE BOUNDARY
 (ATTACHMENT 4)**

SULFATE ROAD



SCALE: 1" = 120'



KEELER O&M FACILITY
EXISTING SITE PLAN
(ATTACHMENT 5)
LOS ANGELES DEPARTMENT
OF WATER & POWER

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2022-01 LADWP AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING A PARCEL LOCATED ON THE WEST SIDE OF HIGHWAY 136 SOUTH OF THE KEELER COMMUNITY, (APN 031-010-01) FROM OPEN SPACE WITH A 40-ACRE MINIMUM (OS-40) TO GENERAL INDUSTRIAL (GI)

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board of Supervisors and Sections 18.81.310 and 18.81.350 of the Inyo County Code, which establishes the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County as set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

Upon consideration of the material submitted, the recommendation of the Inyo County Planning Commission, and statements made at the public hearings held on this matter, this Board finds as follows:

- (1) In accordance with Inyo County Code Section 18.81.320, Los Angeles Department of Water and Power (LADWP). applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Open Space with a 40-acre minimum (OS-40) to General Industrial and extractive (M-1) as described in Section III of this Ordinance.
- (2) On August 23, 2023, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2022-01 LADWP, following which, the Commission made various findings and recommended that this Board amend Title 18, to rezone the property described in Section III of this Ordinance to General Industrial (M-1).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) LADWP. applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Natural Resource (NR) to General Industrial (GI) to best match the requested zoning and current uses on the property.

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning the property to General Industrial (GI) as it best matches the current and planned future uses on the property.
- (7) Completing the change to zoning and the general plan will further LADWP.'s compliance with Chapter 7.70 of the Inyo County and the public resource code 2710 Surface and reclamation act of 1975.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on the west side of highway 136 south of the keeler community, (APN 031-010-01) is changed from Open Space with a 40-acre minimum (OS-40) to General Industrial and extractive (M-1).

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS TBD.

AYES:

NOES:

ABSTAIN:

ABSENT:

 Jennifer Roeser, Chairperson
 Inyo County Board of Supervisors

ATTEST:
Nate Greenberg
Clerk of the Board

By: _____
 Darcy Ellis, Assistant

RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS CERTIFY THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TO MAKE CERTAIN FINDINGS WITH RESPECT TO AND RECOMMEND THE INYO COUNTY BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT #2022-01/LADWP AND ZONE RECLASSIFICATION #2022-01/LADWP

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects;

WHEREAS, the Inyo County Planning Department found that General Plan Amendment (GPA) No. 2022-01/LADWP and Zone Reclassification (ZR) No.2022-01/LADWP are Exempt pursuant to the California Environmental Quality Act (CEQA), as the proposed GPA and ZR for the property, that is located east of the community of Keeler with Assessor Parcel Number 031-010-01 are covered by the General Rule 15061(b)(3) as the proposed changes could have no possibility of causing significant environmental effects since the property is already disturbed and the new designations will match the current and proposed future activities;

WHEREAS, pursuant to Senate Bill 18 (SB18) and Government Code Section 65352.3, in September of 2022 the County requested a list of appropriate native American contacts from the California Native American Heritage Commission (NAHC);

WHEREAS, the NAHC transmitted a list of Native American contacts to the County on November 9, 2022 for purposes of SB18 consultation;

WHEREAS, on November 29, 2022, the County sent certified letters initiating Native American Consultation pursuant to the California Government Code Sections 65040.2, 65092, 65351, 65352.3, 65352.4, 65562.5, to the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, Lone Pine Paiute Shoshone, Kern Valley Indian Council and the Walker River Reservation;

WHEREAS, as specified by Senate Bill 18 and per Government Code Section 65352.3, the tribes have ninety-days to initiate the consultation process after notification;

WHEREAS, on February 27, 2023, ninety days after the last certified mail receipt from the notification letters was received by the County, no tribes had initiated consultation;

WHEREAS, the Inyo County Planning Commission is required to conduct a public hearing on proposed GPAs and ZRs, and to make a recommendation to the Board of Supervisors on them (Sections 65854 and 65855 of Government Code);

WHEREAS, on August 05, 2023, the County provided notice in the Inyo Register and to property owners within three-hundred (300) feet of the project location, for a public hearing to take public comment on ZR No.2022-01/LADWP and GPA No.2022-01/LADWP to be held on August 23, 2023;

WHEREAS, the Inyo County Planning Commission held a public hearing on August 23, 2023, to review and consider the request for approval of ZR No. 2022-01/LADWP and GPA 2022-01/LADWP, and considered the staff report for the project and all oral and written comments regarding the proposal;

WHEREAS, ICC Section 18.03.020 in part states that it is necessary for the zoning ordinance to be consistent with the General Plan;

WHEREAS, the proposed General Plan designation General Industrial (GI) is consistent with the proposed zoning designation of General Industrial and Extractive (M1);

WHEREAS, GPA 2022-01/LADWP and ZR 2022-01/LADWP will change the current designations to match the current and future planned uses on the property;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the August 23, 2023, hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

1. The proposed ZR and GPA are exempt under CEQA General Rule 15061(b) (3) General Rule 15061(b) (3). There is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed ZR and GPA is located on property that is already disturbed and includes no additional development proposals.
2. Based on substantial evidence in the record, the proposed Zone Reclassification and General Plan Amendment are consistent with the Goals and Policies of the Inyo County General Plan. The proposed designation of (GI) will change the project area to a designation that allows outdoor storage of materials for the mandated dust mitigation of the Owens Dry Lake to use as needed for its

operations. Upon approval of the ZR and GPA the previous mine end use will change; the pit will be closed to future mining; and a request for a final inspection will occur to retire the mine id as required by the State Surface Mining And Reclamation Act (SMARA).

3. Based on substantial evidence in the record, the proposed Zone Reclassification and General Plan Amendment are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code. The proposed designation of (GI) will change the project area to a designation that allows outdoor storage of materials for the mandated dust mitigation of the Owens Dry Lake to use as needed for its operations.
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. The project is consistent with the current use at the site and of the surrounding area. This request for a GPA and ZR to change the zoning and General Plan to more compatible designations that allow the storage of material outside without a mining conditional use permit. The GPA and ZR will allow the existing Keeler Facility, to maintain and expand their operations for storage, by closing the mine pursuant to SMARA.
5. 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. The designation changes will allow the Keeler, Construction, Operation, and Maintenance Facility to maintain and expand their operations in a manner that protects public health and safety by supporting the mitigation work on the Owens Dry Lake.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Certify that ZR 2022-01/LADWP and GPA 2022-01/LADWP are exempt from CEQA under General Rule 15061(b)(3).
2. Make certain findings with respect to and approve ZR 2022-01/LADWP and GPA 2022-01/LADWP based on all the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 23rd day of August 2023, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Todd Vogel, Chair
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Paula Riesen,
Secretary of the Commission