

# Agenda

## County of Inyo Planning Commission

Board of Supervisors Room  
Inyo County Administrative Center  
Independence, California

### INYO COUNTY PLANNING COMMISSION

**Howard Lehwald**  
**Caitlin (Kate) J. Morley**  
**Todd Vogel**  
**Callie Peek**  
**Scott Kemp**

**First District**  
**Second District**  
**Third District (Chair)**  
**Fourth District (Vice Chair)**  
**Fifth District**

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#### STAFF

Cathreen Richards  
Danielle Visuaño  
Ryan Standridge  
Cynthia Draper  
Sally Faircloth  
Michael Errante  
Nate Greenberg  
Christian Milovic

Planning Director  
Senior Planner  
Associate Planner  
Associate Planner  
Project Coordinator  
Public Works Director  
County Administrator  
Assistant County Counsel

**This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California, beginning at 10:00 a.m.**

- Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order, or the items are continued. Estimated start times are indicated for each item. The times are approximate, and no item will be discussed before its listed time.
- Lunch Break will be given at the Planning Commission's convenience.
- The Planning Commission Chairperson will announce when public testimony can be given for items on the agenda. The Commission will consider testimony on both the project and related environmental documents.
- The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

**Public Notice:** In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

**December 11, 2024**

**10:00 A.M.**

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL – Roll Call to be taken by staff.**

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the agenda.
4. **APPROVAL OF MINUTES** – Approval of minutes from the October 23, 2024, Planning Commission Meeting.
5. **THE INYO COUNTY PLANNING COMMISSION WILL CONSIDER APPROVAL OF A MITIGATED NEGATIVE DECLARATION/INITIAL STUDY (MND/IS) FOR THE PROPOSED RUNWAY 12-30 SAFETY AREA IMPROVEMENT PROJECT AT THE BISHOP AIRPORT**, the project would involve clearing, cutting, filling, grading, and compacting approximately 14 acres of land near the runway ends within the runway safety area (RSA). This project is a Mitigated Negative Declaration under CEQA.
6. **VARIANCE 2024-02/OTREMBA** – Request for a Variance to allow a single-family dwelling to encroach 5 feet into the required 20-foot rear yard setback on a property zoned One-Family Residence (R1) at 570 W. Bush St., Lone Pine. The project is Categorically Exempt from CEQA under Section 15303 – New Construction or Conversion of Small Structures.
7. **AMENDMENT TO CONDITIONAL USE PERMIT (CUP) 2014-02/BRANSON OLANCHA** -Stimulus Technologies of CA, operating as Lone Pine Communications, has submitted a request for an Amendment to CUP 2014-02/Branson to introduce modifications to its originally designated design. Located at 689 Shop Street in Olancha (Olancha Fire Dept), the proposed amendment entails replacing the existing 60ft tower with an 80ft tower and repositioning it 8.9 feet in front of the current structure, utilizing the existing meter and electrical box. Once the new tower is erected, the current structure will be dismantled. This project is an Addendum Negative Declaration of Environmental Impact under CEQA.
8. **CONDITIONAL USE PERMIT 2024-04/BISHOP CREEK CHEVRON-** The applicant is requesting a Conditional Use Permit (CUP) for a property located at 2392 N. Sierra Highway in Bishop, California, to bring an existing pole sign with an electronic price reader into compliance. The applicant initially approached the Planning Department regarding the relocation of the sign due to the Caltrans Pavement Project. However, during the review process, it was determined that the sign does not have an existing CUP, rendering it non-conforming. This project is CEQA exempt under the commonsense Rule 15061(b) (3).
9. **VARIANCE 2024-03/BISHOP CREEK CHEVRON** The applicant is seeking a variance to exceed the maximum allowable sign height from 25 feet to 40 feet for a proposed electronic price reader sign. The property, located at 2392 N. Sierra Highway in Bishop, California, is zoned for Highway Services and Tourist Commercial (C-2) use. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption.

10. **CONDITIONAL USE PERMIT 2024-09/SEXTON** - The applicant has applied for a CUP to allow for a small addition to the overall square footage of a currently non-conforming one-family residence. It is located on a property located at 200 Ocean View Rd., in the Forty-Acres subdivision in the north Bishop area. The dwelling is located in the Rural Residential with a one-acre minimum zone (RR-1). The front and right-side yards currently do not meet the required setbacks, and the addition will also not meet the setback requirements. This project is Exempt from CEQA pursuant to 15301(e)(1) – Existing Facilities.
11. **COMMISSIONERS' REPORTS/COMMENTS**
12. **PLANNING DIRECTOR'S REPORT**
13. **ADJORN**

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF OCTOBER 23, 2024 MEETING

### COMMISSIONERS:

HOWARD LEHWALD  
CAITLIN (KATE) J. MORLEY  
TODD VOGEL  
CALLIE PEEK  
SCOTT KEMP

FIRST DISTRICT  
SECOND DISTRICT  
THIRD DISTRICT (CHAIR)  
FOURTH DISTRICT (VICE)  
FIFTH DISTRICT

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### STAFF:

CATHREEN RICHARDS  
CHRISTIAN MILOVICH  
RYAN STANDRIDGE  
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CYNTHIA DRAPER  
SALLY FAIRCLOTH  
NATE GREENBERG  
MIKE ERRANTE

PLANNING DIRECTOR  
ASSISTANT COUNTY COUNSEL  
ASSOCIATE PLANNER  
ASSOCIATE PLANNER  
ASSISTANT PLANNER  
PROJECT COORDINATOR  
COUNTY ADMINISTRATOR  
PUBLIC WORKS DIRECTOR

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The Inyo County Planning Commission met in regular session on Wednesday, October 23, 2024. Chair Vogel opened the meeting at 10:00 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

**ITEM 1:**     **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:01 a.m.

**ITEM 2:**     **ROLL CALL** - Commissioners, Todd Vogel, Callie Peek, Kate Morley, and Scott Kemp were present.

Staff present: Cathreen Richards, Planning Director, Ryan Standridge, Associate Planner, and Christian Milovich, Assistant County Counsel.

Staff absent: Nate Greenberg, County Administrator; Michael Errante, Public Works Director and Sally Faircloth, Project Coordinator.

**ITEM 3:**     **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the agenda.

Chair Vogel opened and closed the Public Comment Period at 10:01 a.m.  
No comments were made.

**ITEM 4:**     **APPROVAL OF MINUTES** – Approval of minutes from July 24, 2024, Planning Commission Meeting.

**MOTION:**     Vice-Chair Peek made the motion to approve the minutes. The motion was seconded by Commissioner Kemp.

Minutes were approved 4-1 by general consent with Commissioner Lehwald absent

**ITEM 5:**

**CONDITIONAL USE PERMIT 2024-07 / SHELL STATION REIMAGE TO 76.** The applicant is requesting a Conditional Use Permit (CUP) for the reimagining of a fuel station from Shell to 76. The property is zoned Central Business (CB) and is located at 109 S. Main St., Big Pine, California (APN: 004-032-01). A gas station and food mart have been operating on the site for many years. The applicant has applied for the CUP to reimage existing unpermitted and nonconforming Shell brand signage to 76 to include the canopy, fuel pumps, Food Mart, Hi-rise and Mid-rise signs, and to add a new electronic price reader to the Mid-rise sign. This project is Categorical Exempt under CEQA.

Danielle Visuaño, Senior Planner, presented the staff report as well as presenting a few photos for this item.

Chair Vogel and Commissioner Morley asked questions of Ms. Visuaño regarding the non-conforming issues such as the three non-conforming items of height, total square footage, and the issue of two signs instead of one.

Ms. Visuaño addressed Chair Vogel and Commissioner Morley's questions by stating in some cases of non-conforming issues it was grandfathered in and was considered a pre-design ordinance.

The Commissioners were satisfied with Ms. Visuaño's response.

Chair Vogel opened the Commissioner Discussion at 10:18 a.m.

No comments were made.

Chair Vogel opened Public Hearing at 10:19 a.m.

In the audience, the applicant Mr. Aaron Hamilton, stated this sign should have some type of historical significance.

Chair Vogel closed the public hearing and opened discussion with the Commissioners at 10:21 a.m.

No additional comments were made by the Commissioners.

**MOTION:**

Chair Vogel moved to approve the Conditional Use Permit 2024-07/ Shell Station Reimage to 76 and find the project is exempt under CEQA subject to findings one thru seven and conditions one and two.

The motion was seconded by Commissioner Morley.

The Motion passed 4-1 at 10:22 a.m. by general consent with Commissioner Lehwald absent.

**ITEM 6:**

**CONDITIONAL USE PERMIT (CUP) 2021-04/GREWAL.** The applicant has applied for a Conditional Use Permit to change a one-family residence on a property located at 2218 North Sierra Highway, in the Bishop area, to a multiple family structure (duplex). The dwelling is located in the Highway Services and Tourist Commercial (C2) zone, which requires a CUP for multiple family dwellings. This project is Exempt from CEQA pursuant to 15301 – Existing Facilities.

Cathreen Richards, Planning Director, presented the staff report as well as presenting a slide show. Ms. Richards also introduced Mr. Jake Rasmusson representing the applicant in the event of specific questions directed towards the applicant.

Vice Chair Peek asked if this item was tied into the city sewer system.

Ms. Richards confirmed that it was tied into the Eastern Sierra Community Service District stating that the water will be served by a state water system located on the apartment complex property which was approved by Lahontan and the County Environmental Department.

Vice Chair Peek also asked if landscaping would be added.

Ms. Richards and Mr. Rasmusson stated the area is lacking space for landscaping but is currently paved with parking in front.

Mr. Rasmusson added that the property had a total square footage of 1,899 between the two units.

Chair Vogel opened Public Hearing at 10:32 a.m.

Chair Vogel closed the public hearing and opened discussion with the Commissioners at 10:32 a.m.

**MOTION:** Chair Vogel moved to approve Conditional Use Permit 2021-04 / Grewal and find the project is certified exempt under CEQA subject to findings one thru seven and conditions of approval one and two.

Commissioner Kemp seconded the motion

The Motion passed 4-1 at 10:32 a.m. unanimously with Commissioner Lehwald absent

#### **COMMISSIONER'S REPORT/COMMENTS –**

No comments made at this time.

#### **DIRECTOR'S REPORT –**

Planning Director, Cathreen Richards, stated Planning Commission will need to meet on December 11, 2024, as it will be a combined November/December meeting due to the holidays.

#### **ADJOURNMENT:**

Commissioner Kemp motioned to adjourn the meeting at 10:37 a.m.

Seconded by Vice-Chair Callie Peek

Motion passed unanimously 4-1 with Commissioner Lehwald absent

Prepared by:  
Sally Faircloth  
Project Coordinator



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

**PLANNING COMMISSION  
MEETING DATE:** December 11, 2024

**SUBJECT:** Approval of the Mitigated Negative Declaration for the Runway 12-30 Safety Area Improvement Project at the Bishop Airport

**PROJECT INFORMATION**

**Supervisory District:** District 1

**Project Applicant:** Inyo County Public Works

**Community:** Near Bishop, CA

**Staff Recommended Action:** 1.) Approve the Mitigated Negative Declaration

**Alternatives:**

- 1.) Deny the Mitigated Negative Declaration
- 2.) Approve the Mitigated Negative Declaration 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 Manager:** Ashley Helms

**STAFF ANALYSIS**

**Background and Overview**

Inyo County proposes to improve the Runway Safety Area (RSA) for Runway 12/30 at Bishop Airport to meet design standards and safety requirements established by the Federal Aviation Administration (FAA). An RSA is a rectangular area surrounding a runway that is designed to enhance safety for aircraft that undershoot, overrun, or otherwise leave the paved runway surface. Per FAA regulations, an airport must keep the RSA cleared, graded, and drained. The FAA defines RSA standards and dimensions based on the type of aircraft using the airport. Following these guidelines, the standard RSA for Runway 12/30 would be 500 feet wide, centered on the runway centerline, and extend 600 feet prior to the runway threshold and 1,000 feet beyond the runway end.

Portions of the Runway 12-30 RSA beyond the existing Airport perimeter fence occupy land outside the current leasehold with the Los Angeles Department of Water and Power, but within the Airport's easement. Currently, the Runway 12 RSA meets FAA's design guidelines for approximately 285 feet prior to the threshold and 640 feet beyond the runway end. Similarly, the Runway 30 RSA meets FAA design



guidelines for approximately 640 feet prior to the threshold and 245 feet beyond the runway end. The remaining 715 feet at the north end and 360 feet at the south end feature excessive slopes, noncompliant grading, and/or excessive vegetation. Declared distances are currently employed on Runway 12/30 to ensure adequate RSAs.

### **Environmental Review**

The County has completed an Initial Study to assess the potential environmental impacts of the proposed Runway 12-30 Safety Area Improvement Project. This Mitigated Negative Declaration (MND) has been prepared pursuant to the California Environmental Quality Act (CEQA) based on the assessment presented in the Initial Study.

The proposed Mitigated Negative Declaration was publicly noticed in the Inyo County Register on April 11, 2024 beginning a 40-day review window, concurrent with the Environmental Assessment prepared pursuant to the National Environmental Policy Act. A public workshop was held on May 14<sup>th</sup>. No comments were received during the comment period. An oversight occurred, and the Notice of Intent (NOI) for the proposed MND was not posted with the Inyo County Recorder's Office during the initial public review period. The NOI was issued by the Recorder's Office on October 18<sup>th</sup>, 2024, commencing a second public review period, which ended on November 19, 2024. One comment was received during this comment period from the California Department of Fish and Wildlife (CDFW). The public hearing for this environmental document was noticed on November 26, 2024.

### **Mitigation Measures:**

Seven mitigation measures were identified to reduce the temporary construction impacts to air quality and as well as impacts to burrowing owls, which became a candidate species under the California Endangered Species Act in October of this year, nesting birds, and the Owens Valley vole. The mitigation measures are detailed in Appendix E: Mitigation Monitoring and Reporting Program.

### **Tribal Consultation**

California Assembly Bill 52 requires tribal consultation for any projects requiring a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to Public Resources Code Section 21080.3.1, Tribes have 30-days, after receiving invitations to consult on the proposed environmental document, to request consultation opportunities. In January 2023, Inyo County Board of Supervisors sent a formal notification to representatives of the eight Native American tribes with traditional or cultural affiliation to the project area: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe, the Big Pine Paiute Tribe of the Owens Valley, Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and the Twenty Nine Palms Band of Mission Indians.

No comments were received during the comment period. An email was received from the Bishop Paiute Tribe's Tribal Historic Preservation Officer (THPO) on August 11, 2023 requesting additional information about the project. Staff followed up with the THPO, who had recently taken on the position, to provide project information and to let them know that the Bishop Paiute Tribe had a Tribal Monitor present during the archeological survey in December 2022. No tribes have requested formal consultation for the proposed project.

## **RECOMMENDATION**

County staff recommends the approval of the Mitigated Negative Declaration for the Runway 12-30 Safety Area Improvement Project.

### **Findings**

1. Conditions of Approval:
  - a. Air

The construction contractor shall utilize off-road diesel-powered construction equipment that meet or exceed the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Interim off-road emissions standards for all equipment rated at 50 horsepower (hp) or greater and USEPA Tier 4 Final off-road emissions standards for all equipment rated at 400 hp or greater during Project construction.

b. Biological

- i. Preconstruction surveys: Prior to any ground disturbance, a qualified biologist will perform a nesting bird survey and a habitat assessment for burrowing owl and Owens Valley vole.
- ii. If sign of current or past use by burrowing owl or Owens Valley vole are discovered, a plan for avoidance, minimization and mitigation measures will be prepared and submitted to CDFW for review.
- iii. Although the project is planned for the fall of 2025, outside of nesting bird season, if active nests are found, a qualified biologist shall establish an appropriate nest buffer to be delineated and flagged. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed.
- iv. If, during the design phase of the Proposed Project, potential adverse impacts to riparian habitat associated with North Fork Bishop Creek due to the realigned LADWP patrol road are determined to be unavoidable, Inyo County will notify CDFW according to the California Fish and Game Code Section 1602.

c. Cultural Resources

A Tribal Monitor shall be present during ground disturbing activities and shall be provided with safety briefings and equipment in order to remain safely onsite.

2. The proposed project is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to Title 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).*



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**AGENDA ITEM NO.:** 6 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** December 11, 2024  
**SUBJECT:** Variance #2024-02/Otremba

**EXECUTIVE SUMMARY**

An application for a variance for a single-family dwelling to encroach 5-feet into the required 20-foot rear yard setback for a property zoned One-family residence (R1) that is located at 570 W. Bush St. Lone Pine. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under 15303 – New Construction or conversion of Small Structures.

**PROJECT INFORMATION.**

**Supervisory District:** 5

**Project Applicant:** Stan Otremba

**Property Owner:** Stan Otremba

**Site Address:** 570 W. Bush St., Lone Pine

**Community:** Lone Pine

**A.P.N.:** 005-082-17

**General Plan:** Residential Low Density (RL)

**Zoning:** One-family Residence (R1-10,000) 10,000 sq. ft. minimum

**Size of Parcel:** Approximately 0.34 acres or 14,927 sq. ft.

**Surrounding Land Use:**

Location	Use	General Plan Designation	Zone
Site	Vacant/open	Residential Low Density (RL)	One-family Residence (R1-10,000)
North	Single Family Residence	Residential Low Density (RL)	Open Space (OS-40)
East	Mobile home and Mobile home	Residential Low Density (RL)	One-family Residence (R1-10,000)
South	DWP Land Commercial	Agriculture (A)	Open Space (OS-40)
West	Single Family Residence	Residential Low Density (RL)	One-family Residence (R1-10,000)

**Staff Recommended Action:**

**1.) Approve Variance 2024/02 Otremba with the Findings and Conditions as provided for in the staff report and certify that it is Exempt under California Environmental Quality Act (CEQA).**

**Alternatives:**

- 1.) Deny the Variance.
- 2.) Approve the Variance 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:**

Cynthia Draper

**STAFF ANALYSIS**

The applicant, Stan Otremba, owns a 14,927 sq. ft. parcel at 570 W. Bush Street in Lone Pine, California. The site has a 6-foot elevation drop on the western side, limiting construction options. The proposed project involves placing a double-wide mobile home, designed to adapt to this elevation change.

The project meets the required 25-foot front and 5-foot side yard setbacks. However, due to the steep slope on the west side, placing the mobile home horizontally is not feasible. As a result, the applicant proposes to place the mobile home vertically in the only level area, which requires a 5-foot encroachment into the rear yard setback, reducing it to 15-feet.

The parcel is undeveloped and exceeds the minimum 10,000sq. ft. requirement for the R1-10,000 Zone. The surrounding area consists of single-family residences and DWP agricultural land. The parcel is zoned R-1, with the following setback requirements:

**Front:** 25 feet

**Rear:** 20 feet

**Side:** 5 feet

Previous Variance History

No prior variances have been applied for regarding this property.

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would *“not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships”* (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.
3. In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:
  4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
  5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
  6. The proposed variance is consistent with the General Plan.
  7. The requirements of the California Environmental Quality Act have been met.
  8. Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project’s physical characteristics are not unique or exceptional, and therefore do not justify a variance.
9. ALL seven of the Findings must be affirmed in order for a variance to be approved.

## **ENVIRONMENTAL REVIEW**

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 3 exemption, 15303 “New Construction or Conversion of Small Structures (a) One single-family residence, or a second dwelling unit in a residential zone.”

## **NOTICING REQUIREMENTS**

The application for VAR 2024-02/Otremba has been reviewed by the appropriate county departments. No issues were reported by County staff.

The project was noticed for a Public Hearing in the Inyo Register ten days in advance, on November 30, 2024 and notices were mailed to all property owners within 300-ft of the proposed project. No comments have been received by staff as of the date of this staff report.

## **RECOMMENDATIONS**

Approve Variance 2024-02/Otremba with the Findings and Conditions as provided for in this staff report and certify that it is Exempt under CEQA.

## **FINDINGS**

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.  
(Affirmative – Evidence: The property is zoned One-Family Residence (R1), which requires a 10,000 sq. ft. minimum; a minimum width of 50-feet; and, a front yard setback of 25-feet, rear yard of 20-feet and side yards of 5-feet. The loss of buildable area on this parcel is due to its 6-ft. drop in elevation on the west portion of the parcel and reduces the buildable area by about 1/2 . Finding a way to configure the single-family home posed exceptional circumstances that made developing the property nearly impossible without an encroachment into one of the setbacks.)
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.  
(Affirmative – Evidence: Approving this variance will allow for a single-family dwelling to encroach into a rear yard setback by 5-feet. Currently there is no development on the rear portion of the parcel and the rear setback encroachment would not affect the ability of the surrounding parcels to be developed. The encroachment also will not cause a situation that could be considered detrimental to the public welfare as any development subsequent to the variance approval will be required to follow all building and safety, waste disposal and water regulations per the State and County. The variance request to encroach into the rear yard setback is also not allowing for activities that are unusual to the surrounding neighborhood since all existing development in the area is made up of single-family dwellings.)

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

(Affirmative – Evidence: The proposed project site area is constricted by a 6ft drop in elevation on the west portion of the property causing its buildable area to be severely limited with regard to development. These factors create difficulties/hardships in meeting the required setback requirements for the R-1 zone. Granting a variance to encroach 5-feet into the rear yard setback would still allow the general purposes of Title 18.21 of the Zoning Code to be fulfilled, as the encroachment would not change the low- density, single-family, residential character or use of the property.)

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

(Affirmative – Evidence: The project site does not conform in terms of area, and its buildable space is significantly restricted due to a substantial drop in elevation on the western portion of the parcel. The applicant has designed the site to avoid this area, where the elevation changes by 6 feet. Additionally, several parcels to the east of the proposed variance also fail to meet their setback requirements. For these reasons, the requested variance to encroach into the rear yard setback should not be viewed as a grant of special privileges. Instead, it would enable the property owner to utilize the property similarly to other nearby properties.)

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

(Affirmative – Evidence: The proposed variance applies to rear yard setback requirements. The proposed low-density residential use and primary structure are permitted out right in the R1 Zone.)

6. The proposed variance is consistent with the Inyo County General Plan

(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan land use designation of the project site, which is Residential Low Density (RL) a single-family land use designation.)

7. The requirements of the California Environmental Quality Act have been met.

(Affirmative – Evidence: The requested variance is not subject to the provisions of CEQA, being categorically exempt under Class 3 15303(a).)

## **CONDITIONS OF APPROVAL**

1.) Hold Harmless: 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 Variance #2024-02/Otremba or applicant's failure to comply with conditions of approval.

2.) The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.

### **Attachments:**

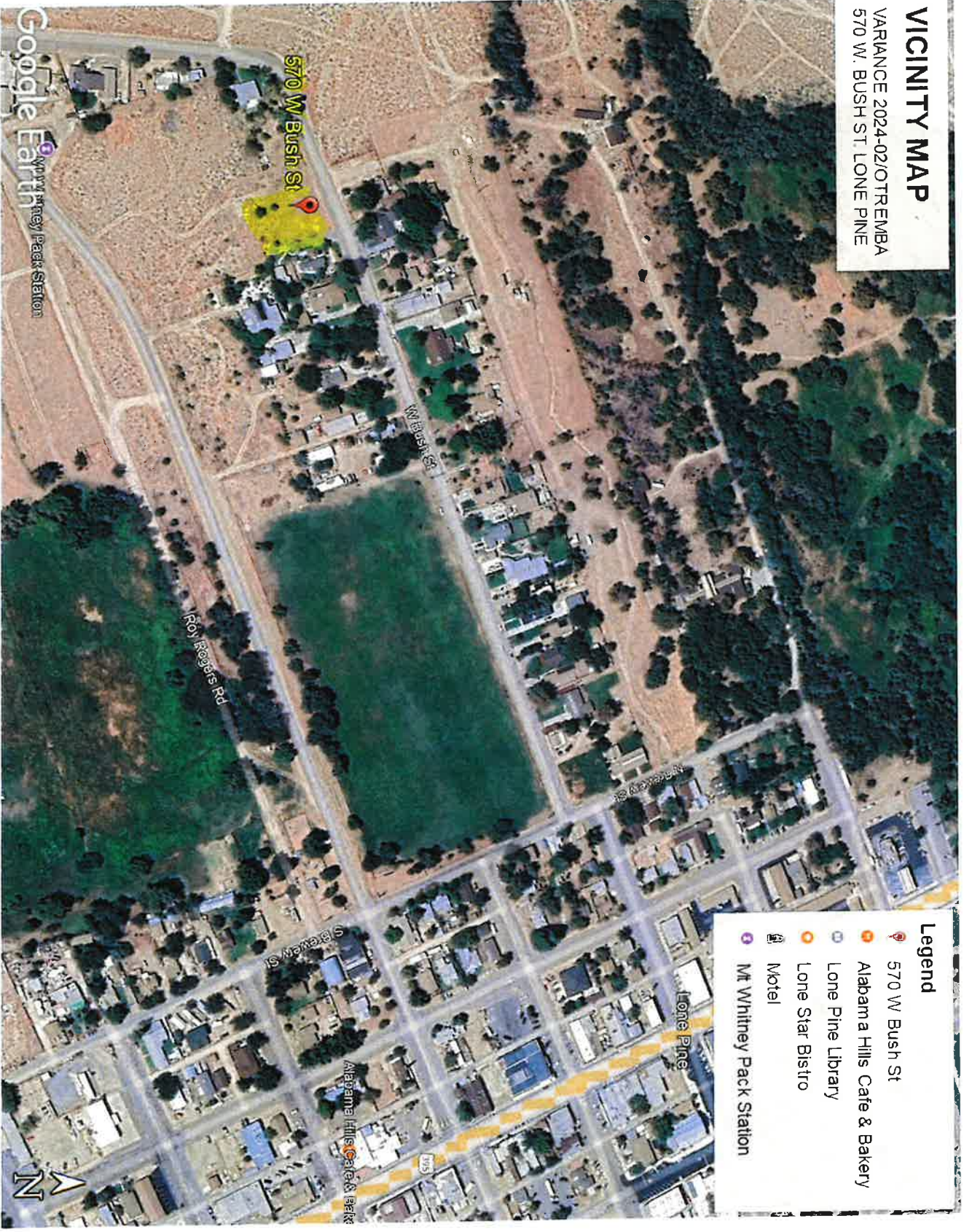
Vicinity Map

Plot Plan

Topo Map

# VICINITY MAP

VARIANCE 2024-02/OTREMB  
570 W. BUSH ST. LONE PINE



## Legend

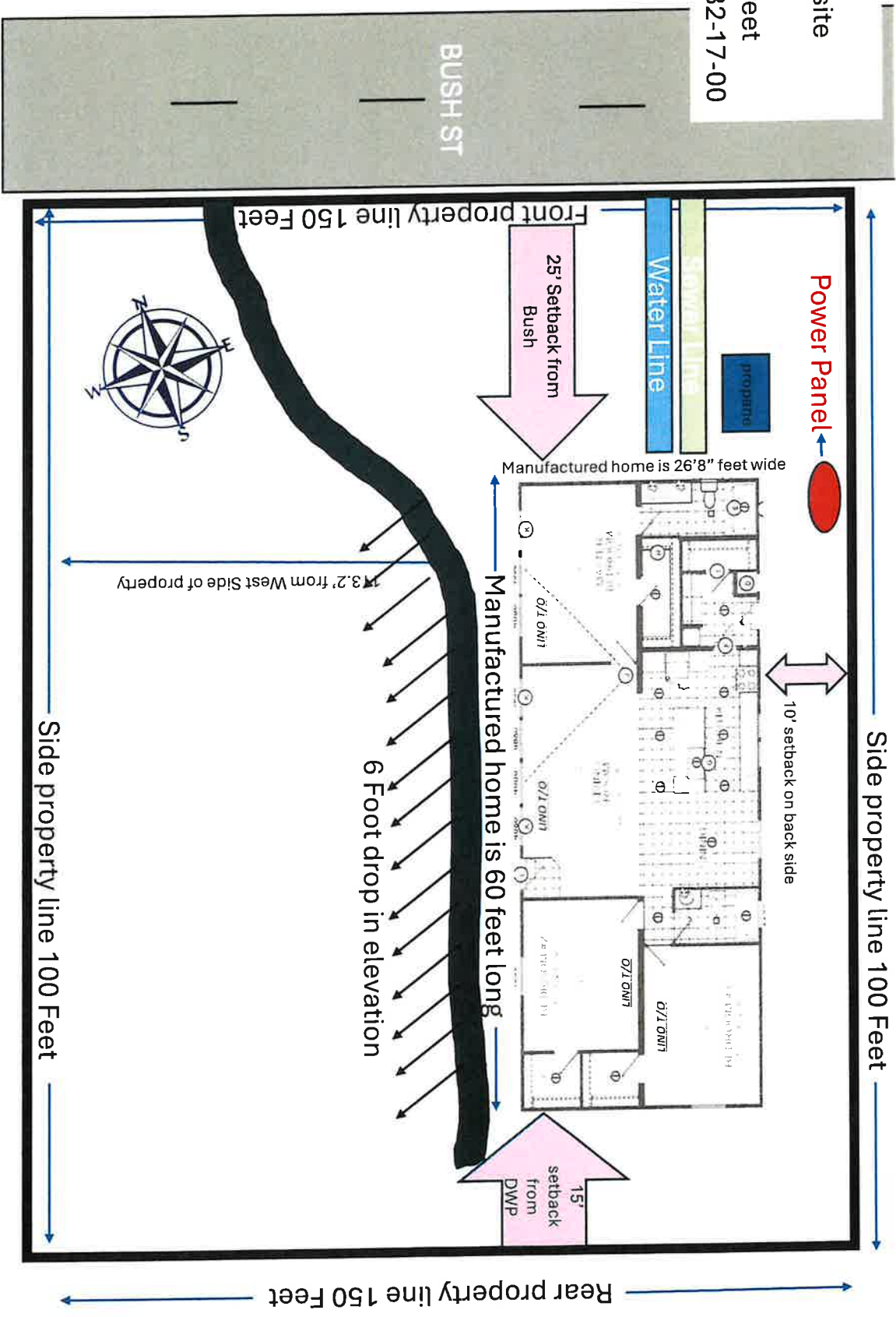
- 570 W Bush St
- Alabam a Hills Cafe & Bakery
- Lone Pine Library
- Lone Star Bistro
- Motel
- Mt Whitney Pack Station

Google Earth  
Mt Whitney Pack Station





Proposed  
Manufactured site  
Stan Otremba  
570 W Bush Street  
Parcel # 005-082-17-00



Side property line 100 Feet

Power Panel

10' setback on back side

propane

Water Line

25' Setback from Bush

Manufactured home is 26'8" feet wide

Manufactured home is 60 feet long

15' setback from DWP

6 Foot drop in elevation

Front property line 150 Feet

13.2' from West Side of property

Side property line 100 Feet

Rear property line 150 Feet

BUSH ST







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**AGENDA ITEM NO. 7**

(Action Item– Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:**

December 11, 2024

**SUBJECT:**

Amendment to Conditional Use  
Permit (CUP) 2014- 02/Branson  
Olancha

**EXECUTIVE SUMMARY**

Stimulus Technologies of CA, operating as Lone Pine Communications, has submitted a request for an Amendment to CUP 2014-02/Branson Olancha to introduce modifications to its originally designated design. The CUP was initially approved for the installation of a 60-foot tri-pole tower housing a wireless internet antenna at 689 Shop Street in Olancha (APN 033-090-02). The project was designed to furnish high-speed internet services to local residents. The proposed amendment entails replacing the existing 60ft tower with an 80ft tower. Field Technicians will oversee the installation of the new tower pad, positioned approximately 8.9 feet in front of the current structure, utilizing the existing meter and electrical box infrastructure. Upon completion of the 80ft tower, the existing 60ft tower will be dismantled, and a new perimeter fence will enclose the updated tower and electrical box. This enhancement seeks to significantly bolster internet connectivity for Olancha, Cartago, Keeler, and neighboring areas, while the increased height promises expanded coverage to the community of Sage Flats and Haiwee Reservoir.

**PROJECT INFORMATION**

**Supervisory District:** 5

**Project Applicant:** Terry Randolph – Stimulus Technologies of CA, 223 N. Jackson, Lone Pine CA.

**Property Owner:** County of Inyo, leased to Olancha Fire Department

**Site Address:** 689 Shop Street, Olancha, California 93549

**Community:** Olancha

**A.P.N.:** 033-090-02

**General Plan:** Public Service Facility (PF)

**Zoning:** Public (P)

**Size of Parcel:** Approximately 5-Acre

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Fire station and community center	Public Service Facility (PF)	Public (P)
North	Residential	Residential Rural Medium Density (RRM)	Rural Residential - 2.5 acre minimum
East	Road	Residential Estate (RE)	Rural Residential - 5.0 acre minimum
South	Residential	Residential Estate (RE)	Rural Residential- 5.0 acre minimum
West	Vacant lot	Residential Estate (RE)	Rural Residential - 5.0 acre minimum

**Staff Recommended Action:**

**1.) Approve the Amendment to Conditional Use Permit 2014-02/Branson Olancha and certify that it is an addendum to the Negative Declaration.**

**Alternatives:**

- 1.) Deny the CUP Amendment.
- 2.) Approve the CUP Amendment 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:**

Cynthia Draper, Associate Planner

## **STAFF ANALYSIS**

### Background and Overview

On April 23, 2014 the Planning Commission granted approval for CUP 2014-02/Branson Olancha. The goal of the project was to build a 60-foot tri-pole tower to house a wireless internet service antenna, thereby providing high speed internet service to the residents of Olancha. Located on Inyo County property, leased to the Olancha Fire department at 689 Shop Street, the project site resides within a rural residential area, surrounded by vacant and residential land. The neighboring properties to the north and south are currently developed with large residential lots and the properties to the east and west are vacant. The tower is located on the west side of the site behind the fire station, in a service area that has other utility poles around it.

Stimulus Technologies, operating as Lone Pine Communications, is seeking an Amendment to CUP 2014-02 /Branson Olancha to facilitate the construction of an 80-foot Trylon Super Titan S200 wireless internet tower. This new structure will replace the existing 60-foot tri-pole tower currently hosting the wireless internet service antenna. The proposed upgrade aims to significantly enhance internet connectivity in Olancha, Cartago, Keeler, and the surrounding areas, with the added height extending service to the remote communities of Sage Flats and Haiwee Reservoir. The tower pad installation will be carried out by Stimulus Field Technicians, strategically positioned in front of the current tower. They will utilize the existing power meter and electrical box infrastructure. Once the new tower is completed, the existing tower will be removed. Following this, a new perimeter fence will be erected around the tower and electrical pole to ensure safety and security.

### General Plan Consistency

The project is consistent with the General Plan designation of Public Service Facility LU 5.2, as it is property owned and leased by public agencies, and it will provide a significant public service by providing the residents of Olancha and other neighboring communities with improved wireless internet service. It is also consistent with Policy PSU-7.1 Provision of Services– Public Quasi-Public and Supporting Uses that states: The County shall encourage the provision of communication and telecommunication services and facilities to service existing and future needs.

### Zoning Ordinance Consistency

The Public Zone 18.72 allows for Public and Quasi-Public buildings and uses, as conditional uses. The Public, Quasi-Public, definition includes buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses. Wireless internet service antennas are considered a use of a public service nature.

## **NOTICING REQUIREMENTS**

The application for Amendment to Conditional Use Permit 2014-02/Branson Olancha has been reviewed by the appropriate county departments as well as the China Lake Naval Air Weapons Station. No issues with the project were reported.

The project was noticed for a Public Hearing in the Inyo Register ten days in advance, on November 30, 2024 and notices were mailed to all property owners within 300 feet of the proposed project. No

comments have been received by staff as of the date of this staff report.

## ENVIRONMENTAL REVIEW

A Negative Declaration and Initial Study were prepared for CUP 2014-02/Branson Olancha and underwent a 21-day public review. Following an environmental evaluation, the Planning Department determined that the project posed no significant adverse impacts on flora or fauna, natural, scenic, and historic resources, as well as the local economy, public health, safety, and welfare. This resulted in a Negative Finding, meeting the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

In response to the Amendment to CUP 2014-02, an addendum to the Negative Declaration has been prepared accordingly. The addendum addresses the project's heightened structure and altered tower placement. Importantly, the increase occurs within the original project area, previously scrutinized for impacts (as documented in IS/ND 2014). The heightened structure does not introduce new impacts beyond those already evaluated for CUP 2014-02/Branson Olancha. Notably, potential visual impacts remain unchanged despite the increase in height. Therefore, pursuant to CEQA Guidelines, Section 15162(a), no subsequent Negative Declaration is deemed necessary.

## RECOMMENDATION

Planning Department staff recommends the approval of Amendment to Conditional Use Permit 2014-02/Olancha Branson, with the following Findings and Conditions of Approval:

### Findings:

1. CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed improvements to Conditional Use Permit 2014-02/Branson.  
*[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact was prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 21-day public comment period ended on April 14, 2014. No comments were received. Staff analyzed and prepared an addendum to the Negative Declaration and found that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity.]*
2. The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the Inyo County General Plan Land Use designation of Public Service Facility (PF).  
*[Evidence: The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the goals and objectives of the Public Service Facility LU 5.2 designation, as it is property owned and leased by public agencies and will provide a significant public service by providing the residents of Olancha with improved wireless internet service. Wireless internet services are considered a "quasi-public facility." No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]*

3. The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the Inyo County Zoning Ordinance, which permits “public or quasi-public facilities” as a conditional use in the Public zone.  
*[Evidence: Section 18.72 The Public Zone allows for Public and Quasi-Public buildings and uses, as conditional uses. The Public Quasi-Public definition includes buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses. Wireless internet service antennas are considered a use of a public service nature.]*
4. The proposed Amendment to Conditional Use Permit 2014-02 is necessary or desirable.  
*[Evidence: General Plan Policy PSU-7.1 encourages the provision of communications services to the residents of Inyo County. This project serves the purpose of providing better cable internet access to the people who live in the community of Olancha, Cartago, Keeler and the surrounding areas, and the added height will be able to provide internet service to the remote community of Sage Flats and Haiwee Reservoir. Thus, this is a desirable use.]*
5. The proposed Amendment to Conditional Use Permit 2014-02 is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed amended tower will be sited on property that is being used for a fire station and all of its related uses. It also already has utility and radio antenna towers on and in the vicinity of it all of which relate to the service nature of the antenna. The tower and antenna will have no impact on transportation and service facilities. In fact, the project will provide a public service to the community of Olancha, Cartago, Keeler, Sage Flats and Haiwee Reservoir.]*
6. The proposed Amendment to Conditional Use Permit 2014-02 would not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[Evidence: The placement of an 80-foot-tall tower and wireless internet service antenna will not have an impact on surrounding properties when taken in consideration with the existing services currently being conducted on the site (a fire station) and the existing utility and radio antenna poles also on or nearby the proposed site. Wireless internet service antenna signals do not create hazards to the public. The tri-pole tower will also be required to meet the wind-load and building requirements specified in the Uniform Building Code by the Inyo County Building and Safety Department.]*
7. Operating requirements necessitate the 80-foot-tall tri-pole tower’s location within the Public (P) zoning district.  
*[Evidence: The amended project requires that the tower is located on the Olancha site close to a service node provided by the Digital-395 project. Here it will pick up the signals from the node and broadcast it out to the community of Olancha and the surrounding area. Thus, the operating requirements necessitate the tower’s location within the P Zone in Olancha.]*

## 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 Amendment to Conditional Use Permit No. 2014-02/Branson Olancha. 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. County Code does not allow for the storage of company-related equipment on the property. Thus, the use of the project site for the storage of equipment, materials, and company vehicles is prohibited. Additionally, the conducting of company business is prohibited. The applicant is required to obtain a building permit to install the new 80-ft- tower. The tower will need to meet the wind- load and building requirements specified in the Uniform Building Code by the Inyo County Building and Safety Department. Failure to meet the requirements of County and State code shall result in the revocation of Amendment to CUP 2014-02/Branson Olancha.

**ATTACHMENTS:**

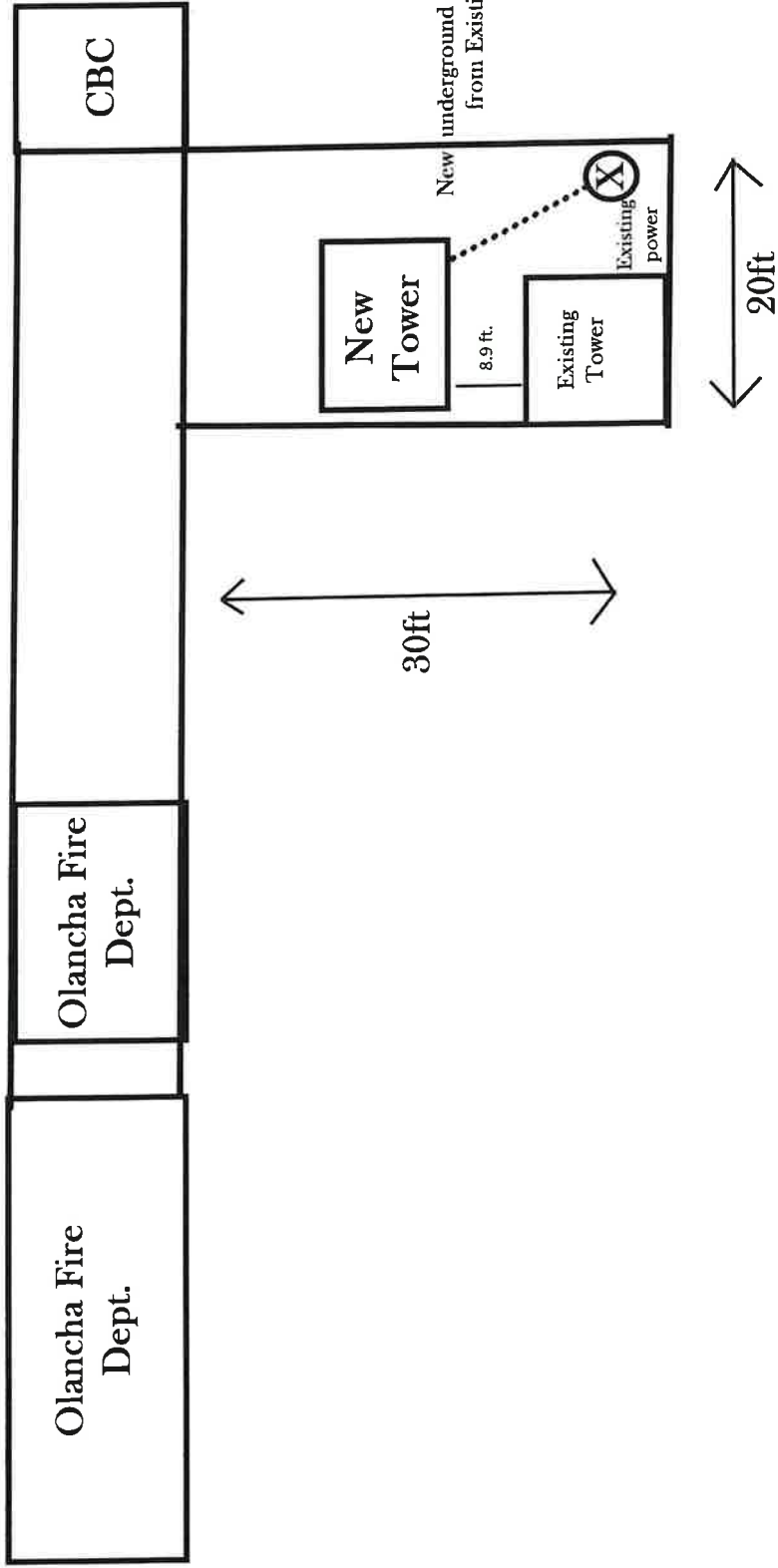
Vicinity map  
Site plan  
Site photos  
Addendum to the Negative Declaration



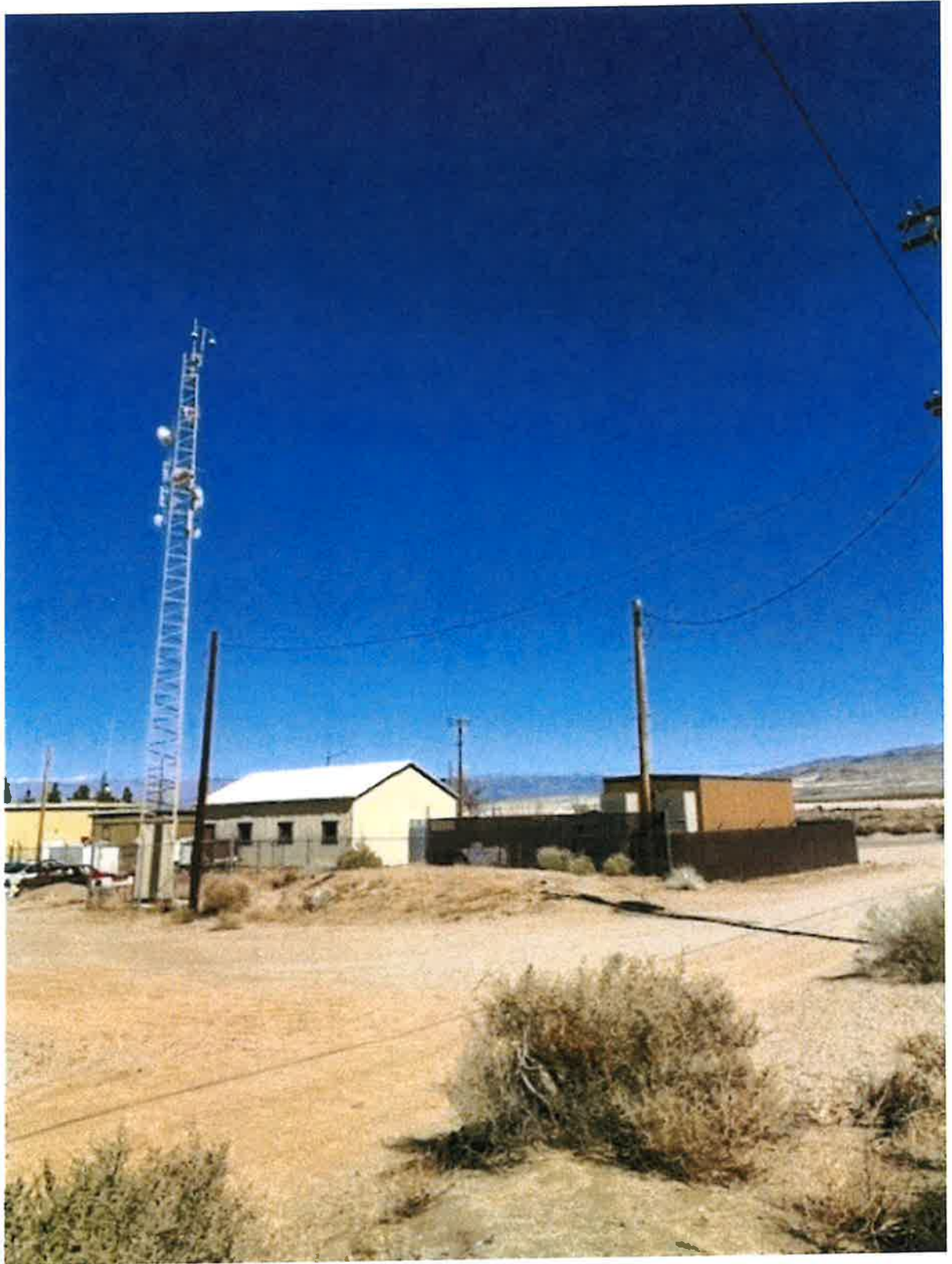
# VICINITY MAP

## CUP AMENDEMENT 2014-02/BRANSON OLANCHA











## **Addendum No. 1 to the Negative Declaration of Environmental Impact Prepared for Conditional Use Permit 2014-02/ Branson Olancha**

This Addendum has been prepared pursuant to the California Environmental Quality Act (CEQA) to assess a proposed Amendment to Conditional Use Permit (CUP) #2014-02/Branson Olancha. Initially approved on April 23, 2014, CUP #2014-02 authorized the installation of a 60ft tower to accommodate a wireless internet service antenna, aimed at serving the Olancha community, at the site of the Olancha Volunteer Fire Department fire station. The applicant is now seeking an amendment to the CUP to replace the existing tower with a new 80-foot tower. The new tower will be situated 8.9 feet in front of the current structure, which will subsequently be removed upon completion of the new tower's construction.

### **Authority**

CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 indicate, in part, that an addendum to a Negative Declaration (ND) may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The decision-making bodies shall consider the addendum prior to deciding on the project. The addendum need not be circulated for public review.

### **Project Description**

The proposed project, CUP Amendment 2014-02/Branson Olancha, will enable Stimulus Technologies of CA, operating as Lone Pine Communications, to upgrade the current 60-foot tower with an 80-foot tower. Field technicians from Stimulus will construct the new tower, positioning it 8.9 feet in front of the existing structure and utilizing the existing power meter and electrical box. After the new tower is completed, the old tower will be disassembled, and a new fence will be installed around the new tower and electrical pole. The benefits of replacing the existing tower are to provide better internet service to Olancha, Cartago, Keeler and surrounding areas. The added height to the tower will help to provide internet service to the remote community of Sage Flats and Haiwee Reservoir.

### **Negative Declaration- Conditional Use Permit 2014-02**

The ND prepared for CUP 2014-02 and certified in March of 2014, evaluated the project through an Initial Study (IS). Based upon the environmental evaluation, the Planning Department found that the project did not have the potential to create significant adverse impact on flora or fauna; natural scenic and historic resources; the local economy; public health; safety; and welfare. This constituted a Negative finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

### **Need for an Addendum to the Original ND Conditional Use Permit 2014-02**

The proposed 80-foot tower does not affect the project footprint and the height of the proposed tower will not have a substantial adverse effect on the scenic vista, as delineated in the 2014 ND, which was prepared and certified for the project..

Specifically, CEQA Guidelines Section 15162 notes that once an ND has been certified for a project, the preparation of a subsequent ND is not necessary unless the lead agency for the project (in this case, Inyo County) determines that “substantial changes” are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that there is no need for a subsequent Negative Declaration, based on:

1. The project has very little affect the project footprint
2. The height of the proposed new tower will not have a substantial adverse effect on the scenic vista.
3. The actual limited area affected by the project is relatively small

CEQA Guidelines Section 15164 notes that such an Addendum to a ND should be prepared by the lead agency for a project. The Guidelines further note that an Addendum is appropriate “if some changes or additions are necessary but none of the conditions described in (CEQA Guidelines) Section 15162 calling for preparation of a subsequent ND have occurred.” Staff has determined this to be the case as replacing the existing 60 ft tower with an 80 ft tower and relocating it 8.9 feet from its original position is necessary to enhance service for the towns of Olancha, Cartago, Keeler, and surrounding areas. Additionally, this upgrade will extend internet coverage to the Community of Sage Flats and Haiwee Reservoir. Given that the applicant has demonstrated that this project will not result in significant impacts, it does not constitute a substantial change or introduce substantial new information. However, it does necessitate an addendum to the ND to reflect this additional modification.

CEQA Guidelines Section 15164 also states an Addendum to an EIR or ND “need not be circulated for public review but can be included in or attached to a final EIR or adopted negative declaration” for the project. As a result, staff has not circulated this Addendum to the ND for public review, but rather has included it as an attachment to the original ND prepared for CUP 2014-02/Branson Olancha.

### **Findings**

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed Amendment to Conditional Use Permit 2014-02/Branson Olancha.

1. No substantial changes will result from the Amendment to CUP 2014-02/Branson Olancha that will require major revisions to the previous ND as there are no new significant effects or substantial increases in the previously identified effects.

*The proposed Amendment to the Conditional Use Permit (CUP) is consistent with the environmental analysis provided in the ND prepared for CUP 2014-02/Branson Olancha, as the area outside the original project plan is very small (8.9 ft), already highly disturbed and the increase in the height of the tower will not have a significant impact on the scenic vista.*

2. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous ND due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.  
*Staff has analyzed the proposed Amendment to CUP 2014-02/Branson Olancha and determined that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity. The site is already highly disturbed, and the new placement of the tower and the height increase will not have a significant impact.*
3. No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous ND was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed left hand turn lane project:
  - A) One or more significant effects not discussed previously.  
*The project aims to enhance the current infrastructure by upgrading from a 60-ft tower to an 80-ft tower. The new tower will be positioned 8.9 feet in front of the existing structure, which will be removed upon the completion of the project. There are no substantial changes, and the project does not cause new impacts that were not evaluated in the certified ND prepared for CUP 2014-02/Branson Olancha.*
  - B) Significant effects previously examined will be substantially more severe.  
*There are no significant environmental effects identified in the area subject to the CUP Amendment that were previously identified significant and can be substantially more severe, as the area where the new 80-ft pole will be erected is only 8.9 feet from the original approved pole and the area is already highly disturbed.*
  - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project.  
*Mitigation measures were not included in the Conditions of Approval for CUP 2014-02/Branson Olancha. No new mitigation measures are deemed necessary due to the existing disturbance of the project area and the minor alterations to its original designated design.*
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.  
*Mitigation measures were not included in the Conditions of Approval for CUP 2014-02/Branson Olancha. The project area is already extensively disturbed, with the affected portion relatively small (8.9 feet). Additionally, this area is subject to the conditions outlined in CUP 2014-02/Branson Olancha. Therefore, no new mitigation measures are deemed*



*necessary. Given the existing disturbance in the project area and the minor alterations to the original CUP, which will not result in new impacts, no additional mitigations are required for the Amendment to CUP 2014-02/Branson Olanca.*

None of the above-specified conditions apply to the proposed Amendment to CUP 2014-02/Branson Olanca ; therefore, no subsequent environmental document is required. Consideration of this addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.



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**AGENDA ITEM NO.:** 8 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** December 11, 2024  
**SUBJECT:** Conditional Use Permit (CUP)  
2024-04/Bishop Creek Chevron

### **EXECUTIVE SUMMARY**

The applicant is requesting a Conditional Use Permit (CUP) to bring an existing pole sign with an electronic price reader into compliance. The applicant initially contacted the Planning Department to discuss relocating the sign due to the Caltrans Pavement Project. During the review process, it was discovered that the sign does not have an existing CUP, making it non-conforming. All other signage on the property complies with the regulations of the Highway Services and Tourist Commercial (C-2) zoning district and does not require a CUP. This project is exempt under CEQA.

### **PROJECT INFORMATION.**

**Supervisory District:** 3

**Project Applicant:** Bishop Creek Chevron

**Property Owner:** Eivan Maida; Bishop Creek Chevron

**Site Address:** 2392 N. Sierra Hwy.

**Community:** Bishop

**A.P.N.:** 011-120-65

**General Plan:** Retail Commercial (RC)

**Zoning:** Highway Services and Tourist Commercial (C-2)

**Size of Parcel:** Approximately 24,203 Sq Ft.

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Gas Station and store	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
North	Store & Residence	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
East	Mini Storage Unit	MULTI	MULTI- C-2 Highway Serv & Tourist and R-2 Multi-Residential
South	Automotive Sales Repair	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
West	Tribal Land	NA	NA

**Staff Recommended Action:** **1.) Approve the Conditional Use Permit (CUP) 2024-04/Bishop Creek Chevron and find the project is exempt under CEQA.**

**Alternatives:**

- 1.) Deny the CUP.
- 2.) Approve the CUP 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:** Cynthia Draper

**STAFF ANALYSIS**  
Background and Overview

The electronic gas price sign at Bishop Creek Chevron needs to be relocated due to the Caltrans Pavement Project. During review, it was found that the existing sign does not have an approved conditional use permit (CUP), making it non-compliant with current regulations. The existing sign will be removed, and the applicant is requesting a CUP to install a new pole sign with an electronic price display at the new location. The sign will be illuminated and meet the size requirements in Inyo County Code 18.75.100(C)(2). However, the proposed height of 40-feet exceeds the 25-foot maximum allowed by Inyo County Code 18.75.110(B), so the applicant has also applied for a height variance.

The proposed project is located at 2392 N. Sierra Hwy in Bishop, CA, where a gas station and mini-mart have been operating for many years. All other signage changes comply with the Highway Services and Tourist Commercial (C-2) zone, which does not require a CUP. The applicant is requesting the CUP to allow the LED-lit gas price display, which qualifies as an electronic sign under the County Code and requires a CUP in the C-2 zone

per 18.75.120. Since this use is permitted in the C-2 zone with a CUP, the request meets the requirements of Inyo County Code.

#### General Plan Consistency

The goal of this project is to install an electronic sign displaying gas prices. It aligns with the General Plan's Retail Commercial (RC) designation, which permits commercial uses, including retail and transportation services like gas stations.

#### Zoning Ordinance Consistency

The C-2 zoning designation permits electronic signs as a conditional use. The existing uses on the site are well-established. The applicant is requesting a use permit to install one electronic sign for displaying gas prices, in accordance with the County's zoning ordinance. Obtaining the CUP will ensure compliance with the code.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the Commonsense Rule 15061(b) (3) that states 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 CUP is for one electronic sign to display gas prices. No new building or use changes are part of the project and the entire property is disturbed.

### **NOTICING & REVIEW**

The application for CUP 2024-04 /Bishop Creek Chevron has been reviewed by the appropriate county departments. No issues were reported.

The hearing for CUP 2024-04/Bishop Creek Chevron was noticed on November 30, 2024 in the Inyo Register and mailed to property owners within 300-feet of the project location as required by the Inyo County Code. No comments have been received as of the date of this staff report.

### **RECOMMENDATION**

Planning Department staff recommends the approval of CUP 2024-04/Bishop Creek Chevron, with the following Findings and Conditions of Approval:

### **FINDINGS**

1. The proposed CUP is exempt by the Commonsense Rule 15061(b) (3) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: The Commonsense Rule 15061(b) (3) states 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. The application for this CUP is for one gas station sign to include an electronic price component. The property has been in use as a gas station and mini-mart*

*for many years.. The change will be an upgrade to signage on the property. No new development changes are proposed as part of the project and the entire property is already disturbed (graded and compacted).].*

2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of RC.  
*[Evidence: The goal of this project is to allow for one electronic sign to display gas prices. The project is consistent with the General Plan designation of RC in which it is located as it allows for commercial uses including retail and transportation services such as gas stations; and therefore, the CUP is consistent with the County's General Plan as the sign is directly related to the allowed use.]*
3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits "Electronic Signs" as a conditional use in the C-2 Zone.  
*[Evidence: The C2 designation allows for electronic signs as a conditional use. The current uses on the site are well established and are allowed.. The applicant is seeking the use permit to have one electronic sign to display gas prices, in compliance with County's zoning ordinance. By acquiring the CUP, the applicant is creating consistency with the code.]*
4. The proposed CUP is necessary or desirable.  
*[Evidence: The General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing electronic price sign has been on this property for many years and has not caused issues to date.. The only change will be the relocation to another spot on the property as well as an upgrade to the sign itself and the CUP will bring the sign into conformance. It will help promote a local business that caters to residents and visitors; and therefore, is a desirable use.*
5. The proposed CUP is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed CUP is to allow one electronic sign to display gas prices. The sign will not likely increase the current level of vehicles exiting and entering Highway 395; and therefore, the project will have no impact on the transportation or service facilities in the vicinity.]*
6. The proposed CUP 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 proposed CUP is to allow one electronic sign to display gas prices. The sign will not create impacts on the health or safety of persons living or working in the vicinity.]*
7. Operating requirements necessitate the CUP for the site.

*[Evidence: For the gas station sign to include the electronic price component, a CUP is required per the Inyo County Code. Therefore, the CUP is necessary for the signs 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 CUP 2024-04/Bishop Creek Chevron. 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 including the Building Code and the County Outdoor Lighting Ordinance. Failure to meet these conditions may result in the revocation of CUP 2024-04/Bishop Creek Chevron. If the use provided by this CUP is not established within one year of the approval date it will become void.

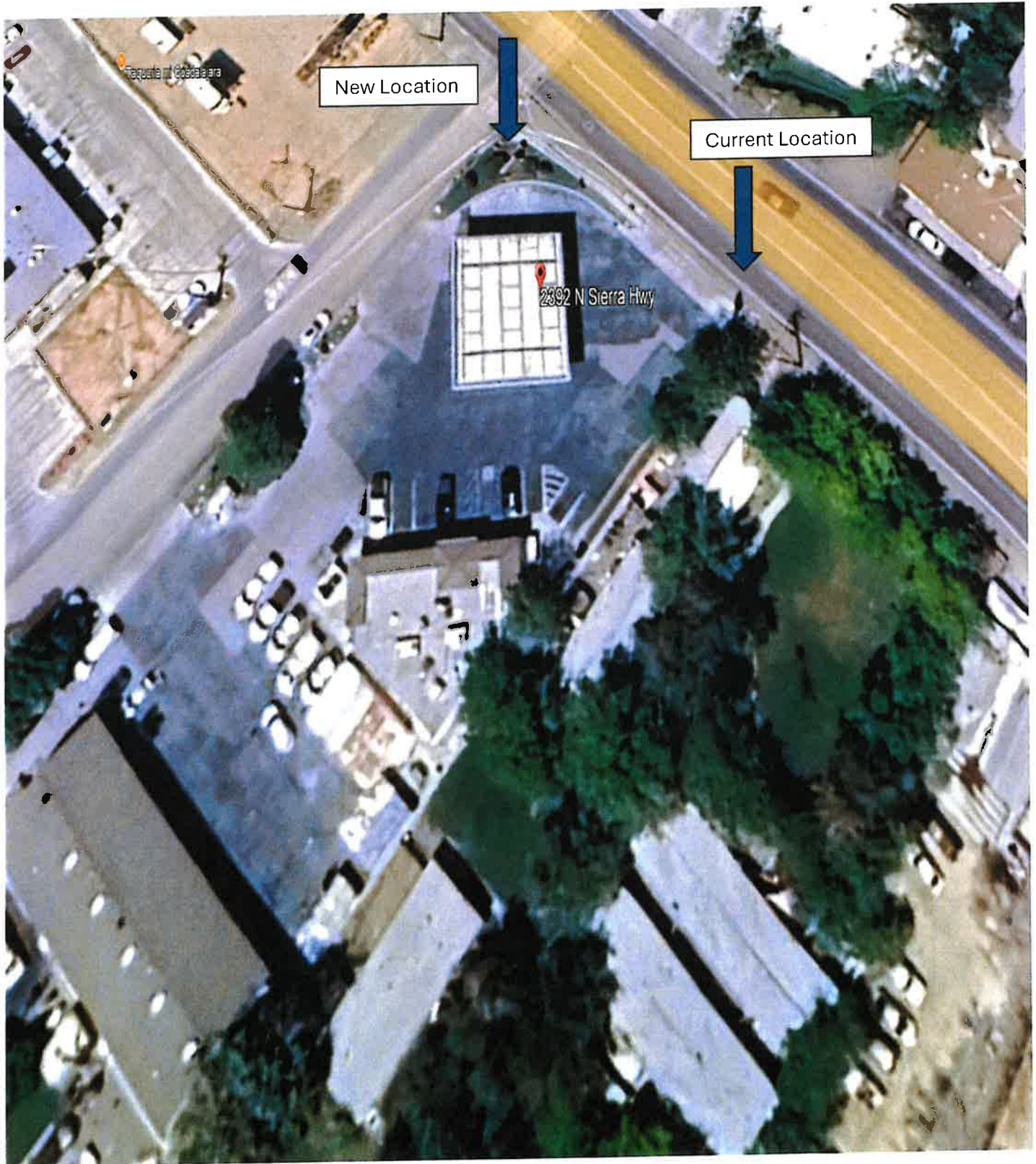
### **Attachments:**

- Vicinity Map
- Sign Plan
- Site photos

# VICINITY MAP

CUP 2024-04/BISHOP CREEK CHEVRON

2392 N. SIERRA HWY, BISHOP, CA



PROPOSED



**A** NEW C60 POLE SIGN INTERNALLY-ILLUMINATED QTY: ONE (1)

**Donco & Sons, Inc.**  
 Signs • Lighting • Electrical  
 2392 N. SIERRA HIGHWAY, SUITE 203  
 BISHOP, CA 93514  
 (760) 872-1644

CUSTOMER:

CHEVRON STATION  
 2392 N. SIERRA HIGHWAY  
 BISHOP, CA 93514  
 (760) 872-1644

**SIGN PLAN**

PROJECT ADDRESS:  
 CHEVRON STATION  
 2392 N. SIERRA HIGHWAY  
 BISHOP, CA 93514

DATE: 6-26-24

REVISION	DATE
1	7-15-24
2	11-13-24
3	
4	

SCALE: 3/16" = 1'

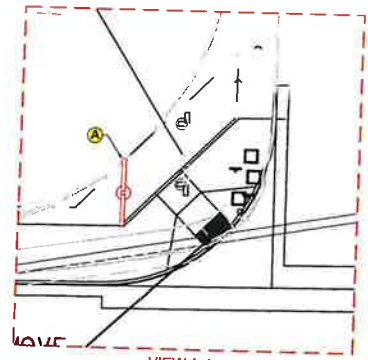
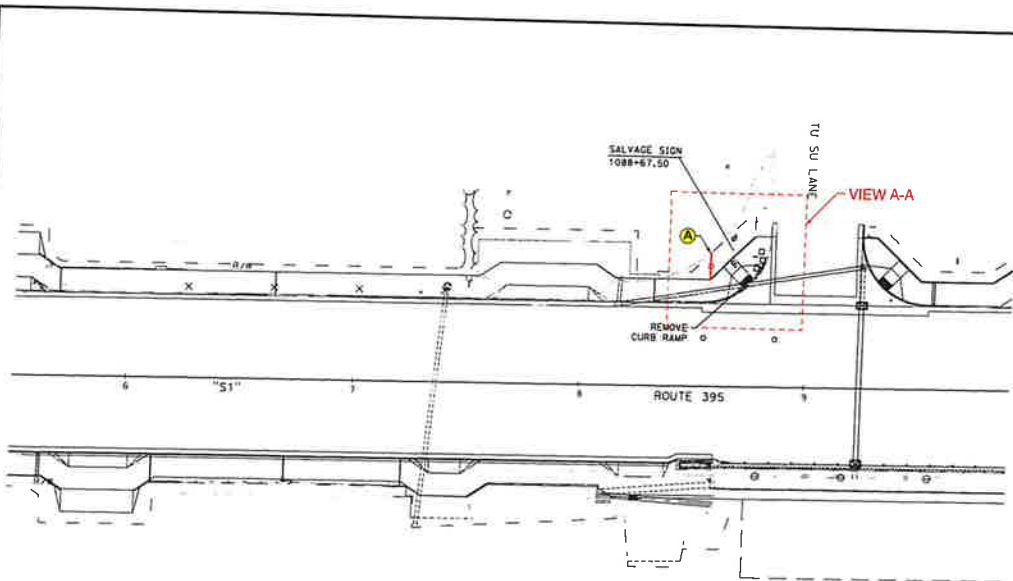
SHEET NUMBER  
2 OF 3

DRAWN: A.S.

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**Donco & Sons, Inc.**  
Signs • Lighting • Electrical

10115 2nd Street, Bishop, CA 93514  
Tel: (760) 732-1111 Fax: (760) 732-1112  
Cell: (760) 732-1113

CUSTOMER



CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514  
(760) 872-1644

**SITE PLAN**

PROJECT ADDRESS:  
CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514

DATE: 6-26-24

REVISION	DATE
1	7-15-24
2	11-13-24
3	
4	

SCALE: 1" = 40'

SHEET NUMBER  
1 OF 3

DRAWN: A.S.

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**Chevron**

**Food Mart**

Gasoline	Cash/ Chevron Card	Early Chevron Card
Regular	529	519
Plus	549	539
Supreme	569	559
Diesel No. 2	519	509

Chevron Cash/ Chevron Card	Self-Serve Gasoline Credit/Debit
Regular 529	Regular 549
Plus 549	Plus 569
Supreme 569	Supreme 589
Diesel No. 2 519	Diesel No. 2 539

**MAHOGANY SMOKED MEATS**

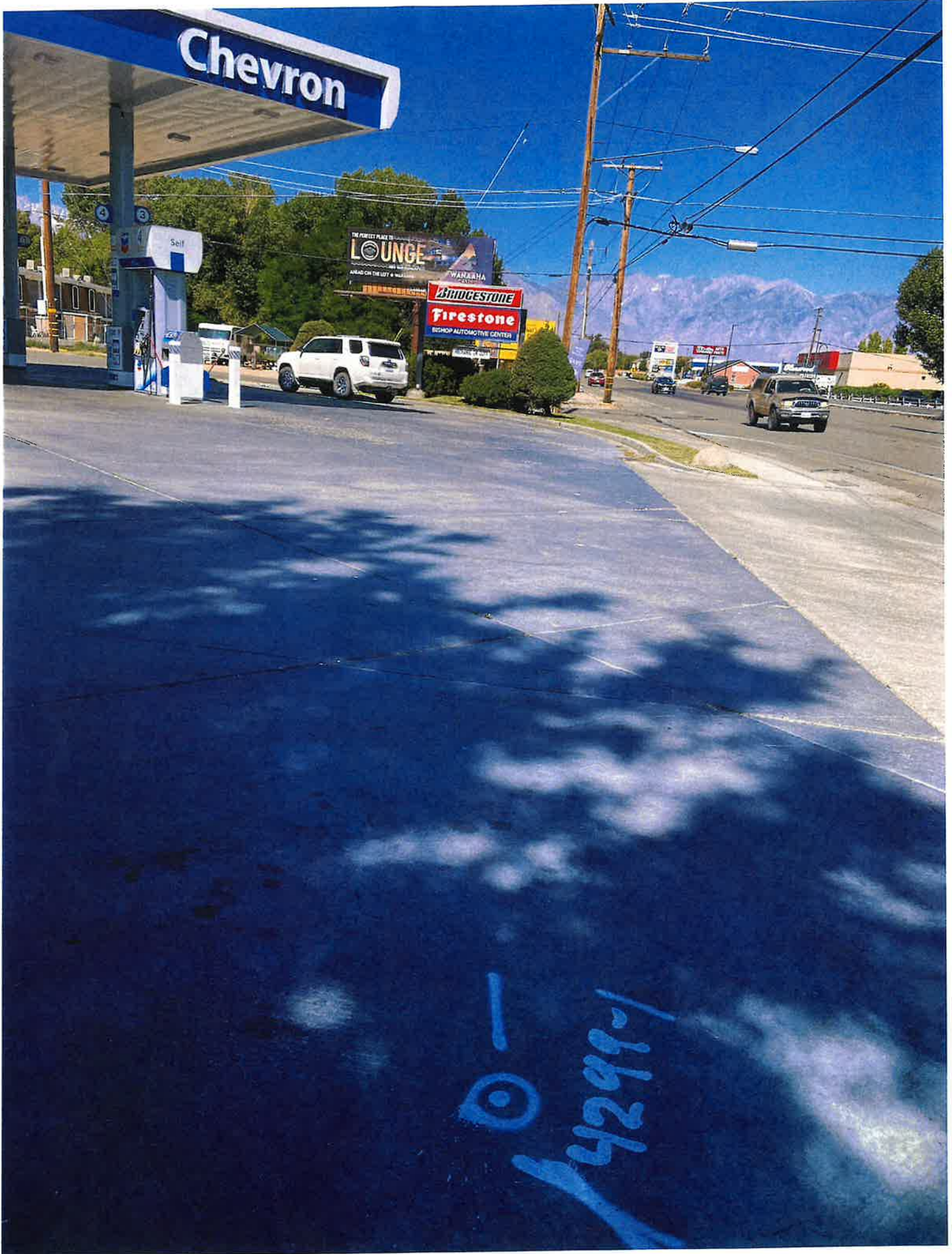
WELCOM  
TO  
BISHOP

MAHOGANY SMOKED MEATS

MAHOGANY SMOKED MEATS

Chevron		Self Serve Gasoline	
Cash/ Chevron Card		Credit/Debit	
529 <sup>9</sup> / <sub>10</sub>	549 <sup>9</sup> / <sub>10</sub>		
Regular			
549 <sup>9</sup> / <sub>10</sub>	569 <sup>9</sup> / <sub>10</sub>		
Plus			
569 <sup>9</sup> / <sub>10</sub>	589 <sup>9</sup> / <sub>10</sub>		
Courtline			
519 <sup>9</sup> / <sub>10</sub>	539 <sup>9</sup> / <sub>10</sub>		
Diesel No.2			

4299



Chevron

Self

THE PERFECT PLACE TO  
**LOUNGE**  
AWAID ON THE LEFT & RIGHT

**BRIDGESTONE**  
**Firestone**  
BISHOP AUTOMOTIVE CENTER

42997



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

**Phone: (760) 878-0263  
FAX: (760) 878-0382  
E-Mail: [inyoplanning@  
inyocounty.us](mailto:inyoplanning@inyocounty.us)**

**AGENDA ITEM NO.:** #9 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** December 11, 2024  
**SUBJECT:** Variance #2024-03 / Bishop Creek Chevron

### **EXECUTIVE SUMMARY**

The applicant is seeking a variance to exceed the maximum allowable sign height from 25-feet to 40-feet for a proposed electronic price reader sign. The property, located at 2392 N. Sierra Highway in Bishop, California, is zoned for Highway Services and Tourist Commercial (C-2) use. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption.

### **PROJECT INFORMATION.**

**Supervisory District:** 3

**Project Applicant:** Donco & Sons, Inc.

**Property Owner:** Eivan Maida, Bishop Creek Chevron

**Site Address:** 2392 N. Sierra Highway, Bishop California.

**Community:** Bishop

**A.P.N.:** 011-120-65

**General Plan:** Retail Commercial (RC)

**Zoning:** Highway Services and Tourist Commercial (C-2)

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Gas Station and store	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
North	Store & Residence	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
East	Mini Storage Unit	MULTI	MULTI- C-2 Highway Serv & Tourist and R-2 Multi-Residential
South	Automotive Sales Repair	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
West	Tribal Land	NA	NA

**Staff Recommended Action:**

**1.) Approve Variance 2024-03/Bishop Creek Chevron and find the project is exempt under CEQA.**

**Alternatives:**

- 1.) Deny the Variance
- 2.) Approve the Variance 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:**

Cynthia Draper

**STAFF ANALYSIS**

Variance Request & Site Characteristics

The applicant is requesting a height variance to increase the maximum allowable sign height from 25-feet to 40-feet. The property, located at 2392 N. Sierra Hwy, is zoned as Highway Services and Tourist Commercial (C-2). The applicant has concurrently applied for a Conditional Use Permit (CUP) for an electronic price reader sign. A gas station and mini-mart have operated at this location for many years. The proposed pole sign will be illuminated, featuring an electronic price display along with signage for Chevron and Bishop Automotive Center. At 40 feet tall, the sign exceeds the 25-foot maximum height limit outlined in Inyo County Code 18.75.110(B). The applicant is seeking the height variance to ensure the sign is visible from a greater distance along Sierra Highway. A tree line on the neighboring property obstructs the view of the sign for northbound drivers unless its height is increased. Additionally, power lines and billboards further block visibil-

ity as drivers approach Bishop from the north. A taller sign would give drivers earlier notice of the gas station, allowing for a safer exit from the highway.

Inyo County Code 18.75.110(B) limits the height of signs in the County's commercial zones as follows:

*"In the OS, CB, C-1, C-2, C-3, C-4, C-5, M-2, M-1 and P zones, no sign shall exceed twenty-five feet in height, except billboards under an approved conditional use permit."*

#### Previous Variance History

Staff was unable to find previous variances on the property

#### Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would *"not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships"* (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's

physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

### **ENVIRONMENTAL REVIEW**

This project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, “Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density.”, as it is a request for a variance on land with a slope of less than 20%, which does not result in changes in land use or density.

### **NOTICING AND REVIEW**

The application for VAR 2024-03/Bishop Creek Chevron has been reviewed by the appropriate county departments. No issues were reported by County staff.

The hearing for VAR 2024-03/Bishop Creek Chevron was noticed on November 30, 2024 in the Inyo Register and mailed to property owners within 300-feet of the project location as required by the Inyo County Code. No comments have been received as of the date of this staff report.

### **RECOMMENDATION**

Planning Department staff recommends the approval of VAR 2024-03/Bishop Creek Chevron, with the following Findings and Conditions of Approval:

### **FINDINGS**

Staff has reviewed this application and can find that all of the seven required Findings can be affirmed:

1. There are exceptional circumstances applicable to the property involved which does not generally apply to other property in the same district and which deprive such property of privileges enjoyed by other property in the same district with identical zoning.

*Affirmative: The property is located within the C-2 Zone. Per 18.75.100, this zoning district permits pole signs but also limits their size to 25- feet in height. The primary reason for the variance request is to have the proposed gas station sign tall enough to be seen at a further distance along Sierra Hwy. A tree line on the neighboring property obstructs the view of the sign for northbound drivers unless its height is increased. Additionally, power lines and billboards further block visibility as drivers approach Bishop from the north. A taller sign would give drivers earlier notice of the gas station, allowing for a safer exit from the highway.*



2. The result of the variance will not be detrimental to the public welfare, or injurious to property in the vicinity.  
*Affirmative: The sign Ordinance ICC 18.75 allows for signs with specific size and height limitations in the C-2 zone. A variance allowing the signs to be taller than set forth in the standard per ICC 18.75, would not be detrimental to the public welfare, or injurious to property in the vicinity as there has been a pole sign at this facility for many years. The only change will be the height of the sign, and it will be compliant with regard to the size of the sign itself.*
  
3. The strict application of the zoning ordinance will result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of Title 18 of the Inyo County Zoning Ordinance.  
*Affirmative: The strict enforcement of the County's Sign Ordinance 18.75 could create practical challenges for the applicant. Due to the ongoing Caltrans Sidewalk Project, the property owner is required to relocate its existing electronic reader sign. In doing so, they have opted to install a new, updated sign. However, the tree line on adjacent properties along Sierra Highway obstructs the visibility of the sign at its new location. Additionally, power lines and billboards further block visibility as drivers approach Bishop from the north. If approved by the Commission, increasing the sign's height would improve its visibility, allowing travelers to spot the upcoming gas station sooner and exit the highway safely. Denying the size variance could negatively impact the owner's ability to serve its customers and compromise driver safety.*
  
4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.  
*Affirmative: Approving this variance does not constitute a grant of special privilege as any other businesses could also apply for a height variance in the C-2 Zone.*
  
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property  
*Affirmative: The proposed variance applies to sign height as set forth in the County Code. Commercial pole signs are permitted by right, with the conditions set forth in 18.75, in the C-2 Zone, so this does not allow for a use that is otherwise not authorized.*
  
6. The proposed variance is consistent with the Inyo County General Plan.  
*Affirmative: The requested sign variance presents no inconsistencies with the General Plan land use designation of the project site, which is RC that allows for gas stations, mini-marts and restaurants.*

7. The requirements of the California Environmental Quality Act (CEQA) have been met.

*Variances are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density."*

## **CONDITIONS OF APPROVAL**

1.) Hold Harmless: 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 Variance 2024-03/Bishop Creek Chevron or the applicant's failure to comply with conditions of approval.

2) The applicant/developer shall conform to all applicable provisions of Inyo County Code including 18.75 – Signs; 18.74 - Outdoor Lighting; and the Building Code. Failure to meet this condition may result in the revocation of VAR 2024-03/Bishop Creek Chevron.

## **ALTERNATIVES**

1. Approve Variance 2024-03/Bishop Creek Chevron with additional conditions of approval.
2. Do not approve Variance 2024-03/ Bishop Creek Chevron
3. Direct staff to continue the hearing to a future date and prepare additional information.

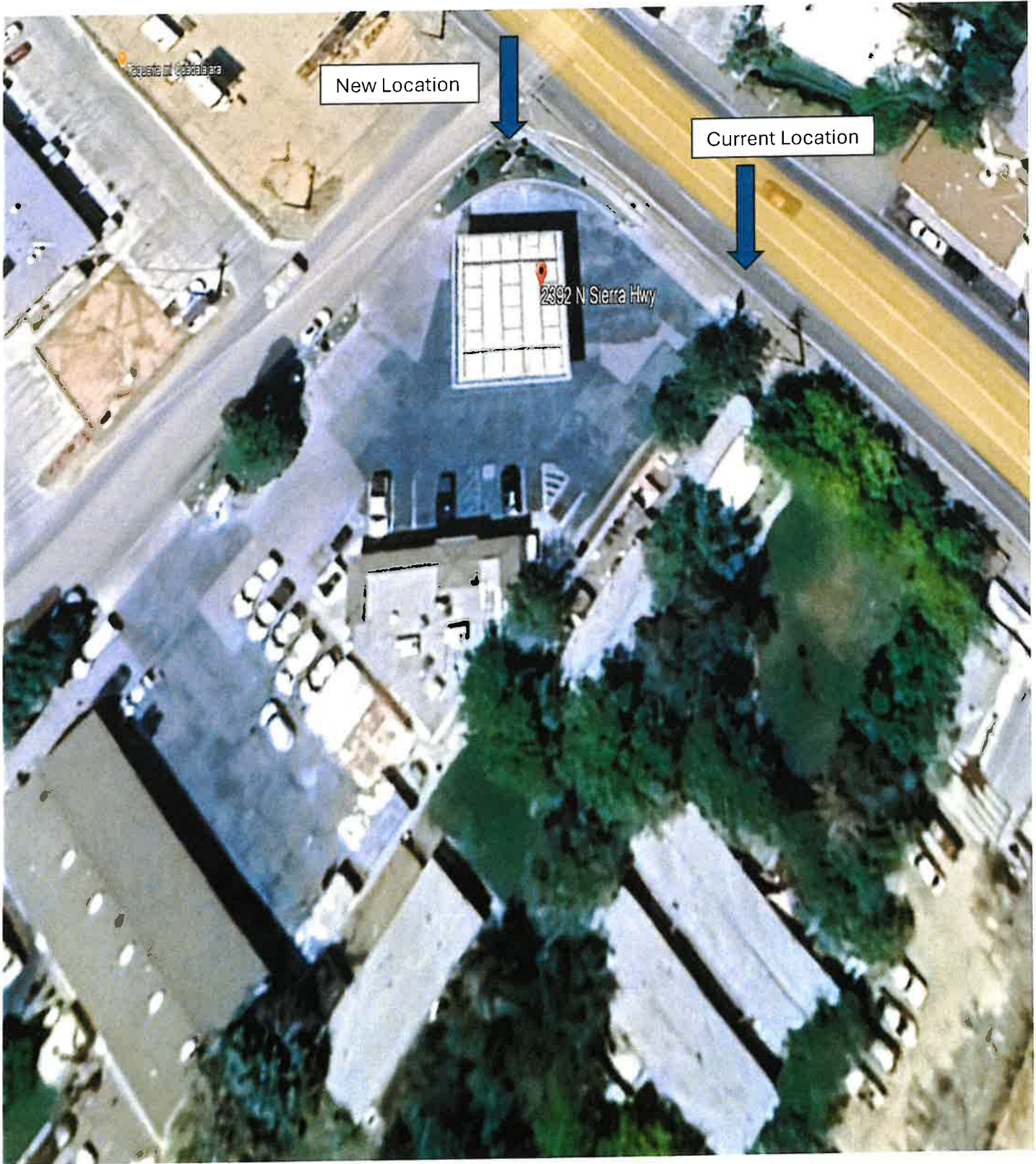
## **ATTACHMENTS**

- Vicinity map
- Sign Plan
- Super imposed landscape photos

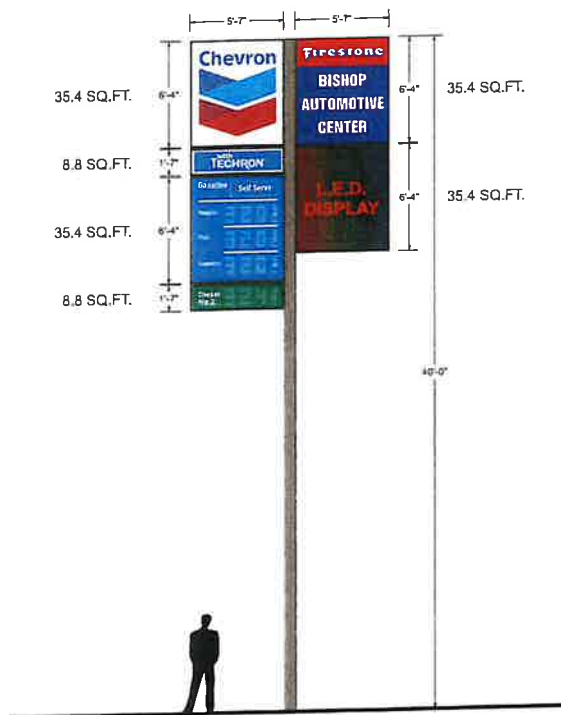
# VICINITY MAP

Variance 2024-03/BISHOP CREEK CHEVRON

2392 N. SIERRA HWY, BISHOP, CA



PROPOSED



NEW C60 POLE SIGN  
INTERNALLY-ILLUMINATED

160 SQ.FT.  
QTY. ONE (1)



**Donco & Sons, Inc.**  
Signs • Lighting • Electrical  
2471 E. Oak St. • Bishop, CA 93514  
Tel: 760-732-0023 • Fax: 760-732-0100  
CA Lic. # 742878-A • I.C.C. 0143-0147

CUSTOMER



CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514  
(760) 872-1644

**SIGN PLAN**

PROJECT ADDRESS:  
CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514

DATE: 6-26-24

REVISION	DATE
1	7-15-24
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SCALE: 3/16" = 1'

SHEET NUMBER  
2 OF 3

DRAWN: A.S.

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**Donco & Sons, Inc.**  
 Signs • Lighting • Electrical  
 2671 E. Blue Star Street Auburn, CA 95606  
 Ph: (530) 835-1100 Fax: (530) 835-1106  
 CA SI Lic. # 4335916 C 10-C-93-C01

CUSTOMER:



**CHEVRON STATION**  
 2382 N. SIERRA HIGHWAY  
 BISHOP, CA 93514  
 (760) 872-1644

**SIGN PLAN**

PROJECT ADDRESS:

**CHEVRON STATION**  
 2382 N. SIERRA HIGHWAY  
 BISHOP, CA 93514

DATE: 9-27-24

REVISION DATE

1	
2	
3	
4	

SCALE: NTS

SHEET NUMBER

2 OF 2

DRAWN: A.S.

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PROPOSED



WESTBOUND (N. SIERRA HIGHWAY) - 300'-0" FROM SIGN  
 SIGN @ 40'-0" O.A.H.

PROPOSED



WESTBOUND (N. SIERRA HIGHWAY) - 400'-0" FROM SIGN  
 SIGN @ 40'-0" O.A.H.



**Donco & Sons, Inc.**  
 Signs • Lighting • Electrical  
 2071 E. Blue Star Street, Anaheim, CA 92805  
 Ph: (714) 799-0000 Fx: (714) 799-0100  
 CA 31, Lic #135616 C10-C&S-01

CUSTOMER:



**CHEVRON STATION**  
 2392 N. SIERRA HIGHWAY  
 BISHOP, CA 93514  
 (760) 872-1644

**SIGN PLAN**

PROJECT ADDRESS:

CHEVRON STATION  
 2392 N. SIERRA HIGHWAY  
 BISHOP, CA 93514

DATE: 9-27-24

REVISION	DATE
1	
2	
3	
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SCALE: NTS

SHEET NUMBER  
 1 OF 2

DRAWN: A.S.

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PROPOSED



EASTBOUND (N. SIERRA HIGHWAY) - 800'-0" FROM SIGN  
 SIGN @ 40'-0" O.A.H.

PROPOSED



EASTBOUND (N. SIERRA HIGHWAY) - 850'-0" FROM SIGN  
 SIGN @ 40'-0" O.A.H.



**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**

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**AGENDA ITEM NO.:** 10 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** December 11, 2024  
**SUBJECT:** Conditional Use Permit (CUP) 2024-09/Sexton

#### **EXECUTIVE SUMMARY**

The applicant has applied for a CUP to allow for a small addition to the overall square footage of a currently non-conforming one-family residence. It is located on a property located at 200 Ocean View Rd., in the Forty-Acres subdivision in the north Bishop area. The dwelling is located in the Rural Residential with a one-acre minimum zone (RR-1). The RR zone requires a fifty-foot front yard, thirty-foot rear yard and twenty-foot side yard setbacks. Currently, the front yard setback is twenty-one-feet, and the right-side yard is two feet, which do not meet the required setbacks. Both the left side-yard and rear-yard do meet the required setbacks. This project is Exempt from CEQA pursuant to 15301(e)(1) – Existing Facilities.

#### **PROJECT INFORMATION.**

**Supervisory District:** 4

**Project Applicant:** Daniel Sexton

**Property Owner:** Daniel Sexton

**Site Address/** 200 Ocean View Rd.

**Community:** Bishop, CA

**A.P.N.:** 009-130-11

**General Plan:** Residential Rural High Density (RRH)

**Zoning:** Rural Residential with a one-acre minimum (RR-1)

**Size of Parcel:** Approximately 0.5-acres.

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	One family dwelling	Residential Rural High Density (RRH)	Rural Residential with a one-acre minimum (RR-1)
North	One family dwelling	Residential Rural High Density (RRH)	Rural Residential with a one-acre minimum (RR-1)
East	One family dwelling	Residential Rural High Density (RRH)	Rural Residential with a one-acre minimum (RR-1)
South	One family dwelling	Residential Rural High Density (RRH)	Rural Residential with a one-acre minimum (RR-1)
West	One family dwelling	Residential Rural High Density (RRH)	Rural Residential with a one-acre minimum (RR-1)

**Staff Recommended Action:** *Make certain Findings with respect to and approve Conditional Use Permit 2024-09/Sexton subject to the Findings and Conditions of Approval as recommended in the staff report and Certify that it is Exempt pursuant to CEQA 15301(e)(1).*

**Alternatives:**

- 1.) Deny the CUP
- 2.) Approve the CUP 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:** Cathreen Richards

**STAFF ANALYSIS**

Background and Overview

The applicant has applied for a CUP to allow for an addition to a non-conforming one-family-residence on a property located at 200 Ocean View Rd., in the Bishop area. The Inyo County Code (ICC) at 18.78.250 states that:

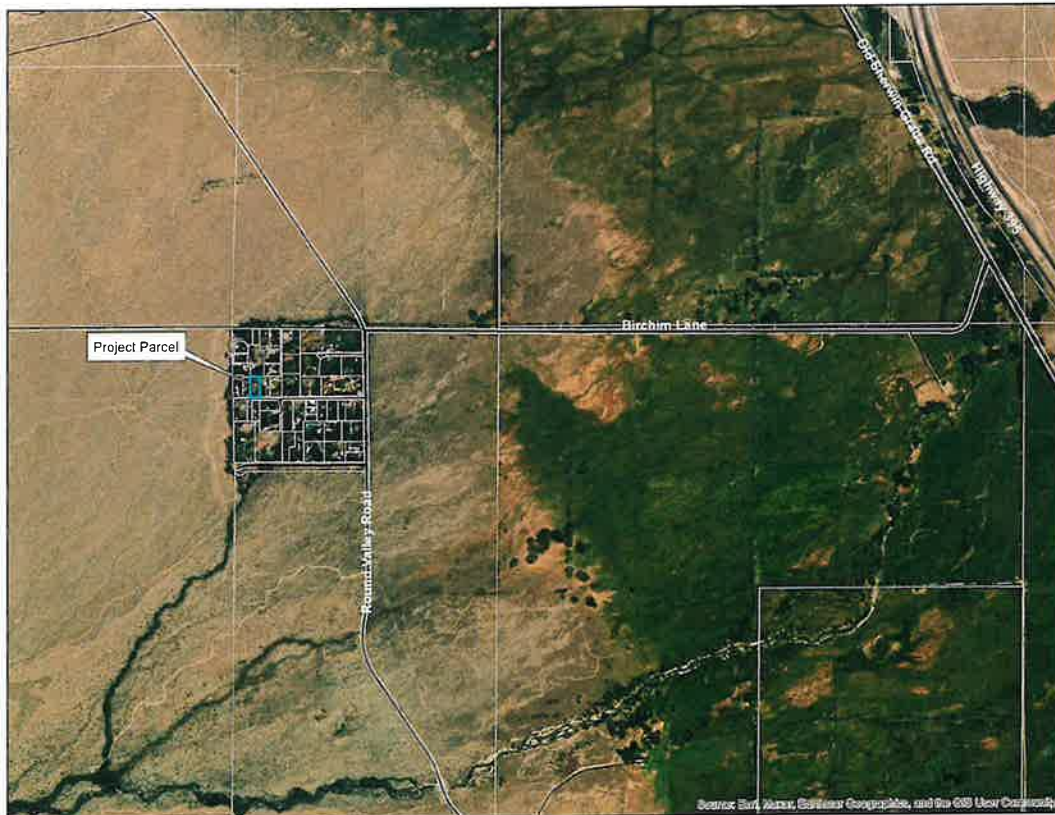


*A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the planning commission of a conditional use permit application.*

There is an exception to 18.78.250 if the addition itself is conforming under ICC 18.78.260. In this case, however, the addition of the second bathroom is also non-conforming and increases the overall non-conformity of the structure at the right side-yard setback making the approval of CUP 2024-09/Sexton necessary for the proposed addition.

The applicant wishes to construct a bedroom and bathroom onto an existing one-family home. The residence currently has one bedroom and one bathroom and is approximately 1,030-square feet. Due to the current size of the septic tank on the property, the home can only have one bedroom. The existing bedroom will be converted to a work room/office. The non-conforming bathroom addition puts the square-footage at approximately 1,080-square-feet. Only the bathroom addition is non-conforming. The bedroom is within the left side yard setback and is not counted towards the non-conformity, pursuant to 18.78.260.

#### Vicinity Maps





#### General Plan Consistency

The goal of this project is to remodel an existing one-family dwelling by adding a bedroom and a bathroom and converting the existing bedroom to a work room/office. The project is consistent with the General Plan designation of RRH as it provides for residential dwellings on rural, large, lots that are generally serviced by onsite well and septic systems. The applicant has applied for a CUP due to the non-conforming setback. This will not affect the current compliance with the General Plan low-density residential use designation of RRH that is assigned to the property.

#### Zoning Ordinance Consistency

The Rural Residential zone is intended for low density, one-family, residential uses, which this proposal will not change regarding the residential use. This is a request for a CUP to allow for the remodel of a non-conforming one-family residence. The approval of the CUP will result in the non-conforming dwelling being compliant with the County's zoning ordinance at 18.78.250 as required.

#### Noticing

Planning Staff routed the application for the CUP to the County Environmental Health Department to ensure there is adequate water a sewer capacity for the addition. The Environmental Health Department stated that there is adequate septic and water for one

bedroom and the home cannot have a second bedroom without an upgrade to the septic system. The project is being conditioned with a limitation of one-bedroom.

The Planning Commission Hearing for CUP 2024-09/Sexton was advertised in the Inyo Register on November 30, 2024 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments as of the date of this hearing.

### **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2024-09/Sexton is Categorically Exempt under CEQA Guidelines 15301(e)(1), 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 CUP is being applied for to permit an addition to a non-conforming one-family dwelling that will have a minor increase (approx. 50-sq-ft) to the footprint of the building. CEQA Guidelines 15301(e)(1) allows for the exemption of additions to structures of up to 50-percent of the floor area of the structures before the addition, or 2,500-sqft, whichever is less, and therefore CUP 2024-09 Sexton is exempt.

### **RECOMMENDATION**

Planning Department staff recommends the approval of Conditional Use Permit No. 2024-09/sextan, with the following Findings and Conditions of Approval:

### **FINDINGS**

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301(e)(1), Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: CEQA Guidelines 15301(e)(1) allows for the exemption of additions to structures of up to 50-percent of the floor area of the structures before the addition, or 2,500-sqft, whichever is less. The proposed addition is about 50-sqft on a 1,030-sqft structure representing about a 5-percent increase to the area of the residence; and is therefore exempt.]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of RRH.  
*[Evidence: The goal of this project is to allow for a small addition (50-sqft) to an existing non-conforming one-family dwelling. The project is consistent with the General Plan designation of RRH as it allows for low density residential dwellings in rural areas. Since there is no change to the low-density residential use from the addition, it continues to conform to the General Plan.]*
3. The proposed Conditional Use Permit is consistent with the RR-1 zoning designation and with 18.78.250, which requires a CUP for additions to non-conforming structures.  
*[Evidence: The Rural Residential zone is intended for low density, one-family, residential uses, which this proposal will not change regarding the residential use. This is a request for a CUP to allow for the remodel of a non-conforming*

*one-family residence. The approval of the CUP will result in the non-conforming dwelling being compliant with the County's zoning ordinance at 18.78.250 as required.]*

4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The General Plan's Housing Element Goal 3.0 states: Encourage the adequate provision of housing by location, type of unit, and price to meet the existing and future needs of Inyo County residents. The one-family residence has been at this location for many years and the owner is currently proposing to update and enlarge it. This will provide for upkeep of existing housing in the county, which is desirable.]*
  
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed CUP is being requested to allow for an addition to a non-conforming residential structure, pursuant to County's Zoning Code 18.78.250. It will not cause additional impact to the current level, type of use, or to transportation or service facilities in the vicinity as it will not create additional or denser housing.]*
  
6. The proposed CUP 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 proposed CUP is proposed to allow for a minor addition to a one-family residential use and will remain compliant with the uses allowed for in the RR Zone. It also has adequate sewer and water service; 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 CUP for the site.  
*[Evidence: The addition of more non-conforming square-footage to the square-footage of a non-conforming structure requires a CUP per 18.78.250.]*

## **CONDITIONS OF APPROVAL**

### **1. Hold Harmless**

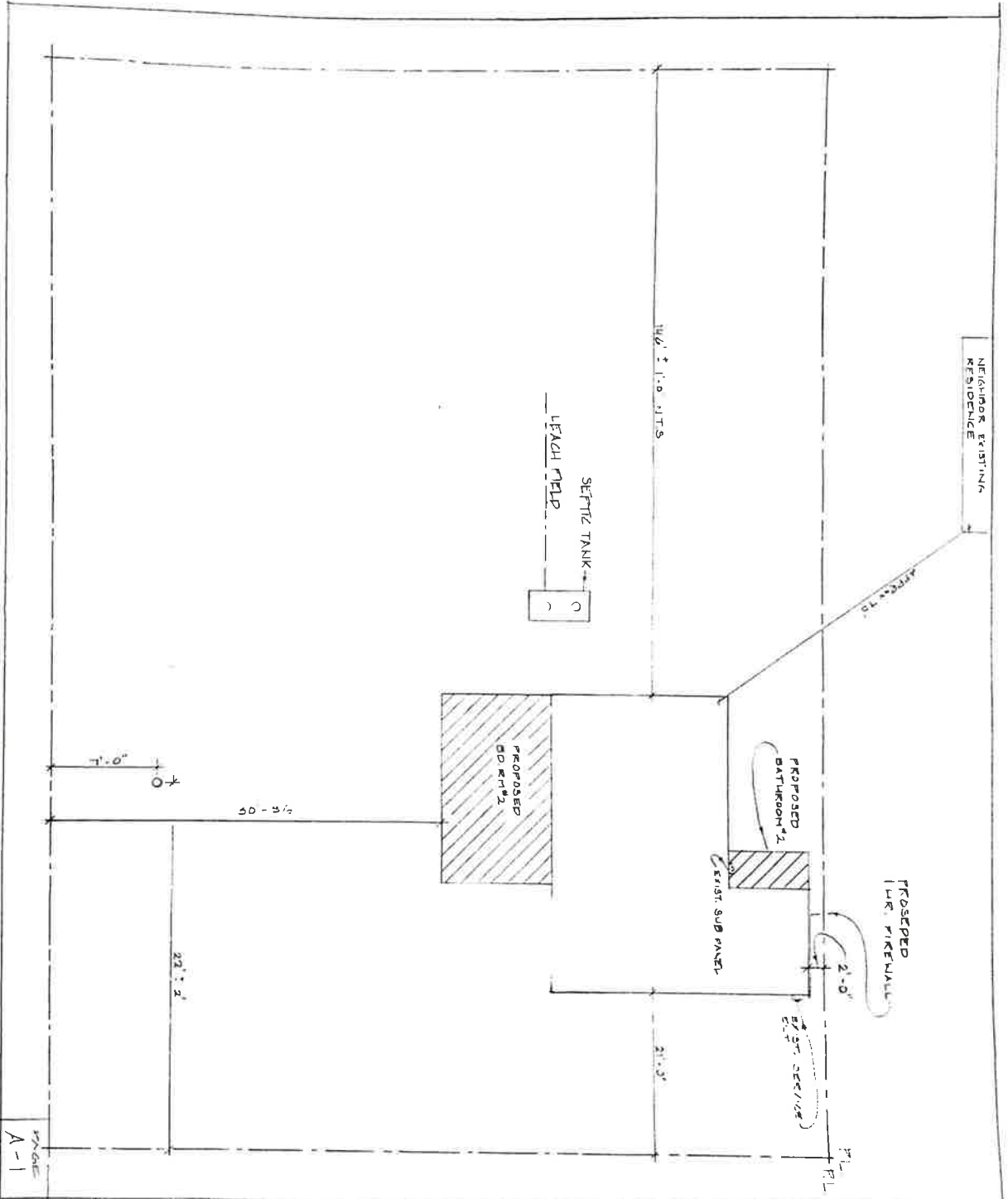
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2024-09/Sexton. The County reserves the right to prepare its own defense.

2. The applicant shall work with the Department of Building and Safety and Environmental Health to ensure all State and County requirements have been met and all required permits are obtained for the addition. Failure to comply shall result in the revocation of CUP 2024-09/Sexton.

3. The applicant will no longer use the current bedroom, as a bedroom, unless upgrades are made to the existing septic system.

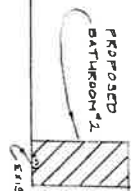
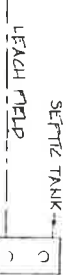
ATTACHMENT

- Site Plan



NEIGHBOR EXISTING RESIDENCE

14'-0" SITS



PROPOSED 1/2" FIREWALL

EXIST. SERVICE

50'-3/4"

22'-2"

21'-0"

P.L.

1-Y-1

DRAWN BY

CONTRACTOR  
 OHLER-BUILDER

LEGAL DESCRIPTION: SWEET  
 HERBERT MATTHEW  
 200 OCEAN VIEW RD  
 ROUND HAVEN  
 BISHOP CA 93514

APR  
 1971 1:50"

DATE  
 10-1-74