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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:

Location:	Use:	Gen. Plan Designation	Zoning
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