



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

Phone: (760) 878-0263
E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: 5

(Action Item and Public Hearing)

PLANNING COMMISSION
MEETING DATE:

February 26, 2025

SUBJECT:

Tentative Parcel Map No. 429 (McIntyre)

EXECUTIVE SUMMARY:

The applicant is seeking approval to subdivide a 32,007-square-foot parcel into two separate lots: Parcel 1, measuring 15,045 square feet, and Parcel 2, measuring 16,962 square feet. Each parcel currently contains an existing single-family home. The subdivision will not create any setback issues for the homes or accessory structures on the property. The property is located at 3071 W. Line Street in Bishop, California, and both proposed parcels are zoned Residential – Single Residence (R-1 10,000), which requires a minimum lot size of 10,000 square feet. The parcels are also designated for Residential Low Density (RL) use in the General Plan. This project is exempt from CEQA under General Rule 15061(b)(3).

PROJECT INFORMATION

Supervisory District:

1

Applicants:

Marilyn McIntyre

Landowners:

The McIntyre Family Trust

Community:

Bishop

A.P.N.:

001-110-08

Existing General Plan:

Residential Low Density (RL)

Existing Zoning:

Residential – Single Family Residence (R1-10,000)

Surrounding Land Use:

Residential, single-family homes

Recommended Actions:

- 1.) Find the proposed project Tentative Parcel Map No. 429/McIntyre is exempt from the requirements of the California Environmental Quality.
- 2.) Make certain findings with respect to and approve Tentative Parcel Map No. 429/McIntyre subject to Conditions of Approval.
- 3.) Waive street improvements and utility installations required by Inyo County Code Section 16.40.10, as permitted.

Alternatives:

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cynthia Draper

BACKGROUND

On May 21, 2023, a Tentative Parcel Map application was submitted to planning staff to subdivide a 32,007-square-foot parcel in Bishop into two parcels: one measuring 15,045 square feet and the other 16,962 square feet. The subdivision aims to divide the property into two parcels for inheritance by family members of the McIntyre Trust.

STAFF ANALYSIS

The applicant is requesting approval to subdivide the 32,007-square-foot parcel into two separate parcels (see Attachment A). Parcel 1 is developed with a single-family dwelling and is pre-disturbed, while Parcel 2, also pre-disturbed, contains an existing single-family home. Although the existing parcel has access from Line Street, the proposed horizontal split would render Parcel 2 landlocked. To resolve this issue, an access easement is proposed, running vertically along the center of Parcel 1, to provide access to Parcel 2. However, under the Subdivision Map Act, an easement cannot be created over property that remains under the same ownership, as an easement grants a right to use another party's land. Therefore, the applicant cannot legally grant an easement over their own property.

As a condition of approval for the Final Map, the applicant will be required to transfer the title of Parcel 2 to her daughter concurrently with the recording of the Final Map. This transfer will ensure that Parcel 2 is no longer under the same ownership as Parcel 1, thereby allowing the access easement to be established.

The application for TPM 429/McIntyre was routed to the following departments: Treasurer Tax Collector, Assessor, Environmental Health, and Public Works. No issues were raised by any County departments regarding the submitted application. The proposed parcels are located within the Eastern Sierra Community Services District (ESCSD) for sewer services and the Bishop Rural Fire Protection District for fire suppression and prevention. ESCSD provided comments on the project, indicating that it has sufficient capacity to serve both parcels.

Land Use Analysis: The proposed parcels are zoned R-1 and are situated within a residential area, with single-family homes on neighboring properties. The subdivision into two parcels will not change the existing land uses or permitted zoning. No new development is planned at this time. The surrounding properties are also zoned R-1 and are fully developed. The proposed subdivision is consistent with the area's residential character and density, as both the zoning and land use designations will remain the same.

General Plan: The Land Use Element designates both parcels as Residential Low Density (RL), intended for single-family residential neighborhoods situated near existing communities or rural residential areas. This designation permits public and quasi-public uses, along with other compatible developments. The residential density is set between 2.01 and 4.5 dwelling units per net acre. New development must be connected to a water and sewer system approved by the Inyo County Environmental Health Services Department. Alternatively, an individual well or septic system may be developed, subject to approval by the Environmental Health Services Department.

The proposed subdivision is consistent with the RL designation because it allows single-family residential uses, and the parcels are large enough to accommodate at least one dwelling each. The requirement for water and sewer services is also met through existing infrastructure, such as the private wells and connection to the Eastern Sierra Community Services District (ESCSD) sewer system.

Zoning: Both Parcel 1 and Parcel 2 are zoned R-1, with a required minimum lot size of 10,000 square feet. In accordance with Inyo County Code (ICC) Chapter 18.30, the zoning also mandates a minimum average lot width of 50 feet and sets setbacks of 25 feet for the front yard, 20 feet for the rear yard, and 5 feet for the side yards. According to the information provided in the documentation (TPM-429, Attachment A), both parcels comply with these zoning requirements.

Subdivision: ICC Title 16 <https://ecode360.com/44464547> and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lots meet the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act. Staff recommends waving the street and utility improvements required by ICC Section 16.40.010, as these improvements are not anticipated to be necessary. No new structures are being constructed, and the property split along with the access and utility easement will not impact Line Street or neighboring properties. A condition of approval has been included to ensure that such improvements will be required in the future if deemed necessary.

Access: Parcel 1 is accessed via Line Street, while Parcel 2 is accessed through a 20-foot Access and Utility Easement that runs centrally through Parcel 1, also connecting to Line Street. The width of the Access and Utility Easement complies with the minimum requirements for emergency vehicle access.

Utilities and Public Services: Both Parcel 1 and Parcel 2 are currently served by existing utilities. Sewer services are provided by the Eastern Sierra Community Services District (ESCSD), and each parcel has its own well. ESCSD, which is temporarily halting new sewer connections, met with applicant Marilyn McIntyre regarding the project. It was discovered that Parcel 1's single-family dwelling is currently connected to the sewer lateral serving Parcel 2. To proceed with the approval of TPM 429, the single-family dwelling on Parcel 1 must be connected to a separate lateral that connects to the District's main sewer line. ESCSD also requested that the lateral serving Parcel 2 be located within the 20-foot Access and Utility Easement for Parcel 2's benefit, as shown in Attachment A. ESCSD provided a comment letter (Attachment B) outlining these conditions of approval, which is included in the Conditions of Approval for the project.

The property is located within the boundaries of the Bishop Fire Protection District. The proposed subdivision is not expected to significantly increase the demand for fire protection services. Additionally, since the property falls within a Local Fire District, no additional fire safety findings are required in accordance with SB-1241.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA;

NOTIFICATIONS

TPM 429/McIntyre was noticed in the Inyo Register and sent to the property owners of property within 300-feet of the project, ten days prior to the Planning Commission Hearing. No comments have been received to date.

RECOMMENDATIONS – TPM 429/McIntyre

Staff recommends that the Planning Commission find that TPM 429/McIntyre is CEQA exempt under the General Rule 15061(b)(3); make the findings specified below; and approve TPM 429/McIntyre, subject to Conditions of Approval; and waive street improvements and utility installations required by ICC Section 16.40.010

Recommended Findings

1. TPM 429/McIntyre is covered by the General Rule 15061(b)(3)
[Evidence: the proposed TPM is covered by the General Rule 15061(b)(3) that states 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 TPM is being conducted without plans for development, on already disturbed land, and therefore will not have a significant effect on the environment.]

2. Based on substantial evidence in the record, the Planning Commission finds that TPM 429/McIntyre is in conformance with the Inyo County General Plan, the Inyo County Zoning Ordinance, the Inyo County Subdivision Ordinance, and the State Subdivision Map Act. *[Evidence: The proposed Parcel 1 and Parcel 2 are consistent with the Residential Low Density (RL) General Plan designation, as it provides for single-family residential development at a maximum of 2.01-4.5-dwelling units per acre. Both Parcels also meet the zoning designation of R1-10,000-square-foot minimum parcel size and width requirement of 50-feet. The proposed lots meet the applicable requirements specified in ICC Chapter 16.16 and meet the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. ICC Section 16.40.010 has been met as street and utility improvements required by ICC Section 16.40.010 may be waived, and since no new structures are being constructed, and the property split along with the access and utility easement will not impact Line Street or neighboring properties, waving them is appropriate. A condition of approval is included to require such improvements in the future if they become necessary. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]*
3. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project. *[Evidence: The project aligns with the residential character of the surrounding area, and while no future development is anticipated, potential development will not significantly impact public services or utilities. Parcels 1 and 2 are served by private wells and sewer services from the Eastern Sierra Community Services District. With existing single-family homes on both parcels, no increased demand for fire protection services is expected, as the property lies within the Bishop Fire Protection District. TPM 429/McIntyre has been reviewed by relevant County departments, with no comments that would necessitate changes or additional conditions.]*
4. Based on substantial evidence in the record, the Planning Commission finds that the design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided. *[Evidence: Parcel 1 is provided access by Line Street and access to Parcel 2 is provided by Line Street and the proposed 20-foot easement for a driveway and utilities as depicted on TPM 429/McIntyre is included as a condition of approval for the Final Map. Existing utility (water, electric) easements will not be affected by the subdivision. Additionally, The width of the easement complies with the minimum requirements for emergency vehicle access.]*
5. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

[Evidence: As indicated by the Exemption the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly. The subdivision itself will not result in physical modifications and no changes in permitted uses are proposed.]

6. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.
[Evidence: As indicated in the Exemption, the subdivision will not cause direct impacts. Parcels 1 and 2 are both heavily disturbed, with existing single-family dwellings that have been in place for many years.]

Conditions of Approval

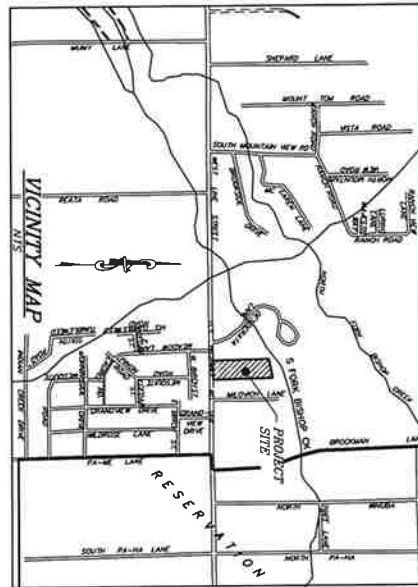
- 1.) A Final Parcel Map, in substantial conformance with the approved Tentative Parcel Map (TPM) and in compliance with the applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act, shall be filed for recordation within two years from the date of approval by the Planning Commission. A request for a time extension, as outlined in ICC Section 16.20.110, must be submitted and approved prior to the expiration of this period.
- 2.) Prior to the recordation of the Final Parcel Map, and concurrent with title transfer to the applicant's daughter, a 20-foot legal on-site access and utility easement, as shown on TPM 429, shall be established from Line Street to Parcel 2.
- 3.) The applicant shall obtain the necessary permits from the Eastern Sierra Community Services District (ESCSA) to connect Parcel 1 to a separate sewer lateral that links to the District's main sewer line. Additionally, the lateral serving Parcel 2 shall be located within the 20-foot Access and Utility Easement for the benefit of Parcel 2.
- 4.) Payment of any outstanding taxes, delinquent fees, or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to the recordation of the Final Parcel Map.
- 5.) The applicant and any successors in interest shall be responsible for the improvement or appropriate contribution toward the construction of all streets and utilities within and serving the subdivision, in accordance with applicable County standards as required in the future.
- 6.) The applicant shall transfer the title of Parcel 2 to her daughter concurrently with the recording of the Final Parcel Map and access easement.
- 7.) The applicant, landowner, and/or operator shall defend, indemnify, and hold harmless Inyo County, its agents, officers, and employees from any claims, actions, or proceedings related to TPM No. 429/McIntyre, including those resulting from the applicant's failure to comply with the conditions of approval.

ATTACHMENTS:

- A) Tentative Map 429/McIntyre
- B) Vicinity Map
- C) Comments provided by Eastern Sierra Community Service District

3071 W. Line Street, Bishop





LEGEND	
PROPERTY LINE	AS G.M.
ADJACENT PROPERTY	AS G.M.
LINE	AS G.M.
CENTERLINE	AS G.M.
FLOWLINE	AS G.M.
EDGE OF PAVEMENT	AS G.M.
WOOD FENCE	AS G.M.
CHAINLINK FENCE	AS G.M.
OVERHEAD UTILITIES	AS G.M.
GAS METER	AS G.M.
SEWER MANHOLE	AS G.M.
UTILITY POLE	AS G.M.
POWER POLE	AS G.M.
WATER HOSE BIB	AS G.M.

TENTATIVE PARCEL MAP NO. 429
IN THE UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA
BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY
DESCRIBED IN THE GRANT DEED RECORDED ON NOVEMBER 29,
2004 AS DOCUMENT NO. 2004-0005332 IN THE OFFICE OF THE
COUNTY RECORDER

RECORD OWNER & SUBDIVIDER
MARLIN A. MCINTYRE
1000 WEST BISHOP STREET
BISHOP, CA 93540
760 873-7747
boemchire@earthlink.net

ENGINEER/SURVEYOR
TRIAD/HOLMES ASSOCIATES INC.
THOMAS A. PLATZ, P.O. BOX 1570
MAMMOTH LAKES, CA 93546
(760) 934-7588

LEGAL DESCRIPTION

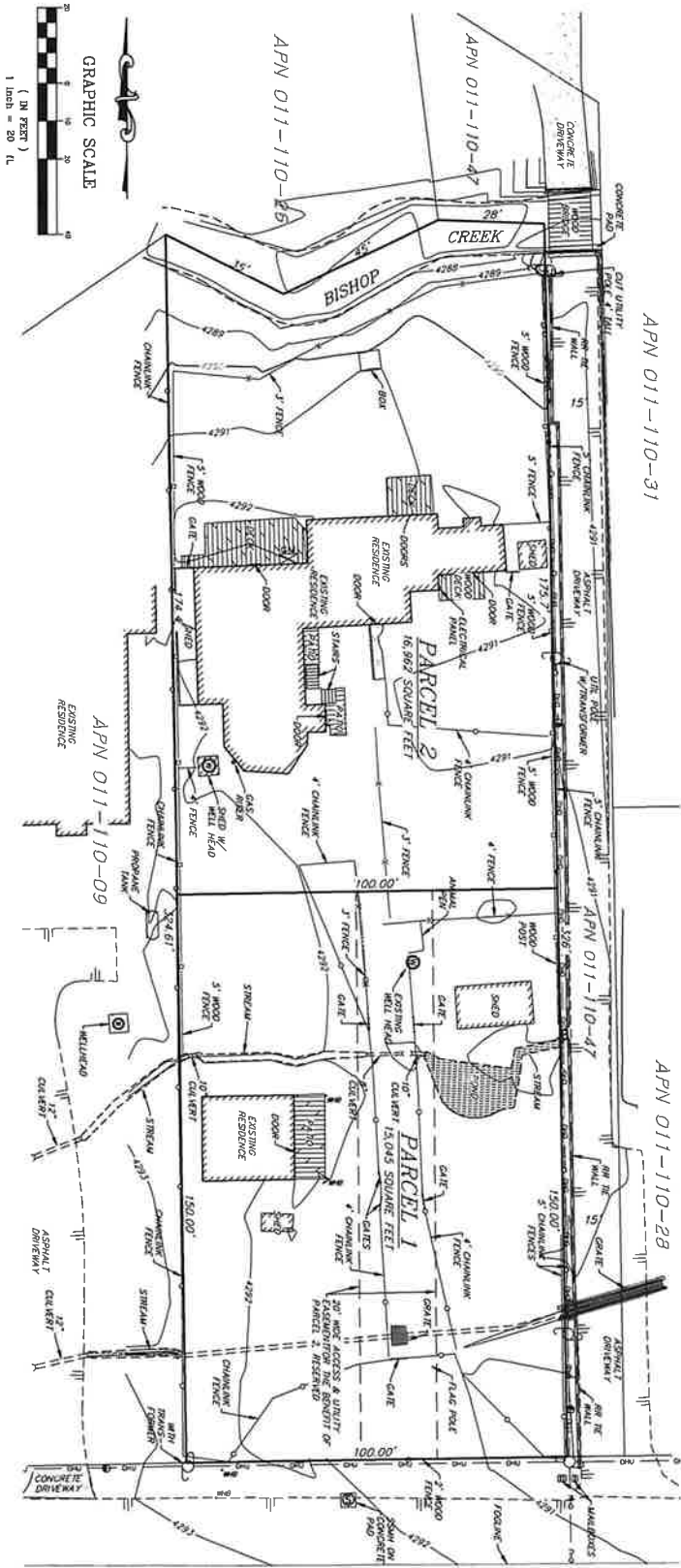
BEING THAT CERTAIN REAL PROPERTY DESCRIBED IN
THE GRANT DEED RECORDED ON NOVEMBER 29,
2004, AS DOCUMENT NO. 2004-0005332 IN THE
OFFICE OF THE COUNTY RECORDER, INYO COUNTY,
STATE OF CALIFORNIA.

DESIGNER NOTES:

ACCESSOR'S PARCEL NO.: 01-110-08
ADDRESS: 1000 WEST BISHOP STREET, BISHOP
GROSS SITE AREA: 0.754 ACRES
EXISTING ZONING: RESIDENTIAL, R1-10,000
EXISTING GENERAL: RESIDENTIAL LAND USE: R1-10,000
WATER SUPPLY: INDIVIDUAL WELLS
SEWAGE DISPOSAL: ESESD
ELECTRICITY: SOUTHERN CALIFORNIA EDISON
FIRE PROTECTION: BISHOP VOLUNTIER F.O.
NO EASEMENTS OF RECORD

TENTATIVE PARCEL MAP NO. 429

SECTION 2, T.2 S., R.32 E. M.D.B. & M.
LOCATED IN WEST BISHOP, UNINCORPORATED
TERRITORY OF INYO COUNTY, CALIFORNIA



WEST LINE STREET



DATE	8-5-2024
SCALE	SHOWN
DRAWN	USP
APP. NO.	04.0789
SHEET	1
SHEETS	2

EASTERN SIERRA COMMUNITY SERVICE DISTRICT

301 WEST LINE STREET, SUITE D
BISHOP, CALIFORNIA 93514
760-872-1415 • fax 760-872-1289

August 12, 2024

Inyo County
Planning

AUG 19 2024

RECEIVED

Inyo County Planning Department
Ms. Cynthia Draper, Assistant Planner
Post Office Drawer L
Independence, California 93526
cdraper@inyocounty.us

Re: Conditions of Approval for Sewer Service
Tentative Parcel Map 429/McIntyre
3071 West Line Street, Bishop, California

Dear Ms. Draper:

At the July 10, 2024 Regular Board Meeting the Board of Directors (Board) of the Eastern Sierra Community Service District (District) reviewed Tentative Parcel Map 429/McIntyre (TPM 429/McIntyre). At this time, the District has a Temporary Cessation of New Sewer Connections (Temporary Cessation) in place. After careful consideration and discussion with Mrs. Marilyn McIntyre regarding the fact that both existing structures are already flowing into the system and will not create additional flow, the ESCSD Board approved waiving the Temporary Cessation for TPM 429/McIntyre as long as the following Conditions of Approval are met:

1. A Capacity Fee for Parcel 1 must be paid to the District *prior* to the approval of TPM 429/McIntyre by the Inyo County Planning Department. The current capacity fee is \$3,644.00 for a single-family dwelling. Please note the cost is subject to change.
2. It is our understanding that the Parcel 1 residence is currently connected to the sewer lateral that serves the existing residence of Parcel 2. The existing residence on Parcel 1 of TPM 429/McIntyre must have its own lateral connected to the District's main sewer line *prior* to the approval of TPM 429/McIntyre by the Inyo County Planning Department. The current Sewer Permit Fee is \$150.00 at this time and includes the connection saddle and inspection by our operators. The Capacity Fee for Parcel 1 must be paid before a Sewer Permit may be issued. Please note the cost is subject to change. The connection to the District's main sewer line must be done by a licensed plumber.

Once these Conditions of Approval are met, the District agrees to serve the two properties and a total of two homes created by the TPM 429/McIntyre lot split.

Inyo County Planning Department
Ms. Cynthia Draper, Assistant Planner
August 12, 2024
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It is our understanding that the lateral serving Parcel 2 of TPM 429/McIntyre will be located within the "20' Access & Utility Easement for Benefit of Parcel 2" as suggested on the attached Tentative Parcel Map No. 429 dated August 5, 2024. This requirement falls under the Inyo County Public Works and/or Planning Department's regulations and approval.

At the District's July 10, 2024 Board Meeting there was mention of a shed that may be connected to the sewer at a later date. The shed was not included in the TPM 429/McIntyre description and would need to be considered at a later date when more information is available regarding the future use of the shed and where it may tie in for sewer service.

Thank you for keeping our district informed during this process.

Please feel free to contact me if you have any questions.

Sincerely,



Jennifer Krafcheck
Executive Administrative Manager

Encl: August 5, 2024 Tentative Parcel Map 429

C: Mrs. Marilyn McIntyre
3071 West Line Street
Bishop, California 93514

Sent via Email and U.S. Postal Service First Class Mail