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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: May 28, 2025

SUBJECT: Conditional Use Permit (CUP) 2025-02
Starrenburg

EXECUTIVE SUMMARY

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow an existing non-conforming front yard fence to exceed the maximum permitted height of 3.5 feet (42 inches), as stipulated by Inyo County zoning regulations. The fence, which is currently in place, stands 5.4 feet (65 inches) tall. The subject property is located at 632 Tuttle Creek Road in Lone Pine, within the Alabama Hills neighborhood. This project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303(e), New Construction or Conversion of Small Structures – Class 3

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: Joost van Starrenburg

Property Owner: Paul Bridwell

Site Address: 632 Tuttle Creek Road

Community: Lone Pine, CA

A.P.N.: 026-360-19

General Plan: Residential Rural Medium Density (RRM)

Zoning: Rural Residential with a 3-acre minimum (RR-3.0)

Size of Parcel: Approximately 3.9 acres

Surrounding Land Use:

| Location: | Use: | Zoning | General Plan Designation |
|------------------|----------------------------|----------------------------|--|
| Site | Single-Family Residence | Rural Residential (RR 3.0) | Residential Rural Medium Density (RRM) |
| North | WELL | Rural Residential (RR 3.0) | Residential Rural Medium Density (RRM) |
| East | Single-Family Residence | Rural Residential (RR 3.0) | Residential Rural Medium Density (RRM) |
| South | Single-Family Residence | Rural Residential (RR 3.0) | Residential Rural Medium Density (RRM) |
| West | DWP/Open Space Agriculture | Open Space (OS-40) | Natural Resources (NR) |

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2025-02/Starrenburg 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 applicant Joost van Starrenburg is requesting approval of a Conditional Use Permit (CUP) to allow an existing non-conforming front yard fence to exceed the maximum permitted height of 3.5 feet (42 inches), as stipulated by Inyo County zoning regulations. The fence, located at 632 Tuttle Creek Road in Lone Pine, within the Alabama Hills neighborhood, currently stands approximately 5.4 feet (65 inches) tall.

The property owner, Paul Bridwell, moved into the property in 2023, at which time the non-conforming front yard fence was already in place. Unaware that the fence exceeded current height limits or that a CUP was required for modifications, the owner hired the applicant to upgrade and improve it. The original fence, constructed in 1998 at a height of approximately 5.75 feet, was in poor condition and needed repair. As part of the upgrade, the fence height was reduced to 5.4 feet, slightly decreasing the degree of non-conformance.

Believing the work to be routine maintenance and aesthetic improvement, the owner proceeded without knowledge of the fence's non-conforming status. The issue came to light only after the owner received a code violation notice from the County. This CUP application is being submitted to bring the property into compliance and resolve the violation. The fence fronts Tuttle Creek Road to the west and faces vacant agricultural land owned by the Department of Water and Power (DWP). The current height serves several practical purposes: it helps contain the owner's multiple large dogs by limiting their visibility and preventing escape, deters wildlife such as coyotes and bobcats, and enhances privacy. Additionally, the updated design improves the visual appeal of the property. The fence is constructed in a manner that does not obstruct views of local traffic and maintains adequate visibility for vehicles traveling along Tuttle Creek Road. Requiring the fence to be removed and rebuilt to meet current standards would impose a financial burden on the owner, given the recent investment in materials and labor.

Zoning Ordinance Consistency

The subject property is zoned Rural Residential (RR), which is intended to support residential development while maintaining the rural character and open space values of the surrounding area. Fences, walls, and hedges are regulated under Section 18.78.160 of the Inyo County Code, which allows fences up to 6 feet in height on side and rear yards, and up to 3.5 feet in height in required front yards. These fence height regulations apply uniformly across all zoning designations in the County, not just to properties within the RR zone. Additionally, Section 18.21.050 establishes setback requirements, including a front yard setback of 50 feet, side yard setbacks of 20 feet, and rear yard setbacks of 30 feet for properties within the Rural Residential (RR) zone.

The proposed fence upgrade, while exceeding the standard height limit for front yard fences, is consistent with the Rural Residential (RR) zone's intent to accommodate residential uses that maintain the rural character of the area. The fence serves practical purposes, including privacy, animal containment, and protection from wildlife, which are compatible with the rural residential nature of the zone. The property meets all required setback standards as outlined in the RR zoning regulations, including front, side, and rear yards. The upgraded fence does not introduce any new land use that conflicts with the goals of the Rural Residential (RR) zone.

General Plan Consistency

The subject property has a General Plan land use designation of Rural Residential Medium Density (RRM), which is intended to support medium-density residential development while preserving the open space, scenic character, and rural lifestyle of the area. The proposed fence upgrade, while slightly exceeding the standard front yard height limit, is consistent with the goals and policies of the RRM designation. The fence contributes to the functional and aesthetic enhancement of the property without altering its residential use or impacting the surrounding rural character. It supports the safety and privacy of the residents, helps contain domestic animals, and provides a deterrent to local wildlife—that are typical in rural settings. The upgraded fence remains within the property boundaries and complies with all applicable setback requirements. Therefore, the project aligns with

the intent of the RRM designation to allow for reasonable improvements that support continued rural residential living.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2025-02/Starrenburg is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e), New Construction or Conversion of Small Structures – Class 3.

This exemption applies to the construction and replacement of small structures, including fences and other accessory features. The project involves a minor upgrade to an existing residential fence and qualifies as a small structure under this provision.

The project will not result in any significant environmental impacts, and no further environmental review is required under CEQA.

NOTICING & REVIEW

Planning Staff routed the application for the CUP to the Building and Safety Department for review. No issues were reported with the project, and the department noted that they do not believe the fence obstructs visibility for local traffic.

The Planning Commission Hearing for CUP 2025-02/Starrenburg was advertised in the Inyo Register on May 17, 2025 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2025-02/ Starrenburg, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e), New Construction or Conversion of Small Structures – Class 3.; and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 3 consists of the construction and replacement of small structures, including fences and other accessory features. The project involves a minor upgrade to an existing residential fence and qualifies as a small structure under this provision. The CUP is being applied for to permit the continued use of an existing non-conforming fence and its minor upgrade, which does not involve a major expansion of use. The fence remains in the same location and the upgrade primarily addresses re-

pair and aesthetic improvements without a change in the existing residential use of the property.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential Medium Density (RRM).

[Evidence: The property is designated Rural Residential Medium Density (RRM) in the Inyo County General Plan, which allows for low-density residential development while maintaining the rural character of the area. The proposed fence upgrade supports the continued residential use of the property without altering its existing function. The fence provides enhanced privacy, animal containment, and protection from wildlife, which are compatible with the residential uses encouraged under the RRM designation. The project aligns with the General Plan's goals of preserving the rural character and supporting reasonable improvements to residential properties.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance:

[Evidence: The subject property is zoned Rural Residential (RR), and fences are regulated under Section 18.78.160 of the Inyo County Zoning Ordinance. The proposed fence exceeds the maximum height of 3.5 feet in the front yard, but the requested CUP will allow the continued use of the non-conforming fence. The property complies with setback requirements as specified for the RR zone, including a front yard setback of 50 feet, side yard setbacks of 20 feet, and rear yard setbacks of 30 feet. The CUP is being sought to bring the fence into compliance with the Zoning Ordinance and resolve the existing non-conformity.]

4. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: The continued use of the property for residential purposes, including the upgraded fence, supports the goals of the General Plan and Zoning Ordinance. The fence provides privacy, animal containment, and protection from wildlife, all of which are desirable features for a residential property in a rural area. Additionally, requiring the removal of the existing fence would impose a financial burden on the property owner, making the CUP a necessary and reasonable means to resolve the non-conforming status of the fence.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed CUP seeks to maintain an existing residential use and non-conforming fence in compliance with Inyo County zoning regulations. The fence height will not change or increase the current level of use or development on the property, nor will it require additional transportation or service infrastructure. As such, there will be no significant impact on surrounding uses or transportation and service facilities.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: The CUP is requested to bring the property into compliance with zoning regulations regarding the height of the front yard fence. The upgraded fence does not introduce any new land use or change the nature of the existing residential use. It provides benefits such as privacy, animal containment, and protection from wildlife. The fence will not adversely affect the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.

[Evidence: The property needs a CUP to bring the existing non-conforming fence into compliance with Inyo County's Zoning Ordinance, specifically Section 18.78.160 regarding fence heights in residential areas. The CUP will resolve the current non-conforming status of the fence, allowing for continued use of the property in compliance with the County's regulations. Therefore, the CUP is necessary for the proper operation of the site and the continued residential use of the property.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify, and hold harmless Inyo County, including its agents, officers, and employees, from any claims, actions, or proceedings against the County related to the approval of Conditional Use Permit No. 2025-02/Leon7Starrenburg. 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. If the use provided by this conditional use permit is not established within one year of the approval date it will become void. Failure to meet the conditional of approval may result in CUP 2025-02/Starrenburg to be revoked.

Attachments:

Vicinity Map
Project photos
Code violation letter