



**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

AGENDA ITEM NO.:

7 (Action Item and Public Hearing)

PLANNING COMMISSION

MEETING DATE:

May 28, 2025

SUBJECT:

**Tentative Parcel Map 431; Zone Reclassification
2024-03; General Plan Amendment 2024-03; and
Variance 2025-01/Big Pine Petroleum**

EXECUTIVE SUMMARY

The applicant, Mohamad Najm, has submitted an application to subdivide a parcel located at 109 Main Street (Highway 395) in Big Pine. The entire parcel has an area of 84,632 square feet, is currently zoned Central Business (CB), has the General Plan designation of Central Business District (CBD), and Assessor Parcel Number (APN) 004-032-01 (Attachment – Vicinity Map). The proposal seeks to divide the parcel into three separate parcels as follows (Attachments – TPM 431 and TPM 431 with Proposed Parcels):

- **Parcel 1:** An existing residence is located on the northwest corner of the property. Parcel 1 will have an area of 8,957 square feet. Due to the existing residence, it will require a General Plan Amendment (GPA) from CBD to Residential Medium High (RMH) and a Zone Reclassification (ZR) from CB to R-2 Districts – Multiple Residential with a minimum of 6,500 square feet (R2 – 6,500) as requested by the applicant. The GPA to RMH and ZR to R2-6,500 fit the current uses of the parcel and the applicant has indicated that no development is proposed at this time.
- **Parcel 2:** An existing fuel station will remain unchanged on the parcel with no plans for development and will have an area of 42,329 square feet. Parcel 2 will remain as a CBD General Plan designation and CB Zoning Classification.
- **Parcel 3:** The southern portion of the parcel is currently undeveloped and will have an area of 33,346 square feet. Parcel 3 is intended for future commercial development but none is planned at this time. Parcel 3 will remain as a CBD General Plan designation and CB Zoning Classification.

A variance is required due to impacts to setbacks requirements on the proposed Parcel 1 and Parcel 2.

PROJECT INFORMATION

Supervisory District: 4

Applicant: Mohamad Najm

Landowners: Big Pine Petroleum, Inc.

Community: Big Pine, CA

A.P.N.: 004-032-01

Existing General Plan: Central Business District (CBD)

Existing Zoning: Central Business (CB)

Size of Parcel: Approximately 2 acres – 84,632 square feet

Surrounding Land Use:

Location	Use	General Designation	Plan	Zone
Site	Gas Station and food mart with truck scales	Central Business District (CBD)		Central Business (CB)
North	Crocker Avenue	N/A		N/A
East	Highway 395	N/A		N/A
South	Single family residence, commercial business	Central Business District (CBD)		Central Business (CB)
West	Multiple Residential, mini storage	Residential Medium High (RMH), Heavy Commercial (HV)		Multiple Residential Zone (R-3), Heavy Commercial (C-4)

Recommended Action:

- 1.) Make certain findings with respect to and approve TPM 431/Big Pine Petroleum and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2024-03/Big Pine Petroleum, and certify it is exempt from CEQA.

- 3.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2024-03/ Big Pine Petroleum, and certify it is exempt from CEQA.
- 4.) Make certain findings with respect to and approve VAR 2025-01/Big Pine Petroleum, and certify it is exempt from CEQA.

Alternatives:

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

Project Planner:

Danielle Visuaño

BACKGROUND

The applicant has applied for Tentative Parcel Map (TPM) 431 to isolate the current uses located on a parcel in Big Pine by dividing the current parcel into three parcels. Parcel 1 will remain as existing residence. Parcel 2 will remain as the existing fuel station and is not intended to change. Parcel 3 is intended for future commercial business development, however, no development is proposed with this application.

The parcel proposed for subdivision is zoned CB, however, the proposed Parcel 1 contains an existing residence, which has caused the applicant to request a ZR of the 8,957 square feet area from CB to R2 with a 6,500 square foot minimum and a GPA change from CBD to RMH. Proposed Parcel 2 containing 42,329 square feet, and proposed Parcel 3 containing 33,346 square feet and will continue to be zoned CB and have the General Plan designation of CBD. No new development or changes are planned at this time.

Parcel 1 will require a variance (VAR) as the new rear yard lot line will not allow for the required rear yard setback of 20 feet, and the new side yard lot line on the east side will not allow for the required 5 foot setback as required under the R2 zoning requirements (Attachment – Parcel 1 - Variance).

Further, a VAR will be required for the proposed Parcel 2 which is to remain zoned CB. The need for the VAR arises because the rear lot line of Parcel 2 will abut a residentially zoned parcels, proposed Parcel 1 to be zoned R2, and a parcel to the west zoned R-3 Multiple Residential Zone (R3). The Inyo County Code (ICC) requires the rear yard setback for a CB zoned parcel adjacent to residential zoning match the residential setback. The R2 zone requires a minimum rear yard setback of 20 feet. Currently, the existing service station and diesel fuel pumps on Parcel 2 are located closer than the required 20-foot setback resulting in setback encroachment (Attachment – Parcel 2 Variance map). The R3 zone requires a minimum rear yard setback of 15 feet. Currently the service station on Parcel 2 is located closer than the require 15-foot setback resulting in setback encroachment.

Approval of the VAR would bring the existing structures on Parcel 1 and Parcel 2 into compliance with the ICC setback standards.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by Crocker Avenue and Highway 395 to the north and east which have residential structures and commercial business establishments across each transportation corridor. To the south of the property are residential and commercial structures and to the west is residential areas and a mini storage facility. The TPM, ZR, GPA and VAR will not alter the existing land use and there are no development proposals at this time. The TPM, ZR, GPA and VAR also aligns with the surrounding land use pattern and will not alter the character of the area. The zoning change for Parcel 1 to R2 has zoning requirements which are slightly less intensive than the CB multiple family housing, and blends in with the other surrounding R2 and R3 parcels.

General Plan: The requested GPA is necessary for Parcel 1 to bring Parcel 1 into General Plan conformance with its existing residential landuse. Currently, the parcel is designated CBD which does not align with its primary function as a residential property without commercial use. The GPA will change the landuse designation of Parcel 1 to RMH, which supports residential densities of 7.6 to 15.0 dwelling units per acre and blends with the surrounding RMH designated parcels. The RMH designation is to be used for single-family and multi-family residential units without the commercial use aspect. There is currently a single-family home on the proposed Parcel 1 and no plans for commercial use.

The General Plan designation and zoning classification will not change for Parcel 2 and 3 and will remain CB and CBD respectively to support continued and future commercial development and operations. The proposed continued commercial operation and development objectives will also align with the County's long-term planning goals of ensuring compatible land uses and promoting orderly development.

Zoning: The requested ZR is necessary to bring Parcel 1 into compliance with existing residential land use. Currently, Parcel 1 is zoned CB (Commercial Business), which is inconsistent with its primary use as a residential property. The proposed ZR will reclassify Parcel 1 to R2-6,500 (Multiple Residential), which supports residential development and is consistent with the surrounding neighborhood's land use pattern. This reclassification recognizes Parcel 1 as a clearly distinct residential use, separate from the commercial uses proposed on Parcels 2 and 3. According to ICC Chapter 18.44 (CB Districts – Central Business), the minimum parcel size for development in the CB zone is 10,000 square feet. The proposed subdivision would result in Parcel 1 being approximately 8,957 square feet, rendering it noncompliant with CB zoning standards. Therefore, the applicant is requesting a reclassification to R2-6,500, which has a minimum lot size requirement of 6,500 square feet and more appropriately aligns with the existing residential use. This reclassification will allow TPM 431 to proceed, as Parcel 1 meets the minimum lot size requirement under the R2-6,500 designation. The proposed reclassification will not increase residential density beyond what is permitted under R2 zoning. Moreover, any future subdivision of Parcel 1 will be prohibited unless the parcel is rezoned again, as it will not meet the size threshold for additional division. It is in the public interest to have zoning designations match the uses on a parcel, and even more

so to have zoning match the applicant's future plans for parcel. The applicant does not have future plans to utilize Parcel 1 for any commercial uses. TPM 431 is conditioned with first attaining the ZR and GPA approvals for Parcel 1.

The General Plan designation and zoning classification will not change for Parcel 2 and 3 and will remain CB and CBD respectively to support continued and future commercial development and operations. The proposed continued commercial operation and development objectives will also align with the County's long-term planning goals of ensuring compatible land uses and promoting orderly development.

Subdivision: ICC Title 16 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. Due to there being no current plans for development, staff recommends that the street and utility improvements required by ICC Section 16.40.010 be waived, as permitted. A condition of approval is included to require such improvements in the future if they become necessary.

Access: Each of the three proposed parcels will maintain legal access. Parcel 1, the residential lot, will continue using the existing driveway entrance from Crocker Avenue. Parcel 2, the fueling station, has direct access from Highway 395 and Crocker Avenue, ensuring ease of entry and exit for customers. Parcel 3 has access from Highway 395, however, will require an approved access plan before any development occurs. Future development on Parcel 3 must meet traffic safety and ingress/egress requirements per county and state regulations.

Utilities and Public Services: Parcel 1 currently relies on water and sewer connections with the Big Pine Community Service District and has existing utility services. Parcel 2 also has established infrastructure that supports its fuel station operations including appropriate water and sewer with the Big Pine Community Service District and utility services. Parcel 3 will need utility and public services established when development occurs, and any future connections will be subject to compliance with County and State standards and regulations and any other relevant standards and regulations that are applicable as provided in the conditions of approval.

Fire

The project area is within the Big Pine Fire Protection District and no objection was received for TPM 431.

Variance

With regard to Parcel 1, according to ICC 18.33.050 zoning for R2 districts, the rear yard setback is required to be 20 feet and the side yard setback is required to be 5 feet. With the new rear yard lot line and the new east side yard lot line, Parcel 1 will not meet these requirements and thus a variance is required for Parcel 1 to be in compliance with the zoning code (Attachment – Parcel 1- Variance).

With regard to Parcel 2 which will remain zoned CB, according to the ICC 18.44 zoning for CB districts, rear yard setbacks are adjusted when abutting a residential parcel. ICC section 18.44(I) states for CB zoned parcels:

“Residential Adjacency Exceptions. Where a parcel abuts a residentially zoned parcel and no public right-of-way for a street or alleyway lies between the central business and residentially zoned parcels, the following standards apply to the lot line that is common to the central business and residentially zoned parcels:

1. Rear Yard Setback: same as is required for residential parcel, ...”

In this particular subdivision request Parcel 2 contains a diesel pump and an automotive repair shop that are along the rear lot line of Parcel 2 and abut the proposed Parcel 1, zoned R2, and another residential parcel to the west that is zoned R3 (Attachment – Parcel 2 – Variance) The rear yard setbacks for R2 and R3 are as follows:

- R2, ICC 18.33.050(B), states: Depth of a rear yard: twenty feet
- R3, ICC 18.34.050(E), states: Rear yard: fifteen feet

Since the diesel pump and the automotive repair shop are located near the rear lot line and encroach into the setbacks a variance is required to keep this subdivision in compliance with the requisite rear yard setback requirements of 20-feet for R2 and 15-feet for R3.

To establish the required variances for Parcel 1 and Parcel 2 discussed above the information is required

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.
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.

TRIBAL CONSULTATION

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to request consultation opportunities. Staff mailed consultation invitations on November 7, 2024 to the: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Utu Utu Gwaitu Tribe of the Benton Paiute Reservation, and Wuksachi Indian Tribe/Eshom Valley Band. No requests for consultation were received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General Rule 15061(b) (3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a TPM, ZR and GPA is for a property that is already developed and includes no additional development proposals; the land use designations that are proposed will result in no change to the impact of uses than are possible with the current and requested changed designations.

NOTICING & REVIEW

Tentative Parcel Map 431; Zone Reclassification 2024-03; General Plan Amendment 2024-03; and Variance 2025-01/Big Pine Petroleum has been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

The project was noticed on May 3, 2025 in the Inyo Register and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

RECOMMENDATIONS

Planning Department staff is recommending:

1. The Planning Commission approve TPM 431 and certify it is Exempt for CEQA.
2. The Planning Commission recommend that the Board of Supervisors approve General Plan Amendment 2024-03/Big Pine Petroleum and Zone Reclassification 2024-03/ Big Pine Petroleum and certify they are Exempt from CEQA.
3. The Planning Commission approve VAR 2025-01/Big Pine Petroleum and certify it is Exempt for CEQA.

Recommended Findings and Conditions

TPM 431 - Findings:

1. Proposed TPM 431/Big Pine Petroleum is Exempt from CEQA by the General Rule 15061(b)(3).

[Evidence: The proposed project is covered by the General Rule 15061(b) (3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a TPM is for a property that is already developed and includes no additional development proposals; and the land use designations that are proposed will not result in more impactive uses.]

2. Based on substantial evidence in the record, the Planning Commission finds that TPM 431 is not in conformance with the Central Business Zoning designation currently found on the property and a condition of approval to change the Zoning designation to R-2 with a 6,500 square foot minimum (R2-6,500) will be required for a Final Map.

[Evidence: Inyo County Code (ICC) Chapter 18.44 (CB Districts-Central Business) states the minimum standard parcel size for development is 10,000 square feet. This subdivision will cause the resulting Parcel 1 and current development to be out of compliance with the ICC 18.44 CB designation; therefore, the applicant is requesting a ZR to R-2 Districts-Multiple Residential with a 6,500 square feet minimum (R2-6,500) as this designation best fits the current separate residential uses and will allow TPM 431 to be finalized as the minimum lot size requirement of 6,500 square feet can accommodate the proposed 8,957 square feet subdivision request. Once this condition is met, TPM 431 will be in conformance with the Zoning designation.]

3. Based on substantial evidence in the record, the Planning Commission finds that TPM 431 is not in conformance with the Inyo County General Plan designation of Central Business District (CBD) that is currently found on the property and a condition of approval to change the General Plan designation to Residential Medium High (RMH) will be required for a Final Map.
[Evidence: The CBD designation provides for single-family dwellings with a density of 7.6 to 24 single-family dwelling per acre within a commercial district. This does not correspond with the requested non-commercial R2 zoning for Parcel 1 nor does it comply with the requested 6,500 square feet subdivision request. For consistency and compliance with the General Plan, the applicant is requesting a GPA to change the designation from CBD to RMH for Parcel 1. The residential focused RMH designation is traditionally used in tandem with the R2 zoning designation. Once this condition is met TPM 431 will be in conformance with the RMH General Plan designation.]
4. Based on substantial evidence in the record, the Planning Commission finds that TPM 431 as conditioned is in conformance with the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.
[Evidence: Proposed TPM 431 is consistent with the requested R2 Zoning designation (Parcel 1) and the continued CB designation (Parcel 2 and Parcel 3) as all meet the development standards of minimum parcel size and setback requirements, with requested variance approval, of both respective zoning districts. The proposed lots meet the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of 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.]
5. 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 is consistent with the residential and business character of the surrounding area, is already developed and will not increase demands on public services and utilities. There are no plans for development at this time. TPM 431 has been routed to appropriate County departments and no comments were received.]
6. Based on substantial evidence the Planning Commission finds that the provisions of Government code 66474.02 have been met (fire Protection and suppression).
[Evidence: The proposed commercial project is within a local fire district, which effectively exempts TPM 431 from 66474.02. TPM 431 has been routed to the local fire district in Big Pine and no objection has been received.]
7. 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: Access to Parcel 1 and Parcel 2, are already established by Crocker Avenue and Highway 395 and additional easements for water and sanitary services are not required as

there are existing facilities that serve the property and no conflicts with existing easements have been identified. Parcel 3 may require an encroachment permit from Caltrans to address any future project works within the State's right of way, and additional easements for water, sewer and utility services may also be required and are made a conditional of approval.]

8. 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 the current uses or development are proposed.]

9. 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 by the Exemption, the subdivision will not result in any direct impacts. The site is already developed and the subdivision does not have potential indirect impacts to native vegetation and wildlife, and the project's incremental contribution to modifying the physical environment will be insignificant.]

TPM 433/Big Pine Petroleum – Conditions of Approval:

- 1.) A Final Parcel Map in substantial conformance with the approved TPM meeting 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, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.
- 2.) 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 TPM No. 431 or applicant's failure to comply with conditions of approval.
- 3.) 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.
- 4.) The applicant/developer shall conform to the applicable fire safety codes for required firewalls prior to recordation of the Final Parcel Map.
- 5.) Payment of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to recordation of the Final Parcel Map.

- 6.) The applicant shall complete ZR 2024-03/Big Pine Petroleum changing the zoning designation on proposed Parcel 1 from (CB) to (R2-6,500) prior to recordation of the Final Parcel Map.
- 7.) The applicant shall complete a GPA 2024-03/Big Pine Petroleum changing the General Plan Designation on Parcel 1 from (CB) to (RMH) prior to recordation of the Final Parcel Map.
- 8.) The applicant/developer must meet traffic safety and ingress/egress requirements per County and State Regulations when development occurs and with any future construction.
- 9.) The applicant/developer shall provide all necessary utility and public services when any development occurs and must provide any necessary easements for such.
- 10.) The applicant/developer shall remove all storage containers from Parcel 3 prior to recordation of the Final Parcel Map.
- 11.) The applicant/developer shall remove the propane tank tower from Parcel 3 prior to recordation of the Final Parcel Map.
- 12.) The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all streets and utilities within and serving the subdivision per applicable standards, as may be required by the County in the future.

GPA 2024-03/Big Pine Petroleum; ZR 2024-03/ Big Pine Petroleum (Parcel 1) - Findings:

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2024-03/Big Pine Petroleum and Zone Reclassification 2024-03/ Big Pine Petroleum are Exempt from CEQA.
[Evidence: The proposed project is covered by the General Rule 15061(b) (3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a TPM is for a property that is already developed and includes no additional development proposals and the land use designations that are proposed will not result in more impactful uses.]
2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2024-03/Big Pine Petroleum and Zone Reclassification 2024-03/ Big Pine Petroleum are in conformance with the Goals and Objectives of the Inyo County General Plan.
[Evidence: The proposed designation of RMH provides for medium high density residential (7.6 to 15.0 dwelling unit per acres) with no commercial use which better corresponds to the proposed zoning designation, the current use of the property, and will not result in an overall increase the number of allowed single-family homes that could be built on the parent parcel without these changes.]

3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2024-03/Big Pine Petroleum and Zone Reclassification 2024-03/ Big Pine Petroleum are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of R2-6,500 provides for medium density residential use intended to protect established neighborhoods and to provide space suitable in appropriate locations for additional housing developments, which corresponds to the proposed General Plan designation, the current use of the property, and will not result in more potential parcels than could currently be subdivided from the parent parcel without these changes.]

4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the residential character of the surrounding area and this request for a GPA and ZR will not allow for a development type that would change the character of the site or the surrounding area. The GPA and ZR will not increase the potential for increased intensity or density on the site as it changes the parcel to R2-6,5000, which does not allow for more intensity in use as the current CB designation does. The property is on a public water system and sewer systems which are in place on the property. Both are adequate for a single-family home development. Electricity services are also currently provided to the parcel.]

5. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.

[Evidence: The proposed GPA and ZR will allow the current uses on the property to be consistent with the County's Zoning Ordinance by changing the zoning to match the current and future planned uses on the parcel and changing the General Plan to properly correspond with the zoning designation. The designation changes will not allow for increased density or intensity of use on the property; and therefore, will not create substantial impacts to the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.]

VAR 2025-01/Big Pine Petroleum (Parcel 1 and Parcel 2)- Findings:

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: Parcel 1 is zoned R-2 (Multiple Residential), which requires a rear yard setback of 20 feet and side yard setbacks of 5 feet. The proposed subdivision will establish new rear and east side lot lines. The existing residence on Parcel 1, as well as the diesel pumps and automotive repair shop on Parcel 2, are long-established structures. To facilitate the subdivision and separation of uses, the new lot lines for Parcel 1 must be placed closer to the existing residence, resulting in the structure encroaching into both the

rear and east side yard setbacks. A variance is therefore required to allow Parcel 1 to conform to zoning requirements in the context of the proposed subdivision.

Parcel 2 is zoned CB (Commercial Business) and is also being subdivided to separate existing uses. As a result of the subdivision, the diesel pumps and automotive repair shop located on Parcel 2 will not comply with rear yard setback requirements. Per ICC 18.44, when a CB-zoned parcel abuts a residentially zoned parcel, the required rear setback must match that of the adjoining residential zoning. Parcel 2 will abut both a R-2 zoned parcel, which requires a 20-foot rear yard setback, and a R-3 zoned parcel, which requires a 15-foot rear setback. The diesel pumps and automotive repair shop will encroach into the 20-foot setback, and the automotive repair shop will encroach into the 15-foot setback. A variance is therefore required to bring Parcel 2 into conformance with applicable zoning regulations.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

(Affirmative – Evidence: Approving the variance will allow for a single-family dwelling to encroach into a rear yard and side setback for Parcel 1, and for the diesel pumps and automotive repair shop to encroach into the rear setbacks of Parcel 2. The encroachment 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. Without a variance approval there is no option to separate the uses on the original parcel. The variance request to encroach into the setback is also not allowing for activities that are unusual to the surrounding neighborhood since all existing development has been established for decades.)

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 is to divided the uses on the original parcel. Given the limited distances between the uses on all three parcels, there is little to no room for adjusting the lot lines to prevent setback encroachment. To require demolition or relocation of any the structures that have been established and utilized for decades would not only be difficult but amount to a hardship to meet the requirements of the R2 and CB zones. Granting the variance to allow encroachment into the affected setbacks would allow the general purposes of Title 18.33 and 18.44 of the Zoning Code to be fulfilled, as the encroachments would not change the medium density, multiple residential, and business character or uses of the properties.)

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: With the proposed subdivision to separate land uses, the existing Parcel 1 residential structure encroaches into its required rear and side yard setbacks. Additionally, the diesel pumps and automotive repair shop on proposed Parcel 2 encroach into the rear yard setback which abut Parcel, zoned R2, and another residential parcel to the west zoned R3. Due to the limited space and configuration of existing development, there

is little to no opportunity to adjust lot lines in a manner that would resolve all setback encroachments while maintaining the separation of uses. The project does not propose any new construction that would result in structures being placed within required setbacks. Rather, it proposes a subdivision to separate existing established uses. Without an approved variance, the proposed configuration would not meet zoning requirements. As no new development is proposed, the requested variance should not be viewed as a grant of special privilege, but rather as a necessary step to bring the existing uses into compliance with the zoning code.)

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 and side yard setback requirements for Parcel 1 and Parcel 2. The proposed medium density residential, business uses and single-family dwelling are permitted out right in the R2 and CB Zones.)
6. The proposed variance is consistent with the Inyo County General Plan.
(Affirmative – Evidence: The proposed variance applies to rear and side yard setback requirements for Parcel 1 and Parcel 2. The proposed medium density residential, business uses and single-family dwelling are permitted out right in the R2 and CB Zones.)
7. The requirements of the California Environmental Quality Act have been met with regard to the variance.
(Affirmative – Evidence: The proposed variance applies to rear and side yard setback requirements for Parcel 1 and Parcel 2. The proposed medium density residential, business uses and single-family dwelling are permitted out right in the R2 and CB Zones.)

GPA 2024-03; ZR 2024-03; VAR 2025-01/ Big Pine Petroleum - 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 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 GPA 2024-03; ZR 2024-03; VAR 2025-01/ Big Pine Petroleum. 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 and Safety Code, the Health and Safety Code and State regulations.

3.) Compliance with Zoning Code

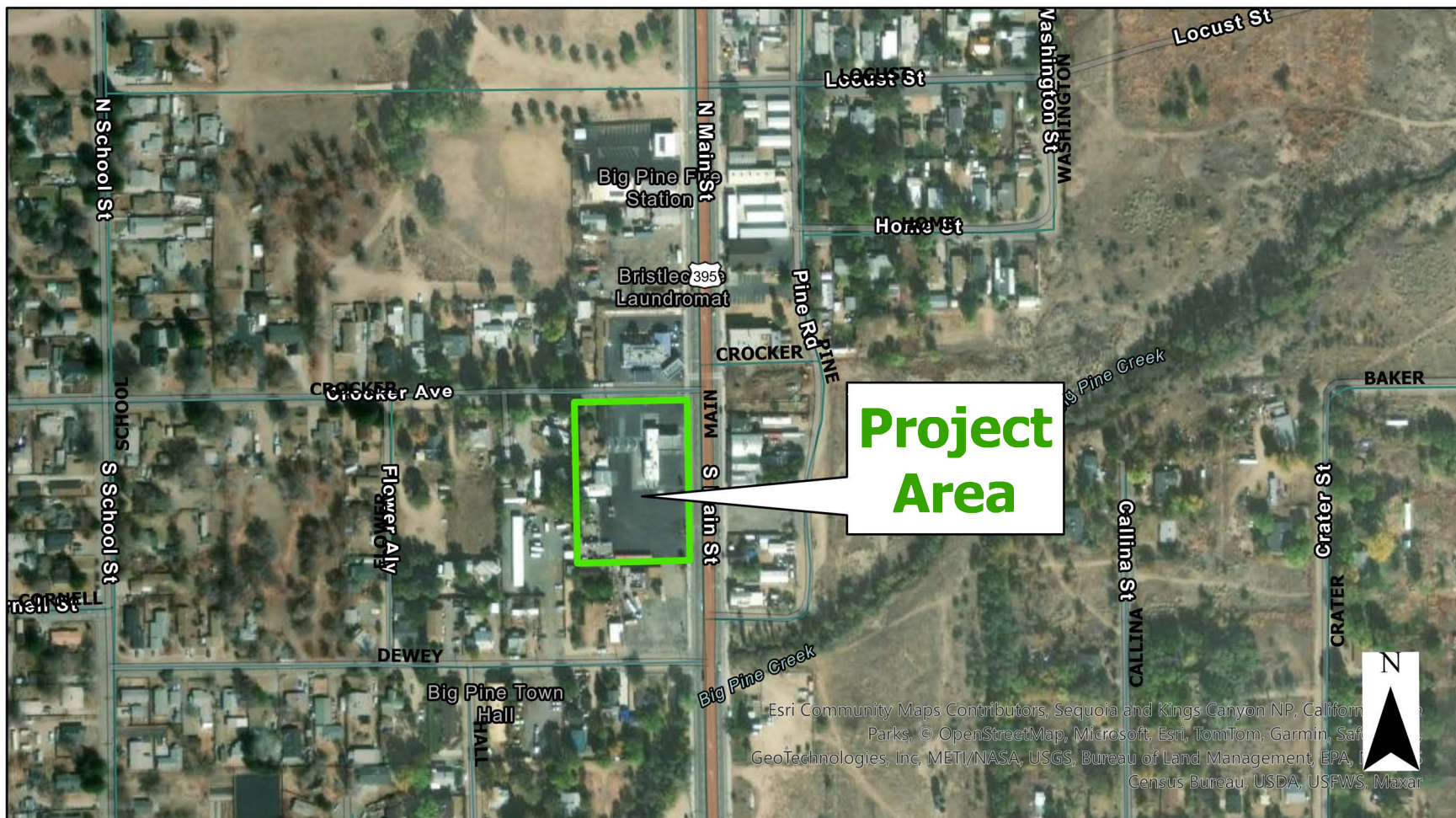
Any changes to size or configuration of the commercial or residential components of this project shall require further review and potentially approval by the Inyo County Planning commission.

Attachments:

- Vicinity Map
- TPM 431
- TPM 431 with Parcel Identification
- Variance map – Parcel 1
- Variance map – Parcel 2
- Proposed Zone Reclassification Ordinance

VICINITY MAP

APN: 004-032-01
109 S. Main St., Big Pine, CA



Z:\104 Bishop\14-0807 Shell-76 Station - Hungry Pig\locad\4.0807 TPM No 431 Big Pine.dwg Jan 23,2025 - 11:05am, jpfel

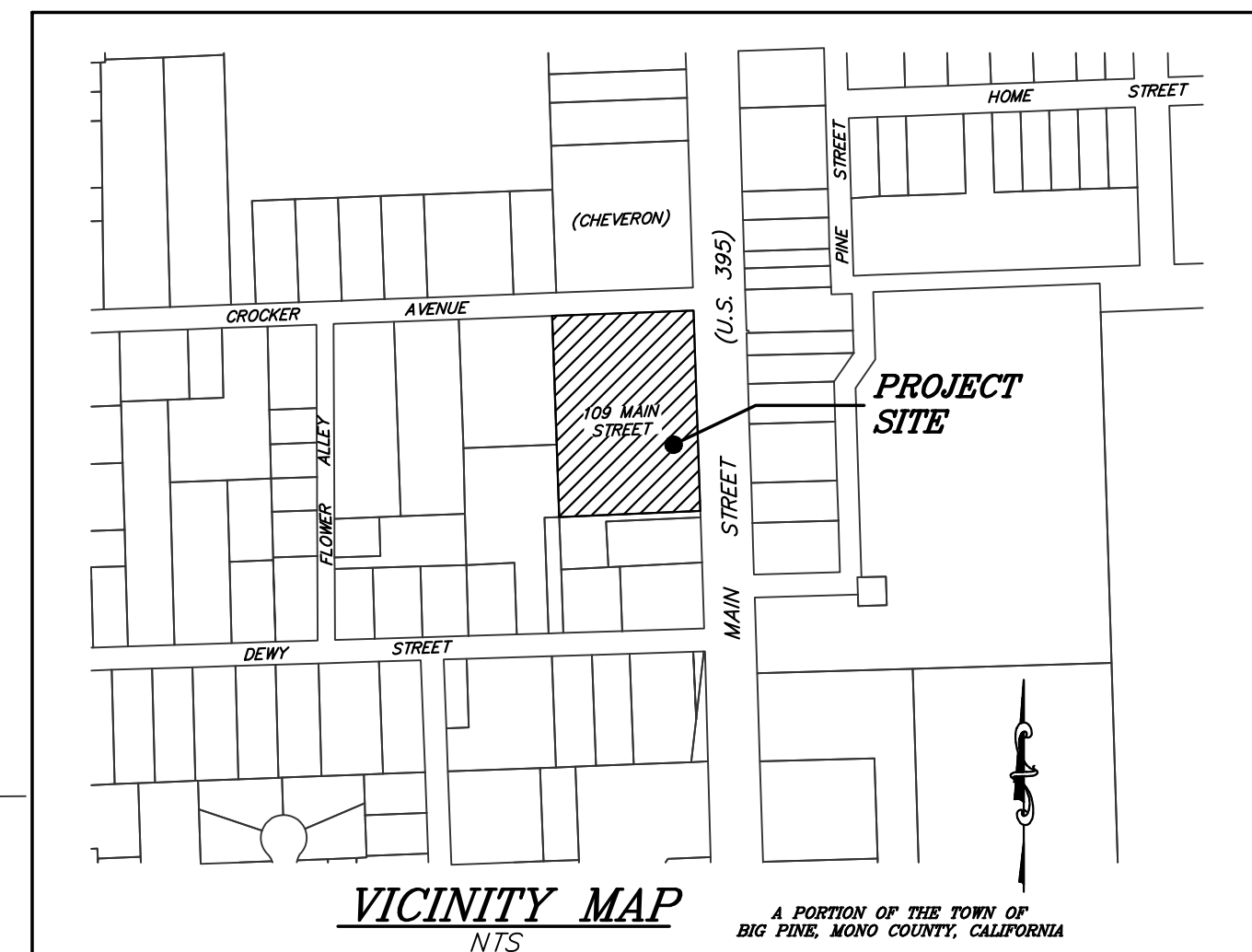
LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	CENTERLINE
	FLOWLINE
	EDGE OF PAVEMENT
	WOOD FENCE
	CHAINLINK FENCE
	OVERHEAD UTILITIES
	GAS METER
	SEWER MANHOLE
	GUY ANCHOR
	POWER/UTILITY POLE
	WATER VALVE COVER

TENTATIVE PARCEL MAP NO. 431

IN THE UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA

BEING A SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 69, IN THE TOWN OF BIG PINE, INYO COUNTY, STATE OF CALIFORNIA, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 1, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT FOR THAT PORTION OF SAID LAND CONVEYED TO THE STATE OF CALIFORNIA FOR A HIGHWAY BY DEED RECORDED IN BOOK 130, PAGE 212 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, IN SAID CONTY AND STATE.



VICINITY MAP
NTS

A PORTION OF THE TOWN OF
BIG PINE, MONO COUNTY, CALIFORNIA

RECORD OWNER & SUBDIVIDER

BIG PINE PETROLEUM INC, A CALIFORNIA
CORPORATION, C/O MOHAMAD NAJM
5976 TANUS CIR.,
ROCKLIN, CA 95677
408 429-5165
moenajm@yahoo.com

ENGINEER/SURVEYOR

TRIAD/HOLMES ASSOCIATES INC.
THOMAS A. PLATZ, PE C41039
P.O. BOX 1570, MAMMOTH LAKES, CA , 93546
(760) 934-7588

LEGAL DESCRIPTION

LOTS 1, 2 AND 3 IN BLOCK 69, IN THE TOWN OF
BIG PINE, INYO COUNTY, STATE OF CALIFORNIA,
STATE OF CALIFORNIA, PER MAP RECORDED IN
BOOK 1, PAGE 48 OF MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF SAID LAND AS CONVEYED
TO THE STATE OF CALIFORNIA FOR A HIGHWAY BY
DEED RECORDED DECEMBER 16, 1957 IN BOOK 130
PAGE 212 OF OFFICIAL RECORDS.

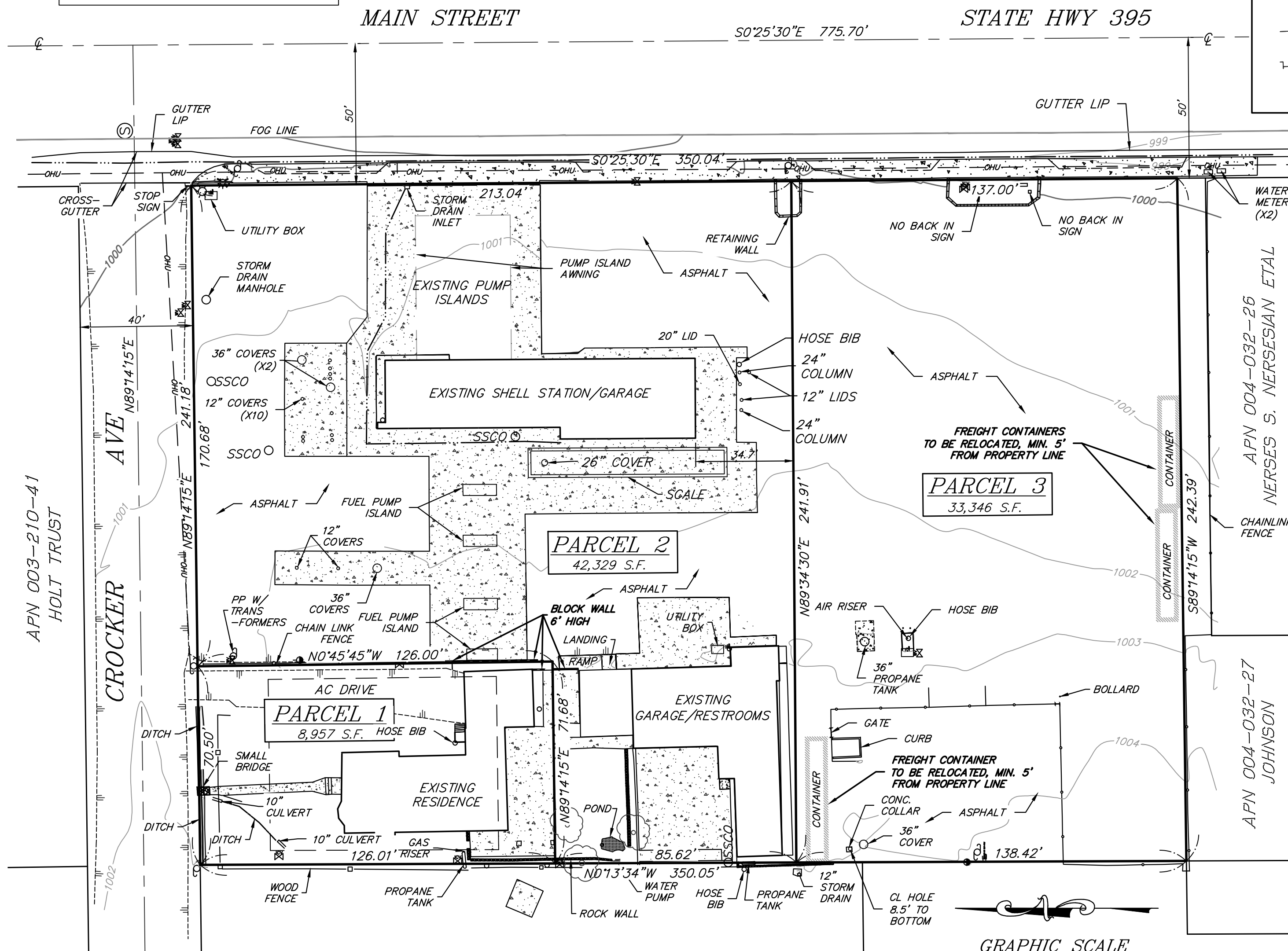
THE BOUNDARY SHOWN ON THIS TENTATIVE PARCEL
MAP REPRESENTS A BOUNDARY SURVEY PERFORMED
IN THE FIELD IN OCTOBER 2024.

DESIGN NOTES:

ACCESSOR'S PARCEL NO.: 004-032-01-00
ADDRESS: 109 SOUTH MAIN STREET, BIG PINE,
CALIFORNIA 93513
GROSS SITE AREA: 1.94± ACRES
EXISTING ZONING: CB
EXISTING GENERAL PLAN DESIGNATION: CBD
WATER SUPPLY: BIG PINE COMMUNITY SERVICES DISTRICT
SEWAGE DISPOSAL: BIG PINE COMMUNITY SERVICES DISTRICT
ELECTRICITY: LOS ANGELES DEPT. OF WATER & POWER
TELEPHONE/COMMUNICATIONS: OPTIMUM (SUDDENLINK)
FIRE PROTECTION: BIG PINE VOLUNTEER F.D.
REFUSE: BISHOP WASTE
PROPOSED GENERAL PLAN AMENDMENT: PARCEL 1, R2-6500
PROPOSED ZONE RECLASSIFICATION: PARCEL 1
PROPOSED BUILDING SETBACK VARIANCE: PARCEL 1

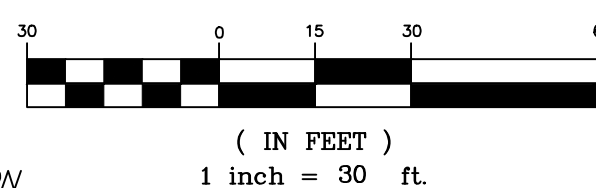
EASEMENTS

AN EXISTING EASEMENT IN FAVOR OF THE CITY OF LOS
ANGELES FOR THE RIGHT TO PRUNE AND TRIM TREES
INTERFERRING WITH ELECTRIC, TELEPHONE OR TELEGRAPH
LINES. ALSO TO TAKE AND REGULATE WATER AS RECORDED
IN BOOK 56, PAGE 95 OF OFFICIAL RECORDS. LOCATION OF
THE EASEMENT IS NOT ACCURATELY DISCLOSED.



CONTOUR INTERVAL = 1'

CONTOURS ARE BASED ON AN ASSUMED ELEVATION



TENTATIVE PARCEL MAP NO. 431

LOCATED IN THE TOWN OF BIG PINE, IN THE UNINCORPORATED
TERRITORY OF INYO COUNTY, CALIFORNIA,



post office box 1570
MAMMOTH LAKES, ca 93546
phone (760) 934-7588
fax (760) 934-5619
e-mail triad@triadholmes.com

873 NORTH MAIN STREET
BISHOP, ca 93514
phone (760) 873-4273
fax (760) 873-8024
e-mail bishop@triadholmes.com

777 woodside rd, suite a
REDWOOD CITY, ca 94061
phone (650) 368-0216
fax (650) 368-0298
e-mail sf@triadholmes.com

DATE 1-23-2025

SCALE SHOWN

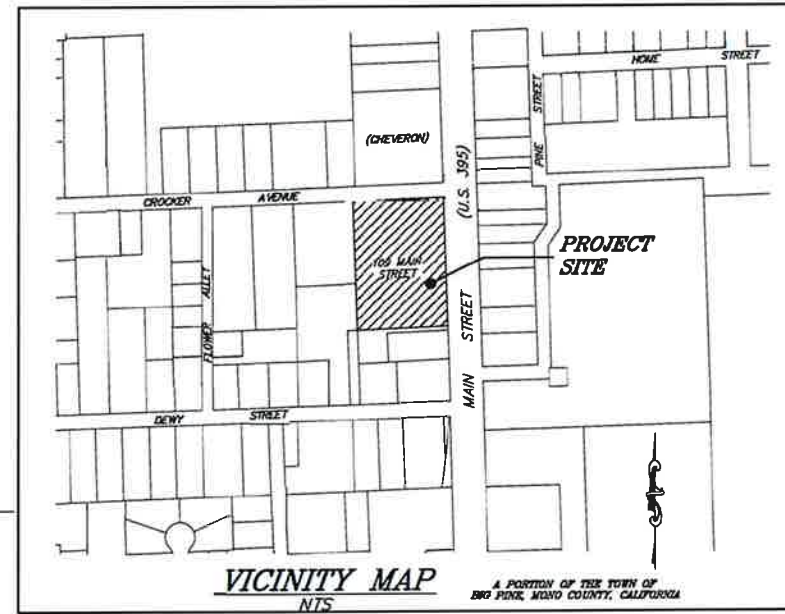
DRAWN JSP

JOB NO. 04.0807

DWG

SHEET 1

OF 1 SHEETS



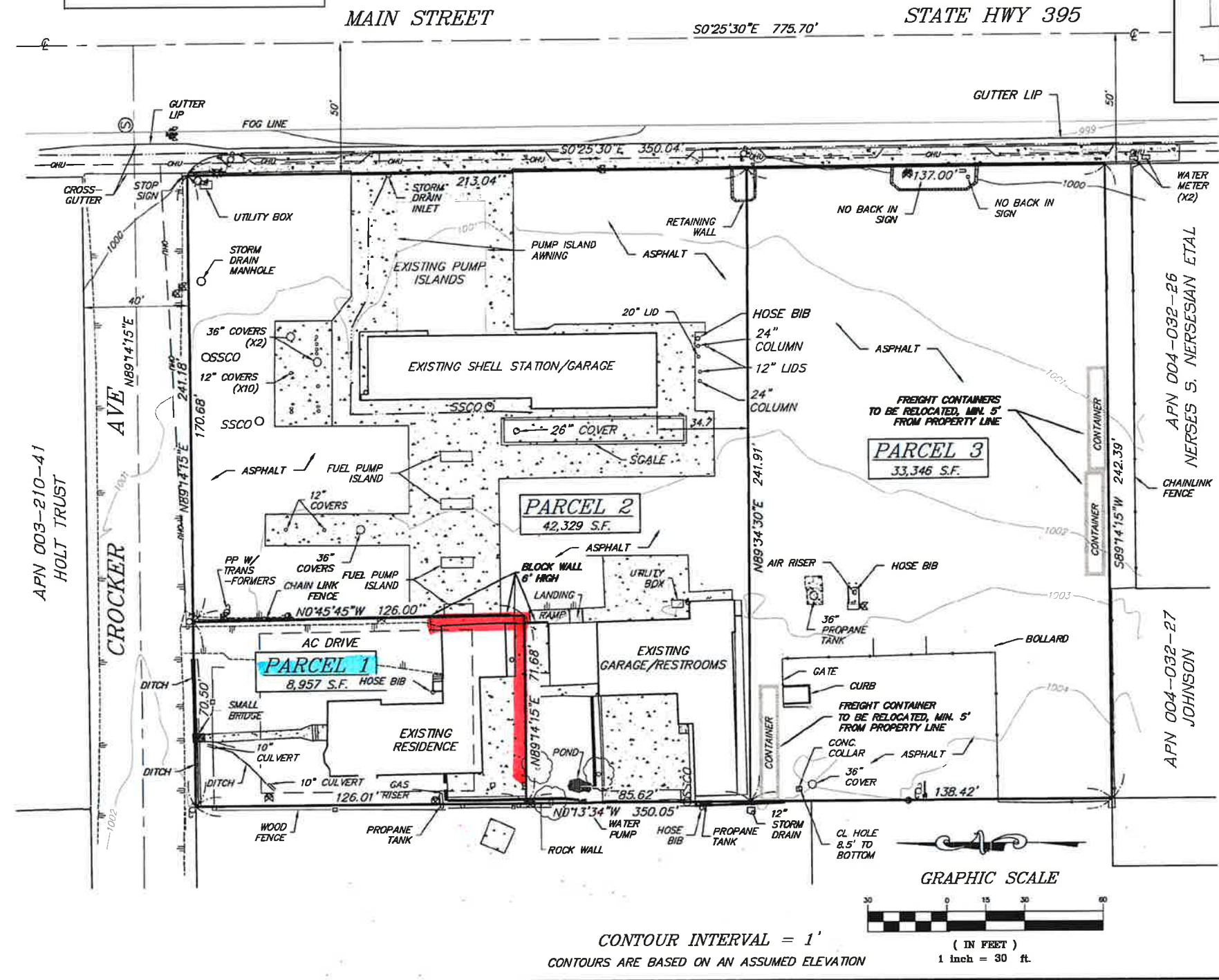
PARCEL 1 - VARIANCE

TENTATIVE PARCEL MAP NO. 431

IN THE UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA

BEING A SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 69, IN THE TOWN OF BIG PINE, INYO COUNTY, STATE OF CALIFORNIA, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 1, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT FOR THAT PORTION OF SAID LAND CONVEYED TO THE STATE OF CALIFORNIA FOR A HIGHWAY BY DEED RECORDED IN BOOK 130, PAGE 212 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, IN SAID COUNTY AND STATE.

- LEGEND**
- PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - CENTERLINE
 - FLOWLINE
 - EDGE OF PAVEMENT
 - WOOD FENCE
 - CHAINLINK FENCE
 - OVERHEAD UTILITIES
 - GAS METER
 - SEWER MANHOLE
 - GUY ANCHOR
 - POWER/UTILITY POLE
 - WATER VALVE COVER



RECORD OWNER & SUBDIVIDER

BIG PINE PETROLEUM INC, A CALIFORNIA CORPORATION, C/O MOHAMAD NAJM
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408 429-5165
moenajm@yahoo.com

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LEGAL DESCRIPTION

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THE BOUNDARY SHOWN ON THIS TENTATIVE PARCEL MAP REPRESENTS A BOUNDARY SURVEY PERFORMED IN THE FIELD IN OCTOBER 2024.

DESIGN NOTES:

ACCESSOR'S PARCEL NO.: 004-032-01-00
ADDRESS: 109 SOUTH MAIN STREET, BIG PINE, CALIFORNIA 93513
GROSS SITE AREA: 1.94± ACRES
EXISTING ZONING: CB
EXISTING GENERAL PLAN DESIGNATION: CBD
WATER SUPPLY: BIG PINE COMMUNITY SERVICES DISTRICT
SEWAGE DISPOSAL: BIG PINE COMMUNITY SERVICES DISTRICT
ELECTRICITY: LOS ANGELES DEPT. OF WATER & POWER
TELEPHONE/COMMUNICATIONS: OPTIMUM (SUDDENLINK)
FIRE PROTECTION: BIG PINE VOLUNTEER F.D.
REFUSE: BISHOP WASTE
PROPOSED GENERAL PLAN AMENDMENT: PARCEL 1, R2-6500
PROPOSED ZONE RECLASSIFICATION: PARCEL 1
PROPOSED BUILDING SETBACK VARIANCE: PARCEL 1

EASEMENTS

AN EXISTING EASEMENT IN FAVOR OF THE CITY OF LOS ANGELES FOR THE RIGHT TO PRUNE AND TRIM TREES INTERFERING WITH ELECTRIC, TELEPHONE OR TELEGRAPH LINES. ALSO TO TAKE AND REGULATE WATER AS RECORDED IN BOOK 56, PAGE 95 OF OFFICIAL RECORDS. LOCATION OF THE EASEMENT IS NOT ACCURATELY DISCLOSED.

TENTATIVE PARCEL MAP NO. 431

LOCATED IN THE TOWN OF BIG PINE, IN THE UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA,



post office box 1570
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777 woodside rd. suite a
REDWOOD CITY, CA 94061
phone (650) 366-0216
fax (650) 366-0268
e-mail sf@triadholmes.com

DATE	1-23-2025
SCALE	SHOWN
DRAWN	JSP
JOB NO.	04.0807
DWG	
SHEET	1
OF	1 SHEETS

LEGEND

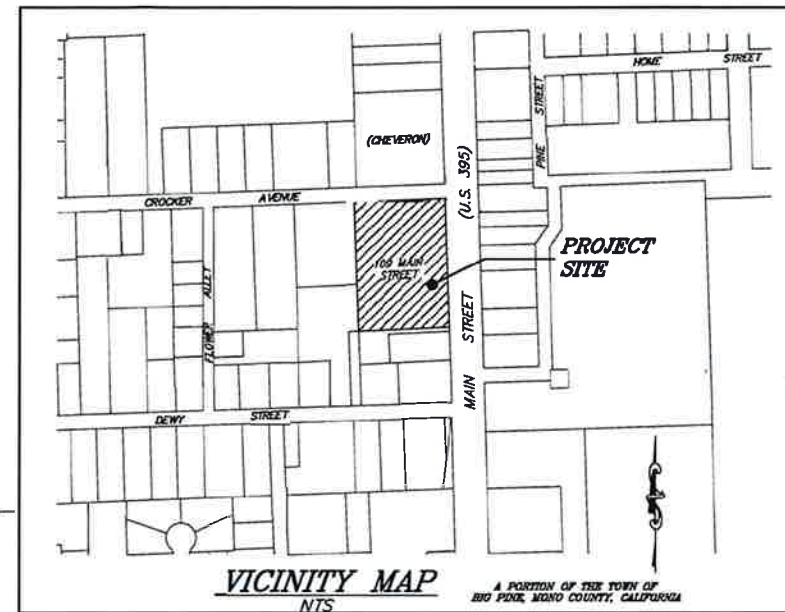
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- CHAINLINK FENCE
- OVERHEAD UTILITIES
- OHU
- GAS METER
- SEWER MANHOLE
- GUY ANCHOR
- POWER/UTILITY POLE
- WATER VALVE COVER

PARCEL 2 - VARIANCE

TENTATIVE PARCEL MAP NO. 431

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VICINITY MAP
NTS

A PORTION OF THE TOWN OF
BIG PINE, INYO COUNTY, CALIFORNIA

TENTATIVE PARCEL MAP NO. 431

LOCATED IN THE TOWN OF BIG PINE, IN THE UNINCORPORATED
TERRITORY OF INYO COUNTY, CALIFORNIA.



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DATE	1-23-2025
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DWG	
SHEET	1
OF	1 SHEETS

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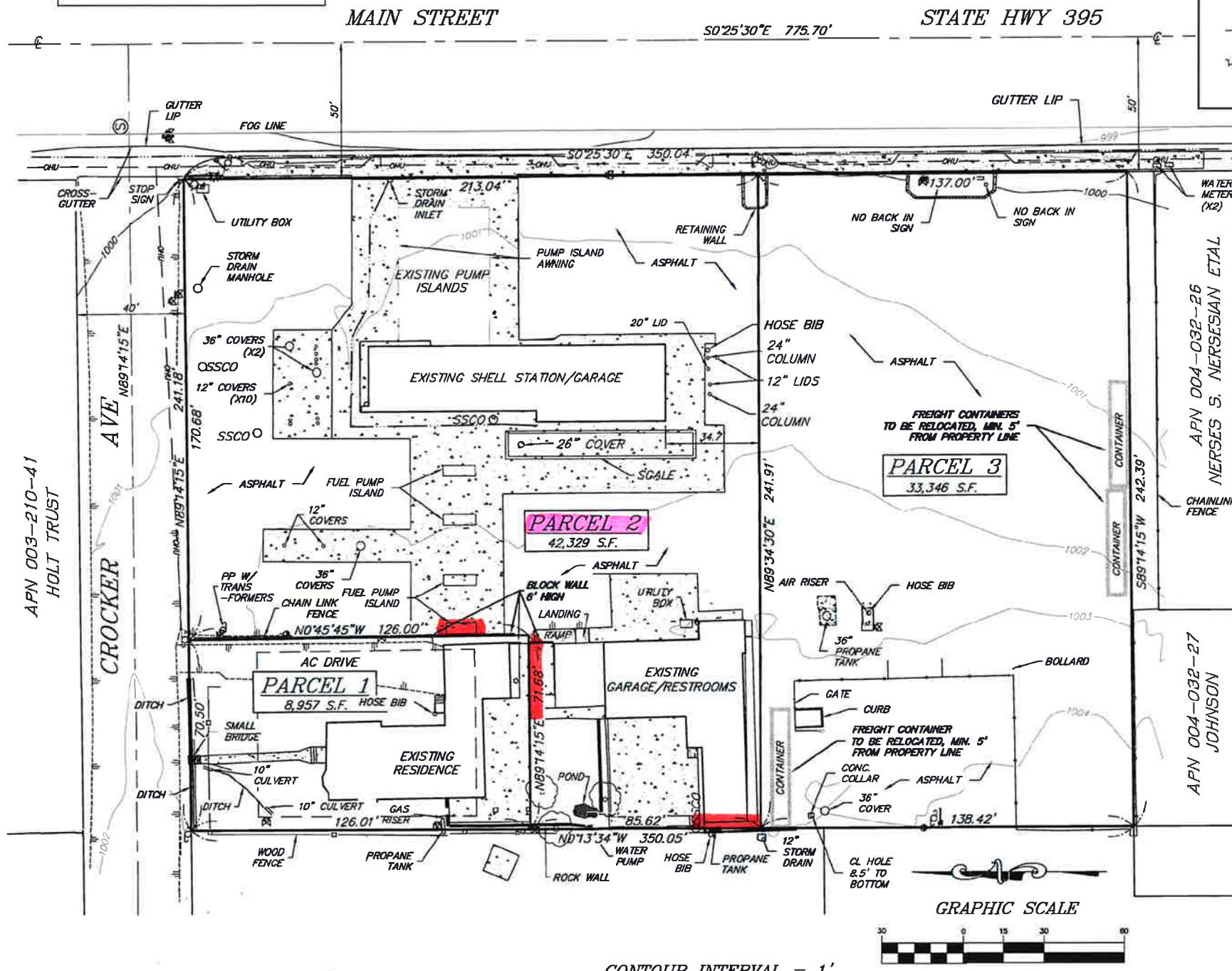
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TELEPHONE/COMMUNICATIONS: OPTIMUM (SUDDENLINK)
FIRE PROTECTION: BIG PINE VOLUNTEER F.D.
REFUSE: BISHOP WASTE
PROPOSED GENERAL PLAN AMENDMENT: PARCEL 1, R2-6500
PROPOSED ZONE RECLASSIFICATION: PARCEL 1
PROPOSED BUILDING SETBACK VARIANCE: PARCEL 1

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IN BOOK 56, PAGE 95 OF OFFICIAL RECORDS. LOCATION OF
THE EASEMENT IS NOT ACCURATELY DISCLOSED.



GRAPHIC SCALE



CONTOUR INTERVAL = 1'
CONTOURS ARE BASED ON AN ASSUMED ELEVATION

(IN FEET)
1 inch = 30 ft.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2024-03/BIG PINE PETROLEUM AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING A 8,957 SQUARE FOOT PARCEL LOCATED AT 109 MAIN STREET, BIG PINE, (APN: 004-032-01) FROM CENTRAL BUSINESS (CB) TO R-2 DISTRICTS – MULTIPLE RESIDENTIAL WITH A 6,500 SQUARE FOOT MINIMUM (R2-6,500)

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

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board of Supervisors and Sections 18,18.310 and 185.81.350 of the Inyo County Code, which establishes the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County as set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

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

- (1) In accordance with the Inyo County Code Section 18.81.320, MOHAMAD NAJM applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Central Business (CB) to R-2 Districts – Multiple Residential with a 6,500 square foot minimum (R2-6,500) as describe in Section III of the Ordinance.
- (2) On May 28, 2025, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2024-03/Big Pine Petroleum, following which, the Commission made various findings and recommended that this Board amend Title 18, to rezone the property described in Section III of this Ordinance to R-2 Districts – Multiple Residential with a 6,500 square foot minimum (R2-6,500).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) Mohamad Najm applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Central Business District (CBD)

to Residential Medium High (RMH) to best match the requested zoning and the planned residential use of the property.

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning the property to R-2 District – Multiple Residential with a 6,500 square foot minimum (R2-6,500) as it best matches the current and planned futures uses on the property.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on an 8,957 square foot site as created by TPM 431 located at 109 Main Street, Big Pine, CA (APN: 004-032-01) is changed from Central Business (CB) to R-2 Districts – Multiple Residential with a 6,500 square foot minimum (R2-6,500).

SECTION IV: EFFECTIVE DATE

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

PASSED AND ADOPTED THIS XXTH DAY OF JULY, 2025

AYES:

NOES:

ABSTAIN:

ABSENT:

Scott Marcellin, Chairperson
Inyo County Board of Supervisors

ATTEST:
Nate Greenberg
Clerk of the Board

By: _____
Darcy Israel, Assistant