

Memorandum

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Date: 07 February 2023

To: Cathreen Richards, Inyo County Planning Director

cc:

From: Robert Edgerton, Principal Planner

Subject: Inyo County Vacant Lands EIR – Response to LADWP Comment Letter

A single comment letter was received by the Inyo County Planning Department (County) regarding the public review draft Environmental Impact Report (EIR) for the proposed Vacant Lands Inventory and Zoning Evaluation for Possible Housing Opportunities project. Although the comment letter from the Los Angeles Department of Water and Power (LADWP) was written and received after the close of the public comment period, the County has prepared written responses to the comments.

Communication between Inyo County Planning Department and LADWP in regards to the Vacant Lands EIR began February 2021, as LADWP requested to participate in the planning process for the Vacant Lands EIR. During and subsequent to the Notice of Preparation phase for the EIR, the County provided LADWP with an overview of the project and requested that LADWP provide comment on LADWP-owned parcels during the EIR process. No further communication was provided by LADWP until the County received the late comment letter on January 17, 2023.

LADWP comments are provided in bold text below, followed by County responses to comments.

BISHOP AREA

Assessor Parcel No. 008-190-01

This area is leased for livestock grazing and classified as Type-C vegetation under the Inyo-Los Angeles Long-Term Water Agreement (Water Agreement). China Slough, a water conveyance ditch, traverses the parcel's southern boundary. Relocation of the ditch or reduction of parcels will be required. Relocation of the ditch, loss of riparian areas, and the effect on the Water Agreement have not been analyzed.

As stated on Page 3-2 of the draft EIR, the goal of the proposed project is to streamline the housing approval process in the County through the identification of key parcels that may provide increased residential dwelling capacity, accelerate housing production, and reduce population emigration by processing General Plan land use designation and zoning changes for the proposed project parcels. The project does not currently propose development on any parcel as the purpose of the project is to rezone and change land use designations of vacant parcels for future residential lots. In the future, if a developer seeks to build residential dwelling units on one of the subject parcels, they are required to submit an entitlement application and prepare subsequent analysis for any proposed development. As no development is currently proposed, the China Slough ditch is not proposed for relocation.

Reduction of the parcel size to exclude the China Slough ditch from the parcel, requires a 50-foot offset on each side of the ditch for operation and maintenance purposes and possibly a lot line adjustment, which was not addressed.

As stated on Page 3-4 of the draft EIR, the proposed project would include rezoning one Bishop parcel (APN 008-190-01) to R-3. The R-3 zoning district allows for multiple-family dwelling units as a principal permitted use. The parcel size would not be reduced to exclude the China Slough ditch, it will only be rezoned to allow for future residential lots. Future development proposals seeking residential entitlement of this parcel would be required to comply with setback requirements from the slough for LADWP maintenance purposes.

This parcel is outside the City of Bishop with no legal access to municipal water or sewer. An annexation or an out-of-service agreement with the City of Bishop and/or Eastern Sierra Community Service District should be in place before granting high-density land entitlements that require access to a sewer treatment plant.

As stated on Page 4.19-12 of the draft EIR, although water availability in the City of Bishop is currently unknown, all eight of the proposed project parcels are located within the Owens Valley groundwater basin which is a low priority groundwater basin. The Owens Valley groundwater basin supplies a total of 1,054 wells, 130 of which are public supply wells. The estimated groundwater use in this basin is 134,680 acre-feet, which is 84 percent of the basin's groundwater supply. The Sustainable Groundwater Management Act (SGMA) 2019 Basin Prioritization report estimated an 8 percent population growth in the Owens Valley Groundwater Basin from 2010 to 2030. As discussed in Section 4.14 of the draft EIR, Population and Housing, the population growth rate between 2010 (18,546 people) and 2020 (18,584 people) is less than 0.01 percent. Therefore, the portion of the proposed project located in the City of Bishop is anticipated to have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and/or multiple dry years.

Additionally, as mentioned on Page 4.19-12 of the draft EIR, wastewater treatment for the Bishop parcels would be provided by the City of Bishop. Connections to the wastewater treatment system are available in the adjacent utility easements along the roads bordering the Bishop parcels. According to Deston Dishion, Public Works Director for the City of Bishop, the City has adequate capacity to provide wastewater services to the maximum number of proposed units in Bishop (D. Dishion, personal communication, August 3, 2021). In the future, if a developer proposes to build residential dwelling units on a Bishop parcel, they are required to submit all applicable permits and applications as well as prepare subsequent analysis, as necessary, for any proposed development.

Hydrology analysis on Page 4.10-15, HYD-3, does not analyze relocation of the China Slough Ditch or putting it in an underground conduit. LADWP is unable to divest in land needed for operational purposes.

As stated on Page 3-2 of the draft EIR, the goal of the proposed project is to streamline the housing approval process in the County through the identification of key parcels that may provide increased residential dwelling capacity, accelerate housing production, and reduce population emigration by processing General Plan land use designation and zoning changes for the proposed project parcels. The project does not propose any development on the referenced parcel as the purpose of the project is to rezone and change land use designations of vacant parcels for possible, future residential lots. In the

future, if a developer proposes to build residential dwelling units on the referenced parcel, they are required to submit applications and prepare subsequent analysis, including environmental analysis, as necessary, for any proposed development. As no development is currently proposed, the China Slough ditch would not need to be relocated.

Assessor Parcel No. 008-240-02

This area is leased for livestock grazing and classified as Type-E vegetation under the Water Agreement. Water conveyance ditches traverse the southern and eastern parcel boundaries. The same comments for APN 008-190-01 pertain to this parcel. Impacts on LADWP operations have not been considered.

Parcel 008-240-02 is listed in the Long Term Water Agreement as a divestment parcel. As stated on Page 3-2 of the draft EIR, the goal of the proposed project is to streamline the housing approval process in the County through the identification of key parcels that may provide increased residential dwelling capacity, accelerate housing production, and reduce population emigration by processing General Plan land use designation and zoning changes for the proposed project parcels. The project does not currently propose development on the referenced parcel as the purpose of the project is to rezone and change land use designations of vacant parcels for possible, future residential lots. In the future, if a developer proposes to build residential dwelling units on the referenced parcel, they are required to submit applications and prepare subsequent analysis, including further environmental analysis, as necessary, for any proposed development. As no development is currently proposed, the water conveyance ditches would not need to be relocated and impacts to DWP's operations and any changes required to be made to the Long Term Water Agreement would have to be considered at the time of divestment.

This parcel is outside the City of Bishop with no legal access to municipal water or sewer. An annexation or an out-of-service agreement with the City of Bishop should be in place before granting high-density development land entitlements. LADWP is required to reserve all water and water rights. Development can only occur should the City of Bishop service the property with water.

As stated on Page 4.19-12 of the draft EIR, although water availability in the City of Bishop is currently unknown, all eight of the proposed project parcels are located within the Owens Valley groundwater basin which is a low priority groundwater basin. The Owens Valley groundwater basin supplies a total of 1,054 wells, 130 of which are public supply wells. The estimated groundwater use in this basin is 134,680 acre-feet, which is 84 percent of the basin's groundwater supply. The Sustainable Groundwater Management Act (SGMA) 2019 Basin Prioritization report estimated an 8 percent population growth in the Owens Valley Groundwater Basin from 2010 to 2030. As discussed in Section 4.14 of the draft EIR, Population and Housing, the population growth rate between 2010 (18,546 people) and 2020 (18,584 people) is less than 0.01 percent. Therefore, the portion of the proposed project located in the City of Bishop is anticipated to have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and/or multiple dry years.

Additionally, as mentioned on Page 4.19-12 of the draft EIR, wastewater treatment for the Bishop parcels would be provided by the City of Bishop. Connections to the wastewater treatment system are available in the adjacent utility easements along the roads bordering the Bishop parcels. According to Deston Dishion, Public Works Director for the City of Bishop, the City has adequate capacity to provide wastewater services to the maximum number of proposed units in Bishop (D. Dishion, personal communication, August 3, 2021). In the future, if a developer proposes to build residential dwelling units

on a Bishop parcel, they are required to submit all applicable permits and applications as well as prepare subsequent analysis, as necessary, for any proposed development.

The parcel is subject to the objectives of the 1997 Memorandum of Understanding (MOU) between Lessor and the County of Inyo, the California Department of Fish and Game (Department of Fish and Wildlife as of 2012), the California State Lands Commission, the Sierra Club, the Owens Valley Committee, the Carla Scheidlinger (“1997 MOU”). The development of grazing management plans (collectively, the “Grazing Management Plan”) to meet the 1997 MOU objectives include measures to accomplish the goal of sustainable agriculture. It is not clear how the proposed change affects the MOU.

Parcel 008-240-02 is listed as a divestment parcel in the Long Term Water Agreement. Any changes to the MOU and managements plans as currently set forth would be reviewed and amended if necessary at the time of divestment and again if a development proposal is submitted. As stated on Page 4.2-5 of the draft EIR, one parcel in Bishop, APN 008-240-02, currently has an agricultural land use designation under the General Plan. However, the parcel is zoned as light industrial (M2-PP) and is currently vacant. Page 4.2-6 of the draft EIR states that the proposed project is not located on land zoned for or involved in the production of agriculture or timber, and therefore the proposed project would have no impact and would not contribute to a potential cumulative impact to these resources. As the parcel is zoned light industrial and is currently vacant, it is not currently used or zoned for agricultural use.

Page 4.2-5 discusses Impact Analysis. It concludes under AG-1 through AG-4 there are no impacts to agricultural property. AG-2 acknowledges this parcel has a general plan agricultural land use designation with a light industrial zoning use designation. AG-4 states the parcel is not currently used or zoned for agricultural use. Therefore, the proposed project would not convert agricultural land to non-agricultural use and concluded there will be no impact. This is not accurate. The land is currently under ranch lease, irrigated, and used for livestock grazing purposes.

As stated on Page 4.2-5 of the draft EIR, one parcel in Bishop, APN 008-240-02, currently has an agricultural land use designation under the General Plan. However, the parcel is zoned as light industrial (M2-PP) and is currently vacant. Page 4.2-6 of the draft EIR states that the proposed project is not located on land zoned for or involved in the production of agriculture or timber, and therefore the proposed project to rezone would have no impact and would not contribute to a potential cumulative impact to these resources. As the parcel is zoned light industrial and is currently vacant, it is not currently used or zoned for agricultural use.

Hydrology analysis on page 4.10-15, HYD-3, does not analyze the relocation of the irrigation ditches or putting them in an underground conduit. LADWP is unable to divest in land needed for operation purposes.

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required to submit applications and prepare subsequent analysis, including further environmental review, as necessary, for any proposed development.

INDEPENDENCE

Assessor Parcel No. 002-160-08

The County should consider purchasing the Independence wastewater treatment system for future development purposes.

As stated on Page 4.19-13 of the draft EIR, per a personal communication with the LADWP Independence Chief Plant Operator, the wastewater system in Independence was designed to serve a population roughly three times the size of Independence's existing population and therefore has capacity to serve the maximum number of additional units proposed by this project. In the future, if a developer proposes to build residential dwelling units on the parcel, they are required to submit all applicable permits and applications as well as prepare subsequent analysis, as necessary, for any proposed development.