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AGENDA ITEM NO.: 7 (Action Item and Public Hearing)

PLANNING COMMISSION
MEETING DATE: October 27, 2021

SUBJECT: GPA 2021-03/W. McNeal; and, ZR
2021-03/W. McNeal

EXECUTIVE SUMMARY

The applicant, Westley McNeal, has applied to change the Zoning and General Plan Designations on his property, located at 100 Tecopa Hot Springs Road in Tecopa, CA with Assessor Parcel Number (APN) 46-350-1300. Currently, this parcel is zoned Rural Residential with a 1-acre minimum (RR-1.0) and has the General Plan designation of Residential Rural High Density (RRH). The applicant is requesting the Zoning Designation of Highway Services and Tourist Commercial with a 1.5-acre minimum (C2-1.5); and the General Plan Designation of Resort/Recreational (REC). The property has previously been used as a short-term rental and the applicant has applied for a ZR and GPA to bring the existing use into conformance and better match the surrounding uses. There is no development proposed at this time.

PROJECT INFORMATION

Supervisory District: 5

Applicants: Westley McNeal

Landowners: Westley McNeal

Community: Tecopa, CA

A.P.N.: 46-350-13

Existing General Plan: Residential Rural High Density (RRH)

Existing Zoning: Rural Residential, 1-acre minimum (RR-1.0)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Residential	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum (RR-1.0)
North	Commercial - Brewery and Hot Springs	Resort/Recreational (REC)	Commercial Recreation, 5-acre minimum (C5-5.0)
East	Commercial - Hot Springs	Resort/Recreational (REC)	Commercial Recreation, 5-acre minimum (C5-5.0)
South	Vacant	Public Facilities (PF) and Residential Rural High Density (RRH)	Public Facility (P) and Rural Residential, 1-acre minimum (RR-1.0)
West	Residential-Short term rentals	Resort/Recreational (REC)	Highway Services and Tourist Commercial, 1-acre minimum (C2-1.0)

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2021-03/W. McNeal, and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2021-03/W. McNeal, 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:

Graham Meese

BACKGROUND

The applicant, Westley McNeal, is proposing to change the Zoning and General Plan Designations on his property, located at 100 Tecopa Hot Springs Road in Tecopa, CA with Assessor Parcel Number (APN) 46-350-1300. Currently, this parcel is zoned Rural Residential with a 1-acre minimum (RR-1.0) and has the General Plan designation of Residential Rural High Density (RRH). The applicant is requesting the Zoning Designation of Highway Services and Tourist Commercial with a 1.5-acre minimum (C2-1.5); and the General Plan Designation of Resort/Recreational (REC). The applicant has previously operated two short-term rentals on his property and has applied for a ZR and GPA to better match the surrounding uses and bring the intended use into conformance. These short-term rentals are not currently being used or advertised and there is no development proposed at this time.

STAFF ANALYSIS

Land Use Analysis: The property is surrounded by Commercially zoned parcels for recreation and highway services. The Draft Tecopa Community Plan recommended rezoning this parcel to Commercial Recreation, but due to the small size of the parcel, the applicant has requested Highway Services and Tourist Commercial (C2). The GPA and ZR will not alter the existing land use and there are no development proposals at this time. The parcel contains two structures, both of which have been used as residential short-term rentals without permits and the applicant is requesting the GPA and ZR to match their existing use and bring it into conformance with Inyo County Zoning Code. The short-term rentals are not currently being rented to show compliance with County Code. The GPA and ZR will not alter the character of the property or the surrounding area as they are designations for mixed residential and commercial uses similar to the current uses on the property.

Zoning: The parcel that is proposed for the ZR has a zoning designation of Rural Residential (RR). The applicant is requesting a change to Highway Services and Tourist Commercial, 1.5 acre minimum (C2-1.5). The structures on the property will be used as short-term rentals, which is a principal permitted use under C2. The property currently meets all development standards and yard setback requirements for the proposed zone reclassification to C2.

The parcel is 1.5 acres. The change in designation will not provide for additional future subdivisions as the parcel will not be large enough to divide into additional parcels. It is also in the public interest to have zoning designations match the existing uses on a parcel, and even more so to have zoning match the surrounding parcels. The Draft Tecopa Community Plan, completed in December 2018, recommended rezoning this parcel to Commercial Recreation, but due to the small size of the parcel and large setback requirements under C5, the applicant has requested Highway Services and Tourist Commercial (C2). The Tecopa Community Plan Identified the project vicinity, Tecopa Hot Springs, as the existing and future hub of commercial activity. This ZR will better consolidate commercial activities in the desired area of Tecopa and will produce consistency between use and designation.

General Plan: The parcel's current Residential Rural High Density (RRH) designation relates to the current zoning Rural Residential (RR). The proposal to change to the Resort/Recreation (REC) General Plan designation will be consistent with the existing use and result in an appropriate general plan designation to the proposed Highway Services and Tourist zoning designation. Zoning and General Plan consistency are required by the State and by the Inyo County Code meaning a zoning designation cannot be changed in a manner that causes it to no longer be compatible with the General Plan designation. In this circumstance, the ZR requires the GPA to be in compliance. The surrounding commercially zoned parcels are all zoned REC and the proposed GPA will also result in the General Plan designation being aligned with the current uses on the property.

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 August 2, 2021 to the: Lone Pine Paiute-Shoshone Tribe, Kern Valley Indian Council, Fort Independence Indian Community of Paiutes, Walker River Reservation, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, no requests for consultation have been received to date. The tribal consultation period ends October 31st and the County cannot approve the GPA until this 90-day window has passed.

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 ZR and GPA is for a property that is already disturbed, where the intended use is the existing use, and includes no additional development proposals; and, Pursuant to the California Environmental Quality Act (CEQA), potential, subsequent, development to this proposal falls into the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a) One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption; and, any potential commercial cannabis cultivation will require a discretionary approval (Conditional Use Permit) by the Inyo County Planning Commission that will require an evaluation pursuant to the California Environmental Quality Act.

NOTICING & REVIEW

The application for GPA 2021-03/W. McNeal and ZR 2021-03/W. McNeal has been reviewed by the appropriate County departments with no comments indicating there are any issues with the request. The Inyo County Code Enforcement Officer did issue a notice of violation to the applicant for operating a short-term rental without the proper permit, which is the main reason the applicant has submitted this application. The applicant has stopped renting their short-term rentals and removed advertising until the requests for a GPA and ZR have been approved.

The project was noticed on October 14, 2021, 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 that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment 2021-03/W. McNeal and Zone Reclassification 2021-03/W. McNeal and certify that they are Exempt from CEQA.

Recommended Findings

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment 2021-03/W. McNeal and Zone Reclassification 2021-03/W. McNeal 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 ZR and GPA is for a property that is already disturbed, where the intended use is the existing use, and includes no additional development proposals and, Pursuant to the California Environmental Quality Act (CEQA), potential, subsequent, development to this proposal falls into the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a) One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption. Any potential commercial cannabis cultivation will require a discretionary approval (Conditional Use Permit) by the Inyo County Planning Commission that will require an evaluation pursuant to the California Environmental Quality Act]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2021-03/W. McNeal and Zone Reclassification 2021-03/W. McNeal are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The parcel's current Residential Rural High Density (RRH) general plan designation relates to the current zoning Rural Residential (RR). The proposal to change to the REC General Plan designation will result in it appropriately corresponding to the proposed Highway Services and Tourist zoning designation. Zoning and General Plan consistency are required by the State and by the Inyo County Code meaning a zoning designation cannot be changed in a manner that causes it to no longer be compatible with the General Plan designation. In this circumstance, the ZR requires the GPA to be in compliance. The surrounding commercially zoned parcels are all zoned REC and the proposed GPA will also result in the General Plan designation being aligned with the current uses on the property.]

3. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2021-03/W. McNeal and Zone Reclassification 2021-03/W. McNeal are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed Zone Reclassification is from Rural Residential to Highway Services and Tourist Commercial, 1.5 acre minimum (C2-1.5). The parcel is 1.5 acres. The change in designation will not provide for additional future subdivisions as the parcel will not be large enough to divide into additional parcels. It is also in the public interest to have zoning designations match the existing uses on a parcel, and even more so to have zoning match the surrounding parcels. The Draft Tecopa Community Plan, completed in December 2018, recommended rezoning this parcel to Commercial Recreation(C5), but due to the small size of the parcel and large setback requirements under C5, the applicant has requested Highway Services and Tourist Commercial (C2). The Tecopa Community Plan Identified the project vicinity, Tecopa Hot Springs, as the existing and future hub of commercial activity. This ZR will better consolidate commercial activities in the desired area of Tecopa and will produce consistency between use and designation.]

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.

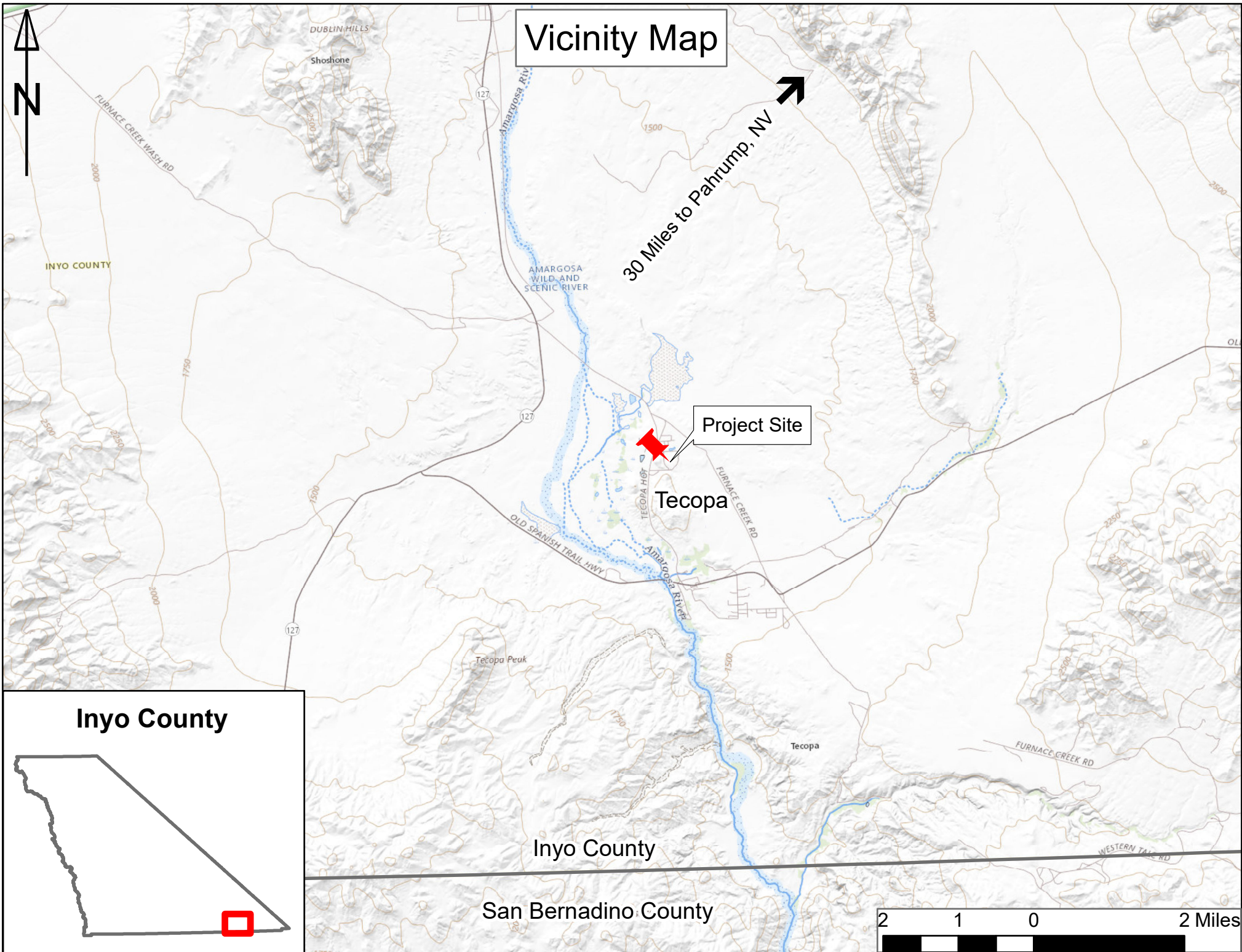
[Evidence: The project is consistent with the commercial and residential uses of the surrounding area. This residentially zoned parcel is surrounded by commercially zoned parcels. The proposed GPA and ZR are aligned with the continued commercial development of the Tecopa Hot Springs area. The GPA and ZR do allow for a potential increase in intensity or density on the site as it changes the parcel from residential to more potential commercial uses, but the applicant has stated that he is just trying to bring the existing short-term rental uses on the property into conformance with the County's Zoning Ordinance. Water is provided to this property via a legal agreement with Delight's Hot Spring Resort to the north and an existing septic system is in place for the two structures on the property.]

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 General Plan Amendment and Zone Reclassification 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 Draft Tecopa Community Plan recommended rezoning this parcel to Commercial Recreation, but due to the smaller size of the parcel, the applicant has requested Highway Services and Tourist Commercial. Although the designation changes allow for a potential increase in intensity or density on the site as it changes the parcel from residential to more potential commercial uses, the applicant does not plan to change the existing residential and short-term rental uses 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.]

Attachments:

- Vicinity Map
- Site Map
- Site Layout



Site Map

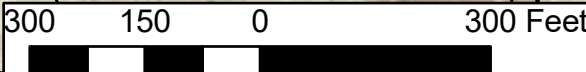


Existing:

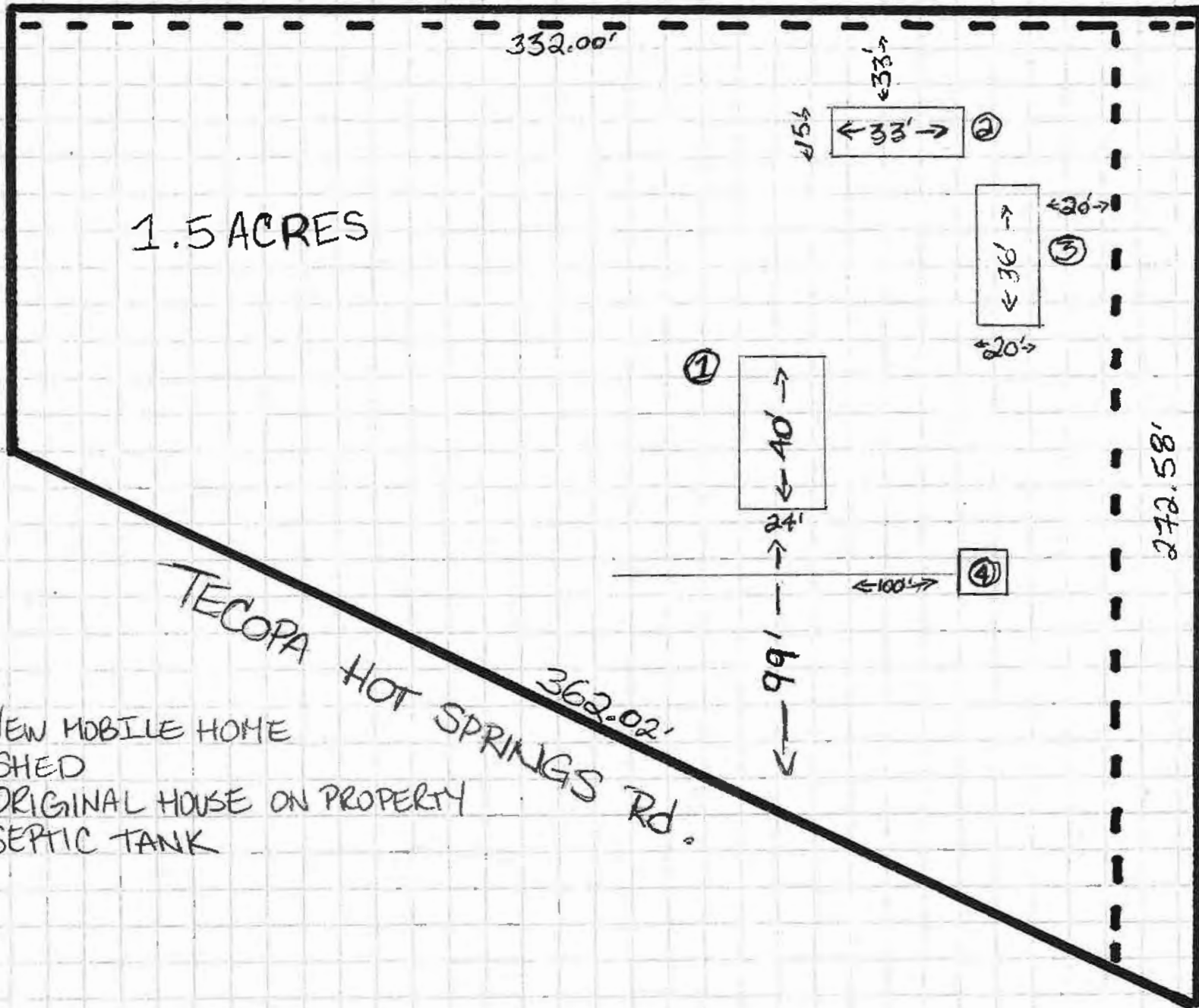
Zone: RR-1.0
General Plan: RRH

Proposed:

Zone: C2-1.5
General Plan: REC



Site Layout



- ① NEW MOBILE HOME
- ② SHED
- ③ ORIGINAL HOUSE ON PROPERTY
- ④ SEPTIC TANK