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AGENDA ITEM NO.: 8(Action Item and Public Hearing)

PLANNING COMMISSION
MEETING DATE:

October 25, 2021

SUBJECT:

General Plan Amendment (GPA) 2021-02; Zone
Reclassification (ZR) 2021-02/ 7/11 Materials Inc.

EXECUTIVE SUMMARY

The applicant, Jeff Reed on behalf of 7/11 Materials Inc., is requesting a General Plan Amendment and Zone Reclassification. The applicant has applied for a General Plan Amendment and Zone reclassification for a sand and gravel pit operated on land leased from LADWP. The proposed Zone Reclassification and General Plan Amendment will revert the mined area back to the original zoning and General Plan designations, dictated as one of the reclamation plan requirements for the mine. The project is located on the northern edge of the Bishop Airport. It is currently zoned Open Space with a 40-acre minimum (OS-40); has the General Plan designation of Natural Resources (NR); and is part of Assessor Parcel Number (APN) 010-270-13 (Attachment - site and vicinity maps). The zone reclassification to Public (P) and General Plan Amendment to Public Facilities (PF) fit the current uses and will allow the Bishop Airport to maintain and expand their existing operations.

PROJECT INFORMATION

Supervisory District:

2

Applicants:

Jeff Reed, 7/11 Materials Inc.

Landowners:

Los Angeles Department of Water and Power

Community:

Bishop, CA

A.P.N.:

010-270-13

Existing General Plan:

Natural Resources (NR)

Existing Zoning:

Open Space with a 40-acre minimum (OS-40)

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Sand and Gravel Mine, Bishop Airport	Natural Resources (NR), Public Facilities (PF)	Open Space, 40-acre minimum (OS-40), Public
North	Sand and Gravel Mine	Natural Resources (NR)	Open Space, 40-acre minimum (OS-40)
East	Sand and Gravel Mine, Grazing lease	Natural Resources(NR), Agriculture (A)	Open Space, 40-acre minimum (OS-40)
South	Bishop Airport	Public Facilities (PF)	Public (P)
West	Vacant Land	Agriculture (A)	Open Space, 40-acre minimum (OS-40)

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2021-02/ 7/11 Materials Inc., and certify it is exempt from CEQA.
- 2.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2021-02/ 7/11 Materials Inc., 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:

Ryan Smith-Standridge

BACKGROUND

A conditional use permit was approved by the Planning commission in 1978 to Hiatt Sand and Gravel (Hiatt) to operate an approximate thirty-four-acre aggregate, open pit, mine. In 1990 Hiatt applied for a Conditional Use Permit (CUP) to expand the pit approximately eight acres, encroaching onto Los Angeles Department of Water and Power (LADWP) land, with a county lease, located at the north end of the Bishop Airport. The zoning classification and the General Plan designation at the time did not allow for mining use, so simultaneously, they applied for a ZR, GPA, CUP and Reclamation Plan (RP). During the November 28, 1990 Planning commission meeting, the GPA, ZR, CUP, and RP were approved with conditions. One of these conditions stated that upon the CUP termination, the applicant shall file for a GPA and ZR, to revert the area back to the original General Plan designation of "Public Facilities" and zoning designation of "Public." The Planning commission again approved, in 2008, a minor amendment requesting a time extension for the mine operation until 2010. The mining ceased in 2010, and the land has been naturally revegetating. 711 Materials Inc. holds the current

LADWP lease for the land. They have requested a mine closure inspection and applied for a GPA and ZR to satisfy the conditions of the RP. The project area is currently zoned Open Space (OS-40) with a general plan designation of Natural Resources (NR), and the applicant is requesting a ZR back to P and a GPA back to PF.

STAFF ANALYSIS

Land Use Analysis: This parcel is a multi-zoned property surrounded by a sand and gravel pit or vacant open space and agricultural lands to the north, east, and west, most of it managed by the LADWP, and directly to the south is the Bishop Airport. The proposed ZR and GPA will alter the existing land use by reverting to a runway safety area but does not change the character of the property or the surrounding area as the 8-acres have been backfilled and returned to the parcel's original use before the Planning Commission approved the expansion.

General Plan: The parcel's current General Plan designation relates to the current zoning OS-40. The proposal to change to the PF as a General Plan designation will correspond to the proposed P zoning. Zoning and General Plan consistency is required by the State and the Inyo County Code, meaning Inyo County cannot change a zoning designation in a manner that causes it to no longer be compatible with the General Plan designation. The GPA will also result in the General Plan designation aligning with the property's current uses and future vision.

Zoning: The applicant is requesting a zone reclassification to P as required in their reclamation plan. The current zoning of OS-40 was a required ZR as part of their conditional use permit, and is now being reverted back to its original zoning designation. Changing the zoning designation to P will allow the Bishop Airport to extend its runway safety area and maintain adequate fire protection, which produces consistency between use and designation.

Access: Restricted gate access is currently provided to the project area by an access road off Wye Road.

Utilities and Public Services: Utilities are not located within the project area. The proposed GPA and ZR will allow the reclamation on the mine site to be completed and return to vacant open land as the 8- acres will return to a fenced-in safety area to maintain adequate fire protection for the airport.

Fire

The project area is part of the State Responsibility area and will be managed and used by the Bishop Airport as part of their runway safety area.

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 May 3, 2021 to the: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of the Mission Indians, and the Toretz Martinez Desert Cahuila Indians. Bishop Paiute Tribe requested a

consultation, and Staff provided a brief presentation on August 19, 2021. The Tribe determined that no known cultural resources, as defined in Section 15064.5, exist on the proposed site and tribal consultation closed.

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 and includes no additional development proposals and, Pursuant to the CEQA, potential, subsequent, development to this proposal falls into the Categorical Exemption Class 1 Existing Structures (15301)(f) The proposed ZR and GPA are a condition of the reclamation plan as approved by the Planning Commission that reverts the 8-acres to a fenced-in safety area as an additional safety device to an existing airport facility and, will require a discretionary approval by the Inyo County Planning Commission and Board of Supervisors.

NOTICING & REVIEW

The application for ZR 2021-02; GPA 2021-02/7/11 Materials Inc. have been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

The project was noticed on September 15, 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 the Planning Commission:

1. Recommend the Board of Supervisors approve General Plan Amendment 2021-02 7/11 Materials Inc. and Zone Reclassification 2021-02 7/11 Materials Inc. and certify they are Exempt from CEQA.

Findings:

The Planning Commission certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied, as the project was deemed exempt from environmental review under CEQA Guidelines Section 15303, class 1 existing structures.

[Evidence: This application for a ZR and GPA is a Categorical Exemption Class 1 Existing Structures (15301)(f). The proposed ZR and GPA will complete a condition of the reclamation plan as approved by the Planning Commission that requires the reversion of the 8-acres to a fenced-in safety area covered under (f) as an additional safety device to an existing airport facility.]

1. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2021-02/ 7/11 and Zone Reclassification 2021-02/ 7/11 are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The proposed general plan designation of Public Service Facilities (PF) will return the project area to its original designation, which will allow for the Bishop Airport to use as needed to maintain and expand their operations.]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2021-02/ 7/11 and Zone Reclassification 2021-02/ 7/11 are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The proposed designation of Public (P) will return the 8-Acre area to its original designation, which will allow for the Bishop Airport to use as needed to maintain a safety area.]

3. 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 current use of the surrounding area and this request for a GPA and ZR to revert the zoning and General Plan back to their pre-mine designations will complete the reclamation requirements for this site. The GPA and ZR will allow the existing public facility, the Bishop Airport, to maintain and expand their operations, as needed.]

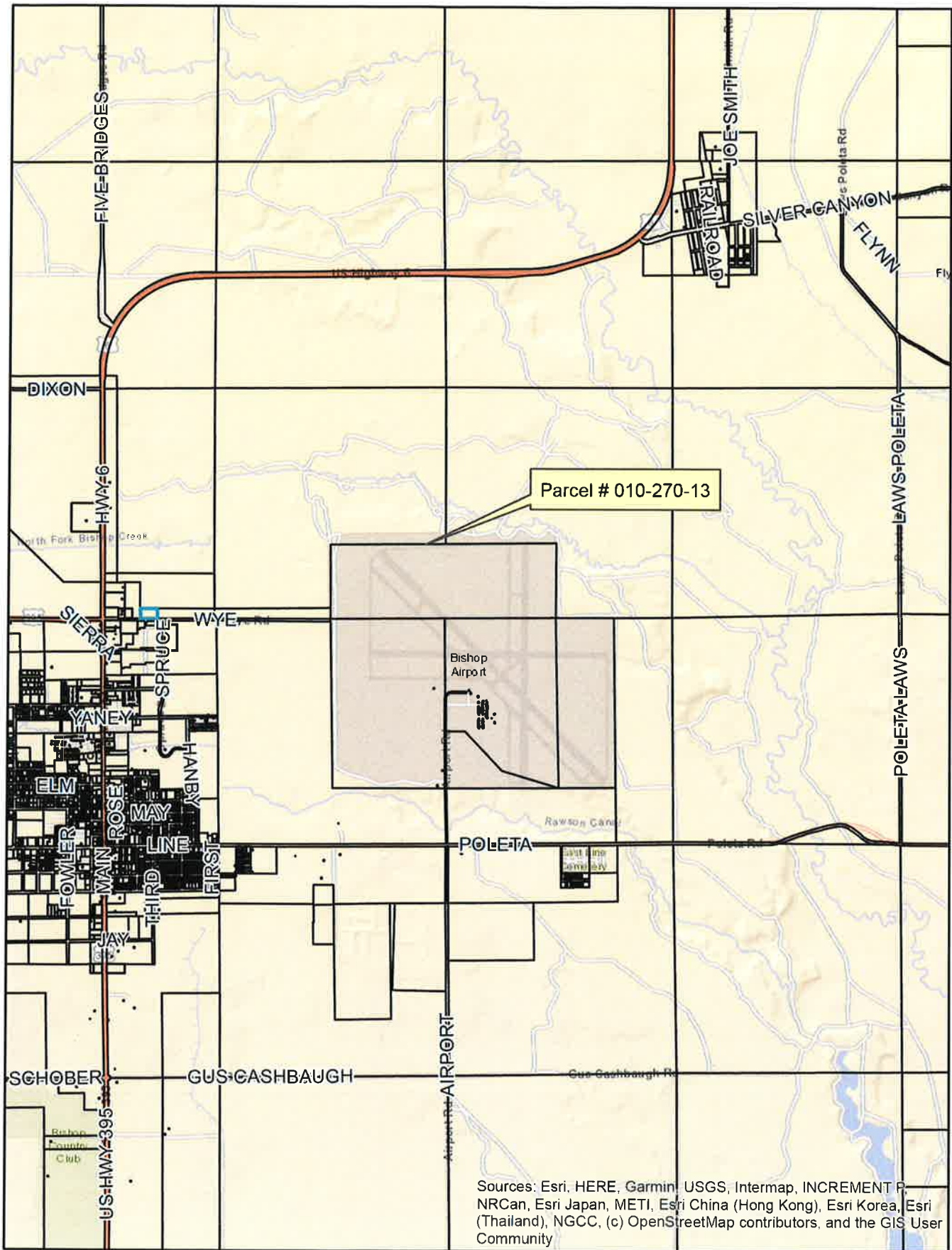
4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.

[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 designation changes will allow the Bishop Airport to maintain and expand their operations in a manor that protects public health and safety.]

Attachments:

- Vicinity Map
- Current General Plan Designations
- Proposed General Plan Designations
- Current Zoning Designations
- Proposed Zoning Designation
- Proposed Ordinance

General Plan Amendment & Zone reclassification Vicinity Map



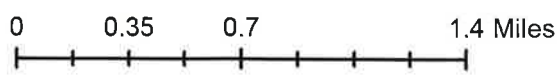
Parcel # 010-270-13

Bishop Airport

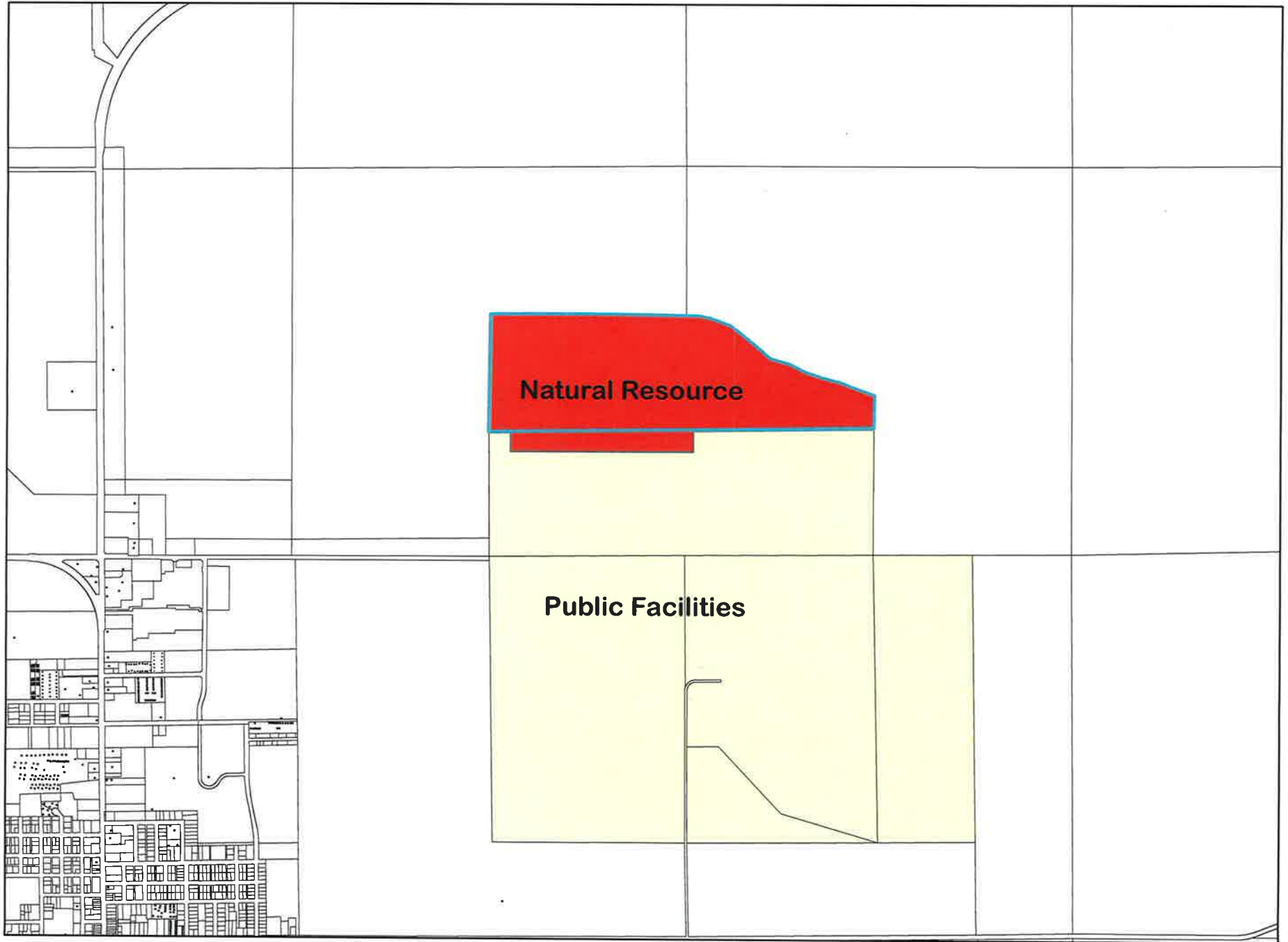
POLETA

AIRPORT

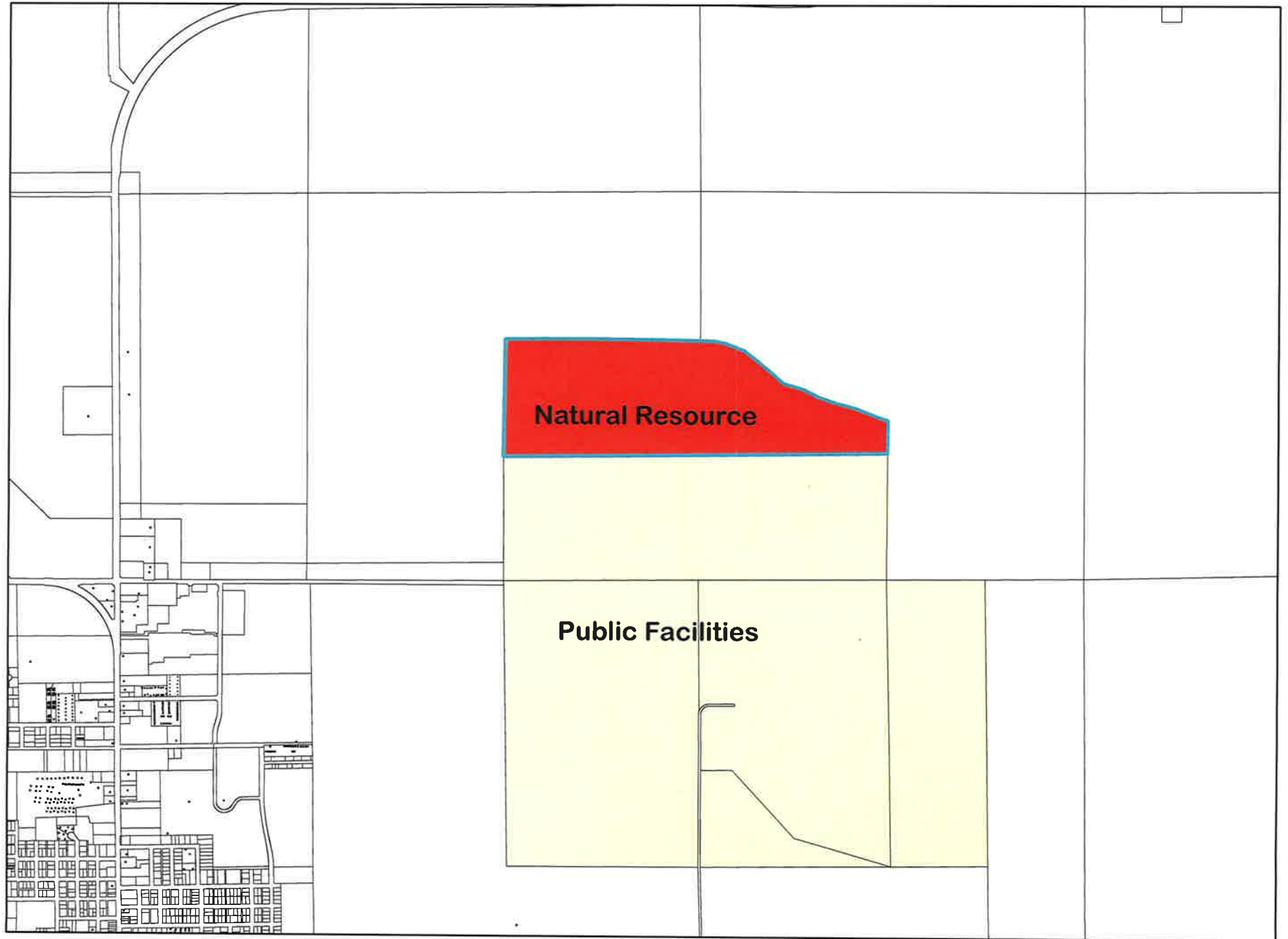
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



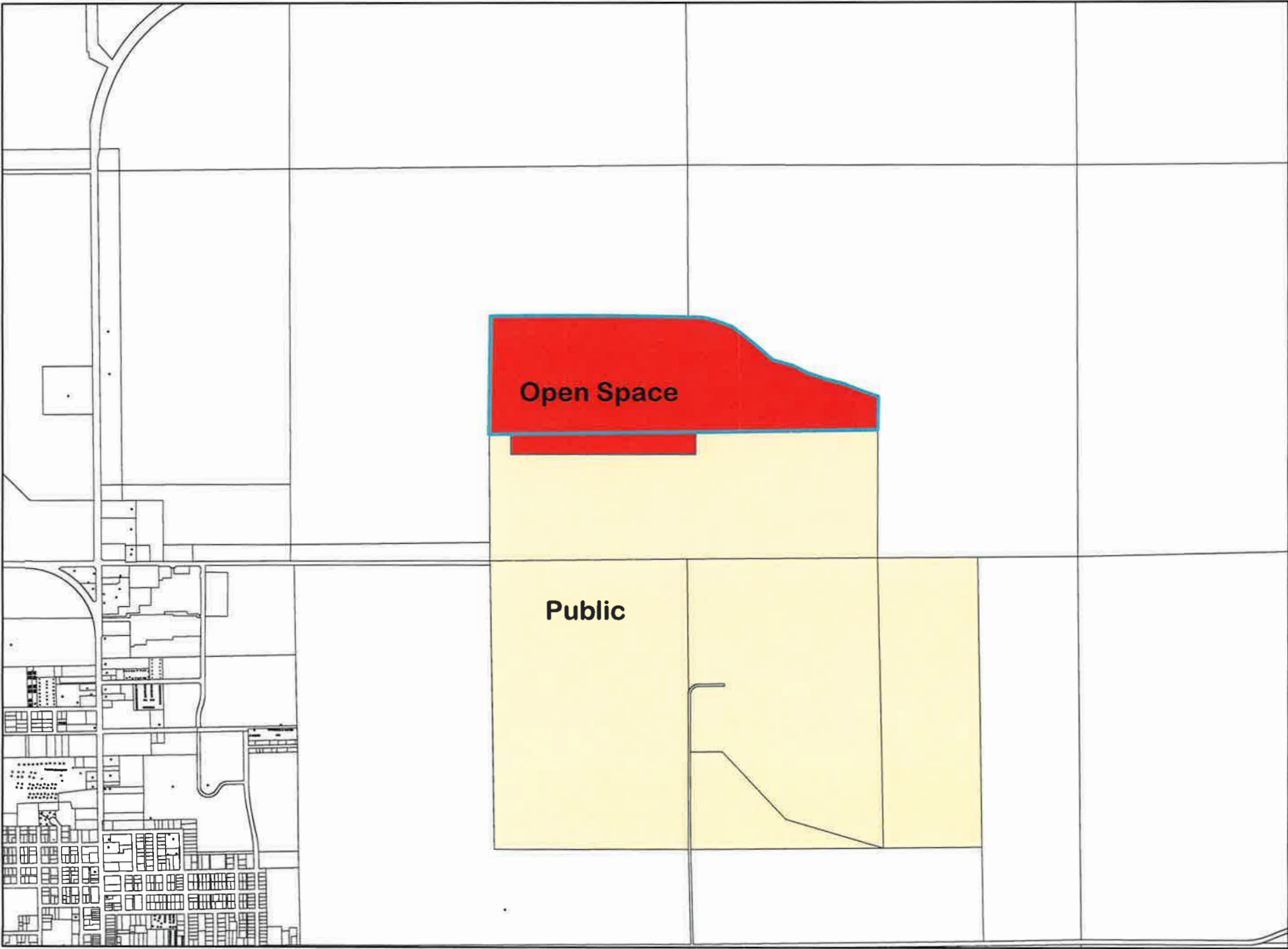
Current General Plan Designations



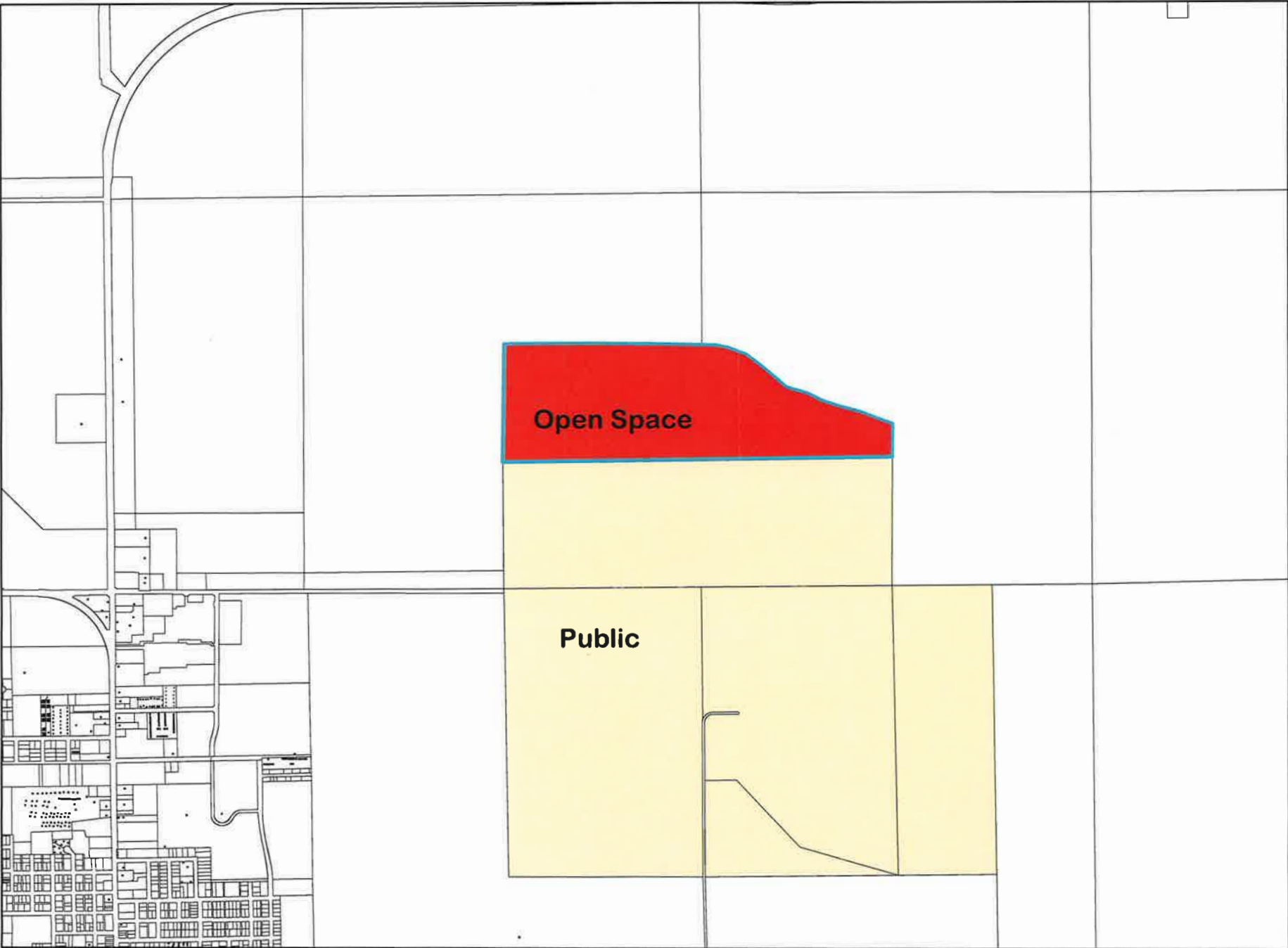
Proposed General Plan Designations



Current Zoning Designations



Proposed Zoning Designations



ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2021-02/711 MATERIAL INC AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING AN 8-ACRE AREA ON A PARCEL OF LAND WITH ASSESSOR PARCEL NUMBER 010-270-13 LOCATED ON THE NORTHERN END OF THE BISHOP AIRPORT, FROM OPEN SPACE WITH A 40-ACRE MINIMUM (OS-40) TO PUBLIC (P)

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 18.81.310 and 18.81.350 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 Inyo County Code Section 18.81.320, 711 Material Inc. applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from Open Space with a 40-acre minimum (OS-40) to Public (P) as described in Section III of this Ordinance.
- (2) On September 22, 2021, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification No. 2021-02/711 Materials, 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 Public (P).
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) 711 Material Inc. applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended from Natural Resource (NR) to Public Facilities (PF) to best match the requested zoning and current uses on 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 Public (P) as it best matches the current and planned future uses on the property.
- (7) The proposed actions will complete the condition set forth in conditional use permit # 90-08/Haitt to revert zoning and general plan designations back to Public and Public Facilities, will further the applicant's (711 materials Inc.) compliance with Chapter 7.70 of the Inyo County and the public resource code 2710 Surface and reclamation act of 1975.

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-acre section of a parcel of land with assessor parcel number 010-270-13 is changed from Open Space with a 40-acre minimum (OS-40) to public (P).

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 members voting for and against same.

PASSED AND ADOPTED THIS 12TH DAY OF OCTOBER, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

Jeff Griffiths, Chairperson
Inyo County Board of Supervisors

ATTEST:
Leslie Chapman
Clerk of the Board

By: _____
Darcy Ellis, Assistant