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## **NOTICE OF DECISION**

October 4, 2021

Cardinal Village Resort  
Attn: Ken Cluff  
321 Cardinal Villave Rd.  
Bishop, CA 93514

**SUBJECT: APPROVAL OF Conditional Use Permit # 2021-05/Cluff**

On September 22, 2021 the Inyo County Planning Commission considered the above action (CUP # 2021-05/Cluff) for a legally non-conforming “resort” to conform to the Open Space zoning designation in which it is located. The Cardinal Village Resort has been operational for almost 70 years providing lodging, dining, and recreational opportunities near the community of Aspendell, west of Bishop. The applicant is applying for the CUP so he can expand the services to include serving alcoholic beverages. After deliberation, the Commission voted to approve the project, with the following Findings and Conditions of Approval:

### **FINDINGS**

1. The proposed CUP is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; 15302, replacement or reconstruction of existing facilities – Class 2; and 15303, construction or conversion of Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The CUP is being applied for to permit the operation of an existing resort with a minor use expansion to allow for alcoholic beverage service, causing it to be Exempt. Additionally, any future replacement or reconstruction of the existing structures would be covered under Class 2 (15302) and any new construction or conversion of small structures would likely be covered under Class 3 (15303). No new construction is being proposed at this time.]*

2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of Rural Protection (RP).

*[Evidence: The goal of this project is to allow for an established legally nonconforming resort use on the site to continue in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for the managed production of natural resources and recreation uses. The Cardinal Village Resort provides low-intensity recreational opportunities and has been a fishing preserve since its creation in the 1940's. It is also compatible with the General Plan's Economic Development Element's Goal ED-2: Bring more destination-spending into Inyo County. The continued operation and opportunity to expand the services provided will create a boost to the local economy while people are staying the resort.]*

3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits "resorts" as a conditional use in Open Space.

*[Evidence: The purpose of the Open Space zoning designation is to encourage the protection of mountainous, hilly upland, and valley areas from detrimental effects of intensive land use activities, and allows for "resorts" a permitted conditional use. Cardinal Village Resort is an established low impact recreational use at the site and the applicant is seeking the conditional use permit to continue to operate the resort in compliance with County's zoning ordinance.]*

4. The proposed CUP is necessary or desirable.

*[Evidence: The General Plan's Economic Development Element's Goal ED-2 states: 'Bring more destination spending into Inyo County. Cardinal Village Resort provides lodging, dining, and recreational opportunities. This creates a boost to the local economy while people are staying the resort. It also provides about 12-16 full time seasonal jobs during the summer and 2 part time jobs during the winter; therefore, this is a desirable use.]*

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

*[Evidence: The proposed CUP is to make an existing use and associated buildings compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]*

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

*[Evidence: The CUP is being proposed to make an existing use compliant the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]*

7. Operating requirements necessitate the CUP for the site.

[Evidence: *The use of the property as a resort requires a CUP per permit per Inyo County Code Section 18.12.040, but has been operating as legally nonconforming per Inyo County Code Section 18.78.230. The applicant would like to expand the services provided by the resort to include alcoholic beverage service, therefore per Inyo County Code 18.78.240, the CUP is necessary for the continued operations at the site.*]

## **CONDITIONS OF APPROVAL**

### **1. Hold Harmless**

The applicant/developer shall defend, indemnify and hold harmless Inyo County 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 CUP No. 2021-05/Cluff. The County reserves the right to prepare its own defense.

### **2. Compliance with County Code**

The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

If there are any questions regarding the above information, please contact the Planning office.

Respectfully,

*Graham Meese*

Graham Meese  
Assistant Planner, Inyo County