

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
LESLIE CHAPMAN
CHRISTIAN MILOVICH

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE CHAIR)
FOURTH DISTRICT
FIFTH DISTRICT

PLANNING DIRECTOR
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
COUNTY COUNSEL

Inyo County Planning Commission
Post Office Drawer L
Independence, CA 93526
(760) 878-0263
(760) 872-2712 FAX
inyoplanning@inyocounty.us

Please be advised the Planning Commission will be conducting its hearing in person at 224 N. Edwards, Board of Supervisor Chambers in Independence, California and will also include Zoom via videoconference. The videoconference will also be accessible to the public by computer, tablet or smartphone at:

<https://us06web.zoom.us/j/87125040517?pwd=RFVYNng1b1JlTQ1NZAoEtoQlJuOXA2UT09>

You can also dial in by phone at 1-669-900-6833 Meeting Id: 871 2504 0517 and then enter Passcode: 086640. Public Comment may be provided by emailing the comments prior to the meeting. All emailed comments will be read into the record, and the Planning Commission will take that feedback into consideration as it deliberates. Please send comments to: inyoplanning@inyocounty.us

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

March 23, 2022

10:00
A.M.

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL** – Roll Call to be taken by staff.
3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

- Action Item**
4. **APPROVAL OF MINUTES** – Approval of minutes from the December 29, 2021 Special Planning Commission Meeting.
- Action Item**
5. **APPROVAL OF MINUTES** – Approval of minutes from the January 26, 2022 Planning Commission Meeting.
- Action Item**
6. **APPROVAL OF MINUTES** – Approval of minutes from the February 23, 2022 Planning Commission Meeting.
- Action Item**
7. **CONSIDERATION OF A RESOLUTION** - The Planning Commission to meet remotely pursuant to AB 361.
- Action Item/
Public hearing**
8. **AMENDMENT TO CONDITIONAL USE PERMIT 1985-07/ BROWN’S SUPPLY**- The applicant has applied for an amendment to their original CUP to expand the area of their salvage yard located on land leased by LADWP. The applicant has an existing 4.87-acre decomposed granite pit that the salvage yard has encroached upon. This amendment would bring the existing nonconforming salvage yard into compliance, allowing the entire 18.37-acre property to be used as a salvage yard, and change the end use for the 4.87-acre DG pit to be part of the salvage yard. The project is Exempt from CEQA.
- Action Item/
Public hearing**
9. **CONDITIONAL USE PERMIT-2021-03/GLACIER FED FARMS - VARIANCE-2021-03/GLACIER FED FARMS - VARIANCE-2021-08/GLACIER FED FARMS** - The applicant is requesting a CUP for the cultivation of 5,000-square-feet or less of cannabis. The project includes growing and drying cannabis on a 12-acre parcel located at 3080 Glacier Lodge Road near the community of Big Pine. The applicant has concurrently applied for 2 variances. One for a side yard setback encroachment of 200-feet on the west side of the property and the other for a fence height variance for up to 8-feet for security. This project is a Mitigated Negative Declaration of Environmental Impact under CEQA.
- Informational Item**
10. **2021 ANNUAL PROGRESS REPORT** - Staff will give a presentation to the Planning Commission summarizing the Inyo County 2021 Annual Progress Report.

COMMISSIONERS’ REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR’S REPORT

Planning Director, Cathreen Richards, will update the Commission on various topics.

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF December 29, 2021 SPECIAL MEETING

COMMISSIONERS:

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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STAFF:

CATHREEN RICHARDS
GRACE CHUHLA
PAULA RIESEN
LESLIE CHAPMAN
MIKE ERRANTE

PLANNING DIRECTOR
DEPUTY COUNTY COUNSEL
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, December 29, 2021, using Zoom for our meeting. Commissioner Morely opened the meeting at 8:01 a.m.
These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 8:01 a.m.

ITEM 2: **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Callie Peek and Lanie Somers were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, Grace Chuhla, Deputy County Counsel.

Staff absent: Leslie Chapman, County Administrator; Michael Errante, Public Works Director.

ITEM 3: **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Chair Morley opened the Public Comment Period at 8:02 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 8:02 a.m.

ITEM 4: **CONSIDERATION OF A RESOLUTION** - The Planning Commission to meet remotely pursuant to AB 361.

Grace Chuchla, Deputy County Counsel explained that the Governor’s order for meeting remotely due to COVID-19 has expired. The finding has to be renewed every 30 days, so the 30 day clock starts today. The problem is if you don’t renew the finding every 30 days and you allow that time to elapse until, for example, 35 days, then you have to get together in person to make the finding to meet remotely. So if we noticed the meeting saying we will be meeting remotely, the meeting is noticed wrong, and noticing a meeting wrong is itself a violation of the Brown Act.

MOTION: Commissioner Todd Vogel made a motion to pass the Resolution to continue meeting via zoom subject to the findings in the staff report. Commissioner Callie Peek made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 8:03 a.m.

COMMISSIONERS’ REPORT/COMMENTS –

Commissioner Todd Vogel asked if Bishop Airport has a flight plan schedule for over Bishop at January 26, 2022 meeting.

DIRECTOR’S REPORT –

Planning Director, Cathreen Richards stated an appeal had been filed for the revocation of CUP-2007-05/Pruett Ballart Inc. for January 11, at 11:00 am at the Board of Supervisors.

ADJOURNMENT –

Commissioner Todd Vogel made a motion to adjourn the meeting at 8:05 am. Commissioner Callie Peek made the second.

Prepared by:
Paula Riesen
Inyo County Planning Department

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF January 26, 2022 MEETING

COMMISSIONERS:

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE)
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MIKE ERRANTE

PLANNING DIRECTOR
DEPUTY COUNTY COUNSEL
ASSISTANT COUNTY COUNSEL
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, January 26, 2022, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:02 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:02 a.m.

ITEM 2: **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Scott Kemp, Callie Peek and Lanie Somers were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, Christian Milovich, Assistant County Counsel and Grace Chuhla, Deputy County Counsel.

Staff absent: Leslie Chapman, County Administrator; Michael Errante, Public Works Director.

ITEM 3: **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Chair Morley opened the Public Comment Period at 10:04 a.m.

Cathreen Richards, Planning Director asked Chair Morley if she could make a couple of announcements at this time.

Chair Morley agreed, and said please go ahead.

Cathreen Richards, Planning Director, stated she has two introductions this morning. We just hired Cynthia Draper, to be our new assistant planner; I actually poached her from the Public Works Department, where she was doing a fabulous job, and I am really excited she wanted to come over and work for planning. Cynthia, -please wave to everybody.

Cynthia Draper, New Assistant Planner waved and said good morning.

Cathreen Richards, Planning Director, then introduced Christian Milovich as our new County Counsel representative. We will be losing Grace Chuchla but gaining Christian Milovich she will be our new Planning Commission legal counsel. So welcome aboard, Christian and if you would like to say anything.

Christian Milovich answered thanks Cathreen, we are not losing Grace, and she is going to be my backup support. She knows more now than I do, so obviously if there are questions she will be on call. She will be handling today's sessions as well, nice to meet everyone, and thank you for having me.

Chair Morley thanked Cynthia and Christian for being there and welcomed them to our meeting and is excited to work with them.

With no one else wishing to comment Chair Morley closed the public comment period at 10:06 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the October 27, 2021 meeting of the Planning Commission.

MOTION: Commissioner Scott Kemp made the motion to approve; the motion was seconded by Commissioner Todd Vogel.

Commissioner Todd Vogel said he was impressed with how detailed both those meetings minutes were, Paula that's amazing work.

Project Coordinator, Paula Riesen thanked Commissioner Vogel and proceeded with roll call for each vote.

The Motion passed 5-0.

ITEM 5: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the November 10, 2021 meeting of the Planning Commission.

MOTION: Commissioner Scott Kemp made motion to approve; the motion was seconded by Commissioner Callie Peck.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 4-0 at 10:06 a.m.

ITEM 6: **CONSIDERATION OF A RESOLUTION** - The Planning Commission to meet remotely pursuant to AB 361.

Grace Chuchla made a brief statement about AB 361, and said she recommends that the Commission pass this resolution.

MOTION: Commissioner Scott Kemp made the motion to approve; the motion was seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:08 a.m.

ITEM 7: **NOMINATION & ELECTION OF CHAIR PERSON** – The Commission will accept nominations for Chairperson for 2022 and hold an election.

MOTION: Commissioner Scott Kemp made the nomination for Kate Morley to continue hold the Chair for the Planning commission; you have done a great job Kate. Commissioner Callie Peek made the second. Each Commissioner concurred that Kate had done a great job and would like her to continue.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Chair Kate Morley, accepted the nomination, and the Motion passed 5-0.

ITEM 8: **NOMINATION & ELECTION OF VICE CHAIR PERSON** – The Commission will accept nominations for Vice-Chairperson for 2022 and hold election.

MOTION: Commissioner Lanie Somers made the nomination for Todd Vogel to continue to hold the Vice Chair position. Commissioner Scott Kemp made the second.

Each commissioner thanked Commissioner Vogel for the great job he has done.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Vice Chair, Todd Vogel, accepted the nomination, and the Motion passed 5-0, at 10:14 a.m.

ITEM 9: **CONDITIONAL USE PERMIT-2021-09/COSO JUNCTION TRUCK STOP** - The applicant has applied for a CUP to continue to operate a non-conforming truck stop at the property located at 20 Gills Station Road, at Coso Junction. The truck stop has been

operating at the site for many years. The applicant has demolished the gas station and store to rebuild a larger facility with a store and food outlets. The truck parking area is also being expanded on the site and will allow for overnight parking. This project is exempt from the provisions of the California Environmental Quality Act (CEQA).

Cathreen Richards, Planning Director gave staff report.

Chair Morley asked if big rigs had been parking there already during the night. About how many were parking there on any given night? Are we talking about 5 or 10? Is this going to be a big improvement?

Cathreen Richards, Planning Director answered that this will be an increase primarily because we have an identified it as a truck stop. I think the applicant told me that there were up to 10, maybe sometimes 15, but nothing to the degree of what they are proposing here, which is why they need the Conditional Use Permit for it to become a truck stop.

Commissioner Todd Vogel asked what is the non-conforming use.

Cathreen Richards, Planning Director answered the truck stop. The C2 zone allowed the mini-mart and the gas station, but not the truck stop. They were running a small truck stop. We could have said that they are starting a truck stop, but he has been doing this for a long time so this will make them conform to code.

Commissioner Todd Vogel asked if this was out of sequence from the way things are usually done.

Cathreen Richards, Planning Director answered yes, there was a bit of a snafu on this permit, one of the planners on staff approved this building permit without realizing that there was an expansion of services here. It was presented as a replace and repair, upon further review, and actually the building department caught it, that this was much more than that. So we had to call the applicant and explain that they needed a conditional use permit since they are expanding this project to the scale it is. That is why this is going a bit in the wrong direction.

Commissioner Todd Vogel thanked Director Richards for explaining that.

Chair Morley opened the Public Comment Period at 10:26 a.m.

With no one else wishing to speak Chair Morley closed public comment at 10:26 a.m.

MOTION: Commissioner Todd Vogel made a motion to approve CUP-2021-09/Coso Junction Truck Stop subject to findings 1-7 and conditions 1-4 as in the staff report and find the project is exempt of CEQA. Commissioner Callie Peek made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:27 a.m.

ITEM 10: **VARIANCE-2021-05/NANO FARMS CANNABIS** - The applicant has applied for a fence height variance for up to 10-feet on a property zoned Open Space (OS) that is located at 377 Rosemary Lane, in the community of Sandy Valley. The applicant is requesting the fence height variance to provide extra security for a cannabis cultivation business located on the property. This project is exempt from the provisions of the California Environmental Quality Act (CEQA).

Cathreen Richards, Planning Director gave the staff report.

Commissioner Todd Vogel asked if the properties to the east are developed at all.

Cathreen Richards, Planning Director replied, I don't think so, if anything there might be a single family home pretty distant from that, if I recall correctly, or would any of the proponents like to comment on that?

Essra Karamitros from Geode Environmental answered: so, the four parcels to the east are not developed, it is just outside of that there is a residential lot. To the south there is another agriculture area that is non-cannabis, I believe they are cultivating alpha. To the west is the Bureau of Land Management, and to the north I also believe it is public and I believe it is BLM Land.

Chair Morley opened the Public Comment Period at 10:35 a.m.

Essra from Geode Environmental stated she would like to reiterate that Sandy Valley is a sparsely populated area. There are facilities like meth labs or what not, but it would warrant wanting to have higher security fences due to the sensitive nature of what the facility is producing and it would be prudent to have more robust security on site. I just wanted to reiterate that and explain why we are proposing a higher fenced area, thank you.

With no one else wishing to speak the public comment period closed at 10:36 a.m.

Commissioner Todd Vogel said he was still curious about the fence, Essra could you tell me a little more about the fence?

Essra from Geode Environmental answered it is a very basic perimeter chain link fence, in compliance with US Fish and Wildlife for the protocols for the federally protected Desert Tortoise, since there is desert tortoise exclusionary fencing at the bottom that is subterranean. Also at the top there will be barbed wire.

Commissioner Lanie Sommers made a motion to approve CUP-2021-05/Nano Farms findings 1-7 and conditions of approval 1-2. Scott Kemp made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:40 a.m.

COMMISSIONERS' REPORT/COMMENTS –

Commissioner Lanie Somers stated she was curious with what had happened at the Appeal of the Cannabis project.

Commissioner Todd Vogel agreed he would like to know what happened with Shade Grown Farms.

Cathreen Richards, Planning Director, explained that an appeal was filed with the Board of Supervisors, just as I had informed you. Tyson Sparrow was out with some health issues, so we postponed it until he could be there. So it has been rescheduled for February 8 and timed for 1:00 p.m. That appeal will be going to the Board of Supervisors and staff will be recommending that they uphold your decision to revoke and deny the appeal. If any of you would like to join the appeal you are more than welcome, but again that is up to you.

Commissioner Todd Vogel said at the last meeting I raised a question about the airport and the airport noise. Ashley Helms followed up within 24 hours and contacted me about the airport. I had a conversation with her and that was all fine. There were three people that came to me about the noise. One of them happened to be my wife. Three days later, I heard Todd Vogel's anti-airport, so I want to be clear I am not anti-airport, and I was asking these questions because they had been brought to me.

Cathreen Richards, Planning Director, we do still have that option to put it on the agenda and discuss if you would like to. I contacted Ashley and had her contact you, it sounded like you two had talked it through, but that option is still open, if you do just let me know.

Commissioner Todd Vogel said it is not a pressing issue but, when we first discussed it, we discussed the flight patterns in the area. The fact is they do fly over our town. That seems to be inconsistent with what I understood based on the conversations we had at that meeting. One of the things that I got out of Ashley and I's conversation is when there is weather and typically a north wind, then they will come over town and come in and land from the south. This is basically a daily occurrence. I don't know how many people this is a concern to but the fact is the flight path is right over Bishop.

Commissioner Callie Peek said she knows the family that has a lease in the area and they actually live there on the leased land, it is west of the airport, they said that they haven't even noticed that there are more airplanes, or jets flying over. We practice roping at their place and we had two jets land and there was less noise than when the fire helicopters are landing at the airport because they circle over the arena first before they land. I think the people just want something to complain about. It is something new in Bishop and we all

know how residents of the Owens Valley just hate change. I haven't heard anything negative.

Commissioner Todd Vogel said Ashley seemed to think that the overall aircraft use would actually go down cause there will be less military use at the facility. What I think is in the spring when the flights will end then we just have a follow up, with what has and has not been working out there.

Chair Morley agreed, and said she thinks that is a valid discussion to have after the flights have been running a few months, this spring when they pause. I would be very happy to support that discussion.

Commissioner Lanie Somers agreed as well.

DIRECTOR'S REPORT –

Cathreen Richards, Planning Director, said then we will set up a meeting in April or May to have Ashley come back and talk about how things are going with the airport, or whoever else would want to join her, and you can all ask questions about what has happened, so I will set that up for the spring. The only other thing I wanted to say is we will have a February 23 regularly scheduled planning commission meeting, and we will have at least one item on the agenda, maybe two.

Commissioner Lanie Somers wanted to thank Grace for all of her work with the Planning Commission, and are you leaving Inyo, or transferring that was not clear.

Grace Chuchla answered no I will still be around, Christie is our new hire at the County Counsel's office, she came in because Marshall retired and now we are shuffling around our duties to better distribute the work, so we decided she would take Planning. Christie has extensive experience with the Planning Department in Mono County where she came from that is sort of her specialty so we thought it would be good for her to continue with that.

Chair Morley said with that lets put the meeting on recess, and go to closed session.

Cathreen Richards, Planning Director, asked Grace if she should stop the zoom recording.

Grace Chuchla answered no; leave the blank screen in case the public would like to join the meeting. Then when we finish closed session we will come back and report on closed session.

CLOSED

SESSION: Conference with Legal Counsel – Started at 10:42 a.m. This is a private meeting with a separate Zoom link.

Closed Session ended at 11:45 a.m.

OPEN

SESSION: Report on Closed Session as required by law.

Grace Chuchla, County Counsel stated that there is nothing to report from Closed Session.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 11:47 a.m. The next meeting will be February 23, at 10:00 a.m. and will still be in Zoom format until directed otherwise.

Commissioner Callie Peek made the final motion to close the meeting.

Seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Motion passed 5-0.

Prepared by:
Paula Riesen
Inyo County Planning Department

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF February 23, 2022 MEETING

COMMISSIONERS:

LANIE SOMERS
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE)
FOURTH DISTRICT
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LESLIE CHAPMAN
MIKE ERRANTE

PLANNING DIRECTOR
ASSISTANT COUNTY COUNSEL
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, February 23, 2022, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:02 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:02 a.m.

ITEM 2: **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Scott Kemp, Callie Peek and Lanie Somers were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, and Christian Milovich, Assistant County Counsel.

Staff absent: Leslie Chapman, County Administrator; Michael Errante, Public Works Director.

ITEM 3: **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Chair Morley opened the Public Comment Period at 10:04 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:04 a.m.

ITEM 4: **CONSIDERATION OF A RESOLUTION** - The Planning Commission to meet remotely pursuant to AB 361.

Cathreen Richards made a brief statement about how the Board is going back to in person meeting March 1st and so the Planning Commission should do the same for the next meeting in March. She thinks we should approve the AB 361 resolution, though, since the Covid rules keep changing. .

MOTION: Commissioner Scott Kemp made the motion to approve the minutes, was seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:07 a.m.

ITEM 5: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the December 01, 2021 meeting of the Planning Commission.

MOTION: Commissioner Scott Kemp made motion to approve; the motion was seconded by Commissioner Callie Peek.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Commissioner Morley – Yes
Commissioner Vogel – Abstain
Commissioner Kemp – Yes
Commissioner Peek – Yes
Commissioner Somers - Abstain

The Motion passed 3-0 with two Abstentions at 10:08 a.m.

ITEM 6: **VARIANCE 2022-01/CASSELL** - The applicant Aaron Cassell has applied for a variance to remodel an existing garage into a single family residence for a property zoned Rural Residential (RR) that is located at 1520 Indian Springs Drive in the community of Lone Pine. The side setback requirement is 20-feet and the applicant is asking for a 5’2” encroachment. This project is Exempt under CEQA.

Cathreen Richards, Planning Director gave the staff report. She explained that she had received one comment from Judy Wickman, saying she had no objections to the project. Ms. Wickman also asked this question. “Are ADU’s allowed on 1.13 acre lots?” Director Richards answered ADU’s are allowed on any residential property, with no exceptions per state law. If you have any residential zoning anywhere in the state you are allowed an ADU. They do have some parameters, such as they have to be 1,200 square feet or less.

Commissioner Lanie Somers had a question, a lot of developments have CC&R’s does that ADU rule override that CC&R’s?

Cathreen Richards, Planning Director answered yes it actually does. The new laws preclude the CC&R's.

Chair Morley asked if there was any feedback with the adjacent property owners. It looks like the new dwelling will abut to the property line next to another large dwelling.

Cathreen Richards, Planning Director answered we only had the one comment and that is not the neighbor right next door. There is actually more distance there than it looks in that aerial photograph I believe there was a total of 60 feet between the two dwellings even with the encroachment into the set back. The normal setback would be twenty and twenty, so they are clearly beyond the required distance of two setbacks although the setback on the proposed project will not be met. I know the photo looks like it is right on top of it. Unfortunately, the aerial photos in our parcel layer doesn't always line up correctly in fact most of the time they don't, so it looks worse than it is.

Chair Morley opened the Public Comment Period at 10:17 a.m.

With no one wishing to speak, Chair Morley closed the public comment period at 10:18 a.m.

MOTION: Commissioner Todd Vogel made a motion to approve VAR-2022-01/Cassell subject to findings 1-7 and conditions 1-2 as in the staff report and find the project is Exempt under CEQA. Commissioner Lanie Somers made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:19 a.m.

COMMISSIONERS' REPORT/COMMENTS –

None.

DIRECTOR'S REPORT –

Planning Director Cathreen Richards reported that we are going to try and meet in person next month be prepared to come on down to Independence. Secondly, I just wanted to let you know that the board denied the appeal for Shade Grown Farms that is the one out in Stewart Valley, they have affectively lost their condition use permit. Radcliff mine appeal went to the Board yesterday they did approve the appeal so Radcliff does get to keep their conditional use permit for now, but we will be keeping an eye on them. I just wanted to report back to you and let you know what happened.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 10:25 a.m. The next meeting will be March 23, 2022, at 10:00 a.m.

Motion by Commissioner Scott Kemp.

Seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Motion passed 5-0.

Prepared by:
Paula Riesen
Inyo County Planning Department



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AGENDA ITEM NO.: 7 (Action Item)

PLANNING COMMISSION MEETING DATE: March 23, 2022

SUBJECT: Consideration of the adoption of a resolution regarding virtual meetings for the protection of public health pursuant to AB 361

BACKGROUND/HISTORY:

Since March 2020, legislative bodies in California have been permitted to meet virtually without following certain requirements of the Brown Act due to an executive order from Governor Newsom. That executive order expired on September 30, 2021, and in its place, the Governor has signed AB 361, which modifies the Brown Act in a manner to permit continued virtual meetings in certain circumstances.

ANALYSIS/DISCUSSION:

In order to meet virtually under AB 361, certain requirements must be met. These requirements are:

1. The Governor has declared a state of emergency;
2. Local officials have recommended social distancing recommendations or the legislative body itself makes a finding that meeting remotely is necessary for health reasons; and,
3. The legislative body makes a finding every 30-days that they have assessed the situation and still determine remote meetings to be necessary.

Currently, Inyo County meets the requirements for the Planning Commission to hold virtual meetings. There is a declared state of emergency at the state level related to COVID-19. Also, the health officer for Inyo County has recommended social distancing. A resolution is being presented today so that the Commission may consider continuing virtual meetings for Planning Commission meetings.

Attachments:

- Draft Resolution
- Memo from Dr. James Richardson

AB 361-Resolution # 2022-03

RESOLUTION NO. 2022-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF INYO
REGARDING THE NEED FOR CONTINUED VIRTUAL MEETINGS TO
PROTECT PUBLIC HEALTH**

WHEREAS, the COVID-19 pandemic continues to threaten the health and safety of communities within Inyo County's jurisdiction since its inception in March 2020; and

WHEREAS, Governor Newsom has declared a state of emergency related to the COVID-19 pandemic; and

WHEREAS, the Health Officer for Inyo County has recommended social distancing and continued virtual meetings as a means to limit the spread of COVID-19, particularly the highly contagious Delta variant. These recommendations are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of Inyo that:

1. The Commission has considered the circumstances of the state of emergency related to COVID-19 and declared by Governor Newsom.
2. The Commission finds that the above-mentioned state of emergency directly impacts the ability of the Planning Commission to meet safely in person because in person meetings, particularly with the public present, increase the likelihood that COVID-19 will be transmitted throughout the community.
3. Local officials-specifically the Health Officer of Inyo County-continue to recommend measures to promote social distancing.

PASSED AND ADOPTED this 23rd day of March, 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kate Morley
Chairperson

ATTEST: _____
Cathreen Richards, Planning Director

Paula Riesen, Secretary



County of Inyo

HEALTH & HUMAN SERVICES DEPARTMENT

*Public Health, Suite 203-C
1360 N. Main Street, Bishop CA 93514
TEL: (760) 873-7868 FAX: (760) 873-7800*

*Marilyn Mann, Director
mmann@inyocounty.us*

Date: September 23, 2021

To: Inyo County Local Agency Governing Bodies

From: Dr. James Richardson, Inyo County Public Health Officer

Re: Continued Recommendation Re Social Distancing and Remote Meetings

In order to help minimize the spread of COVID-19, I recommend that physical/social distancing measures continue to be practiced throughout our Inyo County communities, including at public meetings of the Board of Supervisors and other public agencies. Individuals continue to contract COVID-19 and spread the infection throughout our communities. Social distancing, masking, and vaccination are crucial mitigation measures to prevent the disease's spread. Remote public agency meetings allow for the participation of the community, agency staff, presenters, and board members in a safe environment, with no risk of contagion. As such, and since this disease negatively and directly impacts the ability of public agencies to conduct public meetings safely in person, it is my recommendation that local public agencies conduct their public meetings remotely.

This recommendation will remain in place until further notice.

Dr. James A. Richardson
Inyo County Health Officer

D



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

PLANNING COMMISSION MEETING DATE: March 23, 2022

SUBJECT: Amendment to Conditional Use Permit (CUP) 85-7 Brown's Supply

EXECUTIVE SUMMARY

The applicant has applied for an amendment to their original CUP to expand the area of their salvage yard located on land leased by LADWP. The applicant has an existing 4.87-acre decomposed granite (DG) that the salvage yard has encroached upon. This amendment would bring the existing nonconforming salvage yard into compliance, allowing the entire 18.37-acre property to be used as a salvage yard, and change the end use for the 4.87-acre DG pit to be part of the salvage yard. If the amendment to the CUP is approved, the applicant will be applying for an amendment to the reclamation plan since this area has been mined out of material. The Surface Mining and Reclamation Act and County code require the reclamation plan to be amended for a successful change in end use and closure of the pit.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Brown's Supply (Douglas A Brown)

Property Owner: Los Angeles Department of Water and Power

Site Address: 2372 Sunland Drive, Bishop, CA 93514

Community: Bishop, CA

A.P.N.: 13-020-07-03

General Plan: Public Facilities (PF)

Zoning: Open Space- 40 Acre Minimum (OS-40)

Size of Parcel: 18.37-acre lease of the larger 651-acre parcel

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Salvage Yard	Public Service Facilities (PF) and General Industrial (GI)	Open Space – 40-acre minimum (OS-40) and Public (P)
North	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40) and Public (P)
East	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
South	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
West	Vacant/Open Space/Borrow Pit	Natural Resources (NR)	Open Space – 40-acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Amendment to Conditional Use Permit (CUP) 1985-7 Brown’s Supply, with the Findings and Conditions as identified in the Staff Report and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the Amendment to 1985-7 Brown’s Supply.
- 2.) Approve the Amendment to 1985-7 Brown’s Supply with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Smith-Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for an amendment to CUP -1985-7 to expand the area of their existing salvage yard located on land leased by DWP. The original CUP allowed for a 4.6-acre salvage yard, which is adjacent to a 4.87-acre decomposed granite borrow pit approved under CUP 1994-2. The proposed amendment would expand the salvage yard use to the entire 18.37-acre leased area and change the end use of the borrow pit area to a salvage yard. The 4.87-acre DG pit has been unofficially reclaimed and is currently being used for salvage, storage and metal recycling operations, therefore, the proposed amendment would bring the existing land use into conformance with Inyo County Zoning Code. LADWP, the property owner, has indicated this amendment is "minor," and has submitted a letter in support of this amendment.

If the amendment to the CUP is approved, the applicant will be applying for another amendment, which would be to their reclamation plan, 1994-2. It is associated with CUP 1994-2, and would be to remove the 4.87-acres from the mining permit and change the end use to a salvage yard.

Vicinity Map



Project Area

0 0.5 1 Miles

Site Map



- Originally Permitted Salvage Yard- 4.6 Acres
- Decomposed Granite Borrow Pit- 4.87 Acres
- Leased Area- 18.37 Acres

0 100 200 Feet

The proposed amendment to CUP 1985-7 would bring the existing use into compliance by allowing the full leased area to be used as a salvage yard.

General Plan Consistency

The goal of this project is to allow for an existing non-conforming use on the site to continue in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Public Service Facilities (PF), as it allows for solid waste facilities, which includes salvage yards.

Zoning Ordinance Consistency

The Open Space zoning designation allows public and commercial refuse disposal sites with a conditional use permit. Brown's supply is the only licensed salvage yard in Northern Inyo County and has been operational for over 25 years and currently holds

salvage contracts with local government entities. The applicant is applying for an amendment to bring an existing non-conforming use on the site into compliance with County's zoning ordinance.

NOTICING & REVIEW The amendment for CUP 1985-7/Brown's has been reviewed by the appropriate county departments and LADWP. The applicant is currently working with Environmental Health staff to obtain certifications necessary to operate as a salvage yard. The amendment is being conditioned with meeting all state permits and certifications necessary to operate.

ENVIRONMENTAL REVIEW

The amendment to Conditional Use Permit 85-7 is Categorically Exempt under CEQA Guidelines 153021, Existing Facilities – Class 1. 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 amendment is being applied for to permit the additional area of operation to an existing salvage yard. No new construction is being proposed at this time; the site is already completely disturbed, and in use as a salvage yard; and therefore, the project is exempt.

RECOMMENDATION

Planning Department staff recommends the approval of Amendment to Conditional Use Permit No. 1985-7/ Brown with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: Class 1 consists of the permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The amendment is being applied for to permit the operation of an existing salvage yard. No new construction is being proposed at this time, ; the site is already completely disturbed, and in use as a salvage yard; and therefore, the project is exempt.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of (PF).

[Evidence: The goal of this project is to allow for an existing non-conforming use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Public Service Facilities (PF), as it allows for solid waste facilities, which includes salvage yards.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Code designation of OS.
[Evidence: The Open Space zoning designation allows public and commercial refuse disposal sites with a CUP. The salvage yard is invaluable to Northern Inyo County and has been operational for over 25 years. The applicant is applying for an amendment to bring an existing non-conforming use on the site into compliance with County's zoning ordinance.]

4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The entire 18.37-acre lease is currently being used as a salvage yard and the proposed amendment would bring the existing land use into conformance with Inyo County Zoning Code.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed amendment is to make an existing land use compliant with the County's Zoning Code. It will not substantially add to the current level of use of the site or the type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed Conditional Use Permit 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 amendment is being proposed to make an existing land use compliant with 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 Conditional Use Permit for the site.
[Evidence: The use of the leased land as a salvage yard requires a CUP per Inyo County Code Section 18.12.040; therefore, 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 the amendments made herein to Conditional Use Permit No. 1985-7/Brown. 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. Failure to do so may result in the revocation of the CUP. If the use provided by

this conditional use permit is not established within one year of the approval date it the Conditional Use permit shall become void.

3. Compliance of Lease Agreement

The applicant shall obtain and adhere to the requirements of Los Angeles Department of Water & Power Lease Agreement. LADWP will enforce all conditions in the lease and notify Inyo County any violation of the lease. The applicant shall provide the county any updated lease agreements within 30 days of being executed. Failure to comply may cause revocation of 1985-7/ Brown.

4. Permits and or Certification Requirements.

The applicant shall maintain all state permits or certifications necessary to operate as a salvage yard. The applicant shall work with the Environmental Health Department to ensure all State and County requirements have been met. Failure to comply may cause revocation of 1985-7/ Brown.



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AGENDA ITEM NO.: 9 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: March 23, 2022

SUBJECT: Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; Variance 2021-08/ Glacier Fed Farms

EXECUTIVE SUMMARY

The applicant is requesting a CUP for the cultivation of 5,000-square-foot or less of cannabis. The project includes growing and drying cannabis on a 12-acre parcel located at 3080 Glacier Lodge Road near the community of Big Pine. The applicant has concurrently applied for 2 variances. One for a side yard setback encroachment of 200-feet on the west side of the property and the other for a fence height variance for up to 8-feet for security.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Glacier Fed Farms, Jennifer Weston, 3080 Glacier Lodge Road, Big Pine, CA

Property Owner: Jennifer Weston, PO Box 816, Big Pine, CA 93515

Site Address: 3080 Glacier Lodge Road, Big Pine, CA

Community: Big Pine

A.P.N.: 018-280-18; 018-280-27; 018-280-20

General Plan: Residential Rural Medium Density (RRM)

Zoning: Rural Residential (RR-2.5)

Size of Parcel: 12.08 (parcel merger in process)

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Private Residence/ Agriculture	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
North	Vacant / Forest Service	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
East	Private Residence	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
South	Vacant / Forest Service	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
West	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 5-acre minimum (RR-5)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/Glacier Fed Farms, setback; Variance 2021-08/ Glacier Fed Farms, fence height; and, certify the project as a Mitigated Negative Declaration under CEQA.**

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant is requesting a CUP and 2 VAR to operate a cannabis cultivation business located at 3080 Glacier Lodge Road near the community of Big Pine (map and site plan attached). The property is zoned RR-2.5, which allows for cannabis cultivation with a CUP, and is located in a fairly remote area of the County surrounded by recreation opportunities, vacation homes and open space uses.

The project proposal includes approximately 5,000-square-feet of cannabis cultivation in an existing high tunnel, hoop/greenhouse on about a 12-acre parcel. This property has previously been used to grow organic vegetables, commercial trees and hay. There is a single family home, and a small airstrip located on the property, as well. No new construction is proposed on the property as part of this permit request.

The project will utilize existing roadways, parking areas, irrigation systems and other related infrastructure on the property that have historically been used for agricultural production including the tree farm, hay and organic vegetable production. An existing driveway with a bridge that crosses over Big Pine creek will also be used to access the cultivation site. There will be no changes to existing internal roads or access roads to the property or to parking and loading areas.

Cultivation will occur in a single grow cycle from mid-May to October (Cultivation Plan attached). Due to the project's unique location, strains that mature early, due to a shortened growing season, will be used. The applicant will adhere to strict organic growing methods and aspires to be a 'Green' cannabis grower. Irrigation and fertilization of plants will occur using top-feed hand watering and/or drip irrigation methods that will eliminate the chance of run off. The cannabis plants will be grown in large fabric pots placed inside the greenhouse. Once the cannabis is harvested an area within the approved cannabis cultivation area will be used to erect a temporary, fabric, climate controlled, tent where it will be dried for about one to two weeks. Once the cannabis is dried a licensed distributor/processor will be hired to transport the cannabis and perform the trimming, curing, grading and packaging. On site employees beyond the owner and general management team will consist of 2 seasonal workers.

An existing Riparian Water right and existing Statement of Water and Diversion Use, which has been in place since 1974, will be updated and utilized to provide water to the project. No changes to the existing water usage on the property are proposed. Current Supplemental Statements of Water and Diversion and Use are on file with the State of California Water Resources Control Board that reports the water usage for the irrigation of over 6 acres. The proposed cannabis project will result in a reduction of this current water usage and the applicant is in the process of updating all water related permits with the California Department of Fish and Wildlife (CDFW) and the California State Water Board (Lahonton).

Lahonton applications consist of a registration to enroll in the Cannabis General Order and to get a notice of applicability Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The portal determined the project was eligible as a Tier 1 - Low Risk Project. The second application submitted was a Cannabis Small Use Irrigation Use Registration. This application was submitted in order to use the existing riparian water right for cannabis cultivation. In addition, Glacier Fed Farms registered to use an existing instream reservoir to comply with cannabis water storage requirements. The original statement of diversion and use for the Riparian Water Right used for a present fish pond is still in existence as an on-stream storage reservoir with a capacity of 1.98 acre feet that Glacier Fed Farms intends to utilize in order to comply with the cannabis off season diversion exemptions for cannabis cultivation. As a result, Glacier Fed farms will not need any changes to the way that water has been used or diverted on the property since 1974. The project is being conditioned with the applicant obtaining all required permits from CDFW and Lahonton, as well as, an Inyo County Cannabis Business License, which also requires State permitting regarding water and waste water.

General Plan Consistency

The goal of this project is to allow for a cannabis cultivation operation of up to 5,000-square-feet. The project is consistent with the General Plan designation of RRM as it still provides for large lot rural residential along with an agriculture type use. The RRM General Plan designation is compatible with the existing RR zoning designation. It is also compatible with the General Plan's Goal: Agriculture (AG) 1.0: *Provide and maintain a viable and diverse agriculture industry in Inyo County*. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture land use type than currently exists in the County.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation with a CUP and is required to meet a 300-foot setback requirement. The RR zone, within its purpose statement, states in part: *It is the intent and purpose of this chapter to provide suitable areas and appropriate environments for low density, single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels*. This project will bring more agriculture land use type activities to the county while maintaining a large lot single family home use on the property.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; and Variance 2021-08/ Glacier Fed Farms are a Mitigated Negative Declaration under CEQA. Although this project only includes 5,000-square-feet of a 12-acre parcel and this area is already disturbed by a similar uses, it incorporates several mitigation measures (listed below) as conditions of approval for the CUP.

TRIBAL CONSULTATION

In compliance with AB 52, and Public Resource Code Section 21080.3.1(b), Tribes identified as being local to Inyo County, were notified via a certified letter on December 27, 2021 about the project and the opportunity for consultation on this project. The Tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, Cabazon Band of the Mission Indians, the Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, the Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

The Big Pine Paiute Tribe of the Owens Valley requested consultation on the project and were primarily concerned with potential runoff from the cultivation site to Big Pine Creek. Consultation was held with Tribal representatives, the County Consultation Committee, staff and the applicant on January 26, 2022. Runoff and water monitoring were discussed in detail. The project is being conditioned with the applicant providing a monitoring program for Big Pine Creek based on the Tribe's input. The Tribe did not request further consultation.

NOTICING & REVIEW

The application for Conditional Use Permit 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; and Variance 2021-08/ Glacier Fed Farms have been reviewed by the following County departments: Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission. The Environmental Health Department mentioned that if more than 5 service connections are made to their water system they are considered a State Small Water System and the applicant will need to apply for the appropriate permits. This is not necessary for the project as applied for.

Public review of the CEQA document was noticed in the Inyo Register and submitted to the CEQA Clearinghouse on December 14, 2021. Due to the Tribal notifications (sent February 5, 2021) being prepared incorrectly pursuant to AB52, an additional 30-day consultation invitation period was initiated with new letters on December 27, 2021. Subsequently, a recirculated ISMND was reposted with the County Recorder on January 27, 2022 for a 21-day review period ending February 17, 2022. Comments were received from CDFW and the California Department of Cannabis Control (DCC). The DCC provided no substantive comments. CDFW provided substantive and non-substantive comments related to potential habitat, water use, run off, lighting and etc. Substantive comments from CDFW have been addressed and incorporated into the Conditions of Approval for this CUP. The Big Pine Paiute Tribe of the Owens Valley also provided comments regarding potential runoff to Big Pine Creek. A condition has been added to the project addressing a monitoring program for the Creek.

The public hearing date for this project was noticed on March 12, 2022 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

No comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; Variance 2021-08/ Glacier Fed Farms, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed CUP is a Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 14, 2022 and as described above, an additional 21-day period comment period ended on February 17, 2022. Substantive comments were received by CDFW. Conditions have been added to the project addressing CDFW's substantive comments causing the project to have less than significant impacts.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of RRM.
[Evidence: The goal of this project is to allow for a cannabis cultivation operation. The project is consistent with the General Plan designation of RRM as it provides for large lot rural residential along with an agriculture type use. The RRM General Plan designation is compatible with the existing rural residential zoning designation. It is also compatible with the General Plan's Goal: Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture land use type than currently exists in the County.]
3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the RR zone.
[Evidence: The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation with a CUP and is required to meet a 300-foot setback requirement. The RR zone, within its purpose statement, states in part: It is the intent and purpose of this chapter to provide suitable areas and appropriate environments for low density, single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project will bring more agriculture land use type activities to the county while maintaining a low density, single family home, use on the property.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0 states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis to sell. This activity is consistent with Goal AG 1.0 as it provides for a more diverse agriculture industry than is currently present in the County, which is desirable as evidenced by the County's General Plan.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for agricultural type of use. The cannabis cultivation would replace historic agricultural uses (organic vegetables, trees and hay). It is related to the rural, open space, nature of the area and will not cause impacts on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit 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 proposed CUP is to allow for cannabis cultivation. This agricultural land use type will not change or increase the current level or general

type of allowed uses in the Glacier Lodge area. A security plan for Glacier Fed Farms will be required for the cannabis business license that will be reviewed by the Sheriff's Department; therefore, it will not be allowed to 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 Conditional Use Permit for the site.
[Evidence: Cannabis cultivation activities require a conditional use permit per Inyo County Code Section 18.45.030(P) and is therefore necessary for the operation of The Tree Farm.]

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.

Findings – Variance 2021-03 – Setback Encroachment

Staff has reviewed the application and can find that all seven of the required Findings can be affirmed:

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: Inyo County Code (ICC) 18.12.040 (N) requires 300-foot front, rear and side yard setbacks for cannabis cultivation. Due to the current conditions and general configuration of the proposed project site, this setback requirement is not attainable. The property is oddly shaped creating a situation where it is impossible to meet the setback requirements while staying in the area previously disrupted by historic farming practices. The applicant will only grow cannabis in the area already disturbed by the historic farming on the property. Land within the County that is designated RR is designated for combined agriculture and residential uses. Most of these uses are not for commercial cannabis and are not quite as remote as this location, nor are they replacing historic agriculture uses. These factors are unique with regard to the RR zone, and warrant the applicant’s need for setback encroachments.)
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
(Affirmative – Evidence: Allowing for the encroachments into the setbacks keeps the cannabis cultivation within the existing foot print of historic agriculture disturbance. The property is located in a fairly remote area and surrounded by scattered vacation homes and vacant land. Allowing the encroachments into the setbacks is not allowing for activities that are detrimental or injurious to either public welfare or other properties in the vicinity as it is sparsely populated and primarily undeveloped.)
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 encroachments into the required side-yard setback is being requested so the applicant grow organic cannabis. The strict application of the 300-foot setbacks would essentially stop the project. Granting a variance for the encroachments would still allow for the general purposes of Title 18.21 of the Zoning Code to be fulfilled, as the RR zone encourages agriculture and large lot single family home uses together; it allows for orchards, field crops, nurseries and gardens etc.; and, it allows for commercial cannabis cultivation as a conditional use; therefore, the setback encroachment will not affect the general purposes of 18.21.)

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: The proposed cannabis cultivation project is located in the RR zone. Commercial cannabis cultivation is an allowed conditional use in the RR zone. The variance will allow for an encroachment into a side yard setback on the west side of the property, but will not create additional disturbance or an expansion of area that was historically used for farming. Any person with property in the RR zone can apply for the same use and the same variance. For these reasons, the requested variance to encroach into the yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the continued use of the property for a type of agriculture use.)
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 a side yard setback requirement. The proposed commercial cannabis cultivation use is permitted as a conditional use in the RR Zone.)
6. The proposed variance is consistent with the Inyo County General Plan
(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan designation of RRM as it provides for large lot rural residential. The RRM General Plan designation is compatible with the existing rural residential zoning designation. The project also promotes Goal AG 1.0 that states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis, which is consistent with both Goal 1.0 as it diversifies and maintains agriculture type production in the County.)
7. The requirements of the California Environmental Quality Act have been met.
(Affirmative – Evidence: The requested variance is being considered along with Conditional Use Permit 2021-03/Glacier Fed Farms and has been determined to be a Mitigated Negative Declaration under CEQA.)

Findings – Variance 2021-08 – Fence Height

Staff has reviewed the application and can find that all seven of the required Findings can be affirmed.

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: Inyo County Code (ICC) 18.78.160 limits the height of fences, walls and hedges to 6-feet for the rear and side yards and 3.5-feet for the front. Due to the nature of the activities the applicant will be conducting at the

site (cannabis cultivation), there will be a need for extra security. Land within the County that is designated RR is sparsely populated. Some has agriculture and residential uses. Although, these uses can include valuable assets on some land, especially agriculture equipment, the proposed cannabis cultivation has a higher likelihood of theft than most other agriculture type activities. This factor at this location is unique, and warrants the applicants need for a higher, and therefore, more effective fence for security purposes.)

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

(Affirmative – Evidence: A higher fence would be more likely to lessen the potential detriment to the public welfare, as it will provide for a safer cannabis cultivation site, and a safer situation for the other properties in the area. The higher fence will likely detour theft, and as such, the current variance request to allow up to an 8-foot fence is not allowing for activities that are detrimental or injurious to either public welfare or other properties 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.

(Affirmative – Evidence: The proposed fence height variance is being requested to keep the project site safe from trespass and detour theft. The proposed project area is in a somewhat remote location. The location makes safety and security issues more difficult to address as there are fewer eyes on the property. The strict application of a 6-foot and 3.5-foot fence height could create difficulties/hardships for the applicant in keeping the area safe from trespass and free from theft. Granting a variance for up to an 8-foot fence would still allow the general purposes of Title 18.78 of the Zoning Code to be fulfilled, as 18.78.170., allows for exceptions for protective fencing. Although 18.78.170 addresses public property and swimming pools, the intent is safety; and therefore, granting a variance for protective fencing is within the general purposes of this title.)

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: The project site is in a somewhat remote location and in the RR zoning designation. Cannabis Cultivation is an allowed conditional use in the RR zone. The variance will allow for a higher fence than is allowed by 18.78.160. Any person with property in the RR zone can apply for the same use and the same variance. 18.78.170., allows for exceptions for protective fencing and although 18.78.170 addresses public property and swimming pools, the intent is safety; and therefore, granting a variance for protective fencing is within the general purposes of title 18.78. For these reasons, the requested variance to allow an 8-foot fence cannot be said to constitute a grant of special privileges. It would, instead, allow the property owners the ability to provide for better safety

and security at their cannabis cultivation site, which benefits other properties in the vicinity.)

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 fence height requirements. The proposed cannabis cultivation is permitted as a conditional use in the RR Zone.)
6. The proposed variance is consistent with the Inyo County General Plan
(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan designation of RRM as it provides for large lot rural residential. The RRM General Plan designation is compatible with the existing Rural Residential zoning designation. The project also promotes Goal AG 1.0 that states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis, which is consistent with both Goal 1.0 as it diversifies and maintains an agriculture type use production in the County.)
7. The requirements of the California Environmental Quality Act have been met.
(Affirmative – Evidence: The requested variance is being considered along with Conditional Use Permit 2021-03/Glacier Fed Farms and has been determined to be a Mitigated Negative Declaration of Environmental Impact under CEQA.)

CONDITIONS OF APPROVAL

1. Hold Harmless

The owner/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 2021-03/Glacier Fed Farms. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The owner/developer shall conform to all applicable provisions of Inyo County Code and State regulations, including the California Building Code. Failure to comply may result in the revocation of CUP 2021-03/Glacier Fed Farms. If the use provided by this CUP is not established within one year of the approval date it will become void.

3. Lot Line Adjustment

The Applicant shall complete Parcel Merger 2021-02/Weston prior to project initiation. Failure to complete the Parcel Merger may result in revocation of CUP 2021-03/Glacier Fed Farms.

4. Big Pine Creek

The applicant shall conduct stream monitoring on Big Pine Creek consisting of a pre-grow water sample every year during the month of May (the first would also serve as a baseline) and another sample during the middle of the grow cycle during the month of August. The samples shall be sent to a qualifying lab for nitrogen testing and the results shall be sent to the Big Pine Paiute Tribe of the Owens Valley and the County Planning Department for review.

5. Air and Water

- **Air Quality:** The owner/developer will be required to follow best management practices to control for dust and odors. The owner or their agent shall consult with the Great Basin Air Pollution Control District to ensure potential dust and odors from cannabis cultivation do not impact surrounding properties.
- **Lahonton Water Board and Inyo County Environmental Health Department:** The owner/developer shall obtain all necessary permits and water entitlements, and shall follow all necessary requirements per the Lahonton Waterboard regarding water use. The applicant shall consult the Inyo County Environmental Health Department and the Lahonton Waterboard and provide evidence of their approval to the planning department prior to any ground breaking and/or building activities to ensure the septic system and existing wells are compliant with all State and County codes. The applicant shall also consult with the Inyo County Environmental Health Department and the Lahonton Water Board if any pesticides or fertilizers end up being used to ensure that storage and disposal conform with all State and County requirements.

6. California Department of Fish and Wildlife

A plant and wild life survey was conducted on the site by Team Engineering for the applicant. This survey was made available on the County webpage for review and the web address was included in the ISMND for people to find the survey. No special status plant or animal species were found during the survey; however, since there is potential habitat for certain special status species conditions of approval have been set forth as follows:

- **Nesting Birds**
Nesting Birds - A pre-project survey shall be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- **Special Status Plants**
A pre-project survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall

work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.

- Pesticide Plan

In the event synthetic pesticides are used in the future, the applicant shall develop a plan in accordance with the County Environmental Health Department and all State regulations with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings; (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams; (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation; (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers"; (5) Avoidance of sticky/glue traps; and (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Run-off

- Applicant shall actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into Big Pine Creek and the pond during Project activities.
 - The applicant shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to areas subject to Fish and Game Code section 1602. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves.
 - Applicant shall not allow water containing mud, silt, or other pollutants from Project activities to enter Big Pine Creek or the pond or be placed in locations that may be subjected to high storm flows.
 - Substances which could be hazardous to fish and wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering Big Pine Creek and the pond. These materials, placed within or where they may enter Big Pine Creek or the pond by the Applicant or any party working under contract or with the permission of Applicant, shall be removed immediately.

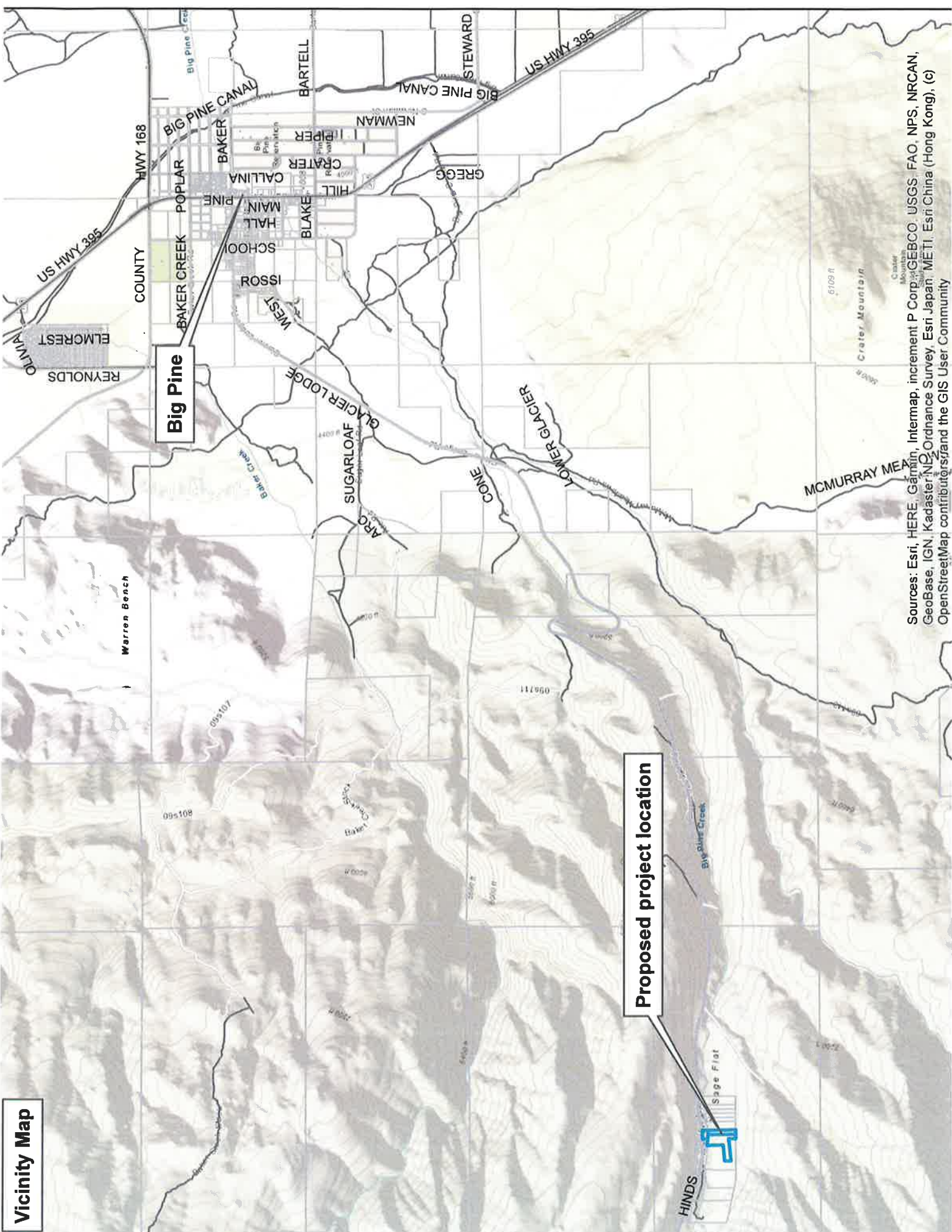
- Organic or earthen material from any Project activity or associated activity of any nature shall not be allowed to enter into or be placed where it may be washed by rainfall or runoff into Big Pine Creek or the pond. No rubbish shall be deposited within 150 feet of Big Pine Creek or the pond.

Artificial Light

- Light shall not be visible outside of any structure used for cannabis cultivation.

Noise

- Project construction shall not occur during the hours of dawn and dusk when many wildlife species are most active. To suppress Project noise, the Project shall implement the use of mufflers and all generators shall be enclosed.



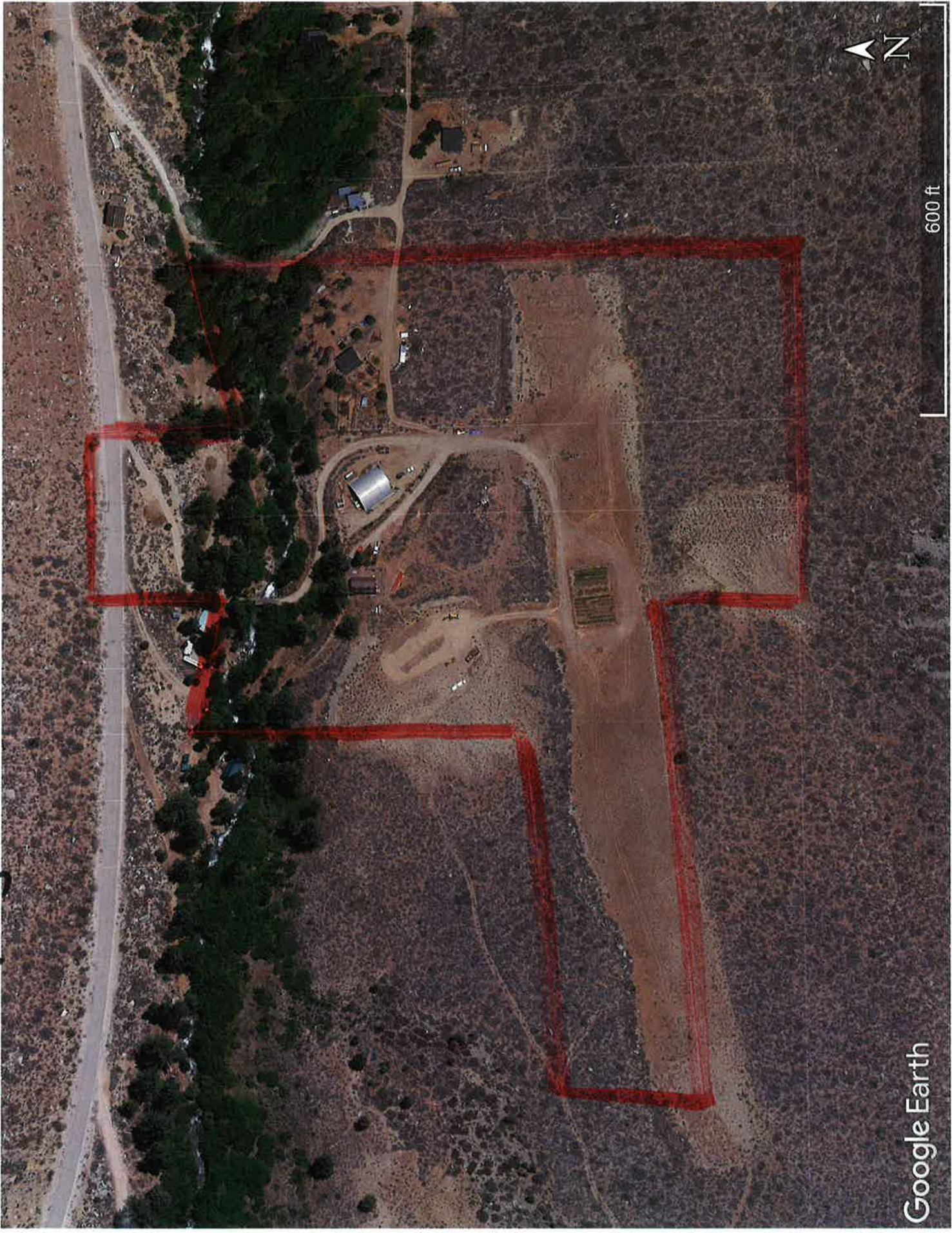
Vicinity Map

Big Pine

Proposed project location

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NZ, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

- Project Property



Google Earth

600 ft

GLACIER FED FARMS CULTIVATION PLAN

Existing Land Use and Surrounding Land Use

Glacier Fed Farms is located 8 miles above the town of Big Pine in a small rural residential neighborhood in Inyo County California. The majority of homes are vacation homes in this rural residential area due to the harsh winter environment and lack of public utilities.

The majority of the property boundaries are shared with vacant land. Approximately 264 feet of the property boundary borders US National Forest Land. 2,1445 feet of the property boundary borders a wide expanse of vacant land, with no homes. USFS lands are adjacent to the properties to the south and have rocky areas with sage brush. On the east side there are rural residential properties varying in size from 2.9 acres to 7.7 acres. On the north side is Glacier Lodge Road and rural residential properties approximately 0.8 acres in size. On the west side are rural residential properties varying in size from 19.8 acres to 12.3 acres. Vegetation, wildlife and other site conditions are similar to the subject site.

Three parcels will be merged together to form a rural residential parcel of 12.08 acres in order to qualify for commercial cannabis cultivation in Inyo County. There is currently a completed parcel merger application as well as a Conditional Use Permit for Cannabis Cultivation and Variance application on file with the Inyo County Planning Department. If the CUP is approved, the parcel merger will be approved in tandem. The owner does not seek to officially merge the parcel should the CUP not be issued.

Approximately 50 percent of the property has been previously developed with roads, two residential home sites, associated outbuildings and large graded areas previously used for pastures and flat graded areas previously used for livestock and horses. A riparian corridor exists along Big Pine Creek having willows, cottonwoods, birch and other plant species with a residence north of the creek. No further disturbance of land is required in order to cultivate cannabis making this project safe for existing vegetation and wildlife.

The land for the proposed cultivation site has been used for small scale agricultural production for over 40 years using existing Riparian Water Rights and an existing statement of diversion and use from Big Pine Creek for agricultural production. In years past the site was used for tree farming, pasture production and most recently the proposed cultivation site was certified as an agricultural producer in Inyo County where organically grown vegetables were sold at community Farmers Markets in both Inyo and Mono counties.

Cultivation

Cultivation will take place in an outdoor cultivation site with a 5,000 square foot canopy.

Due to the unique high altitude and mountainous conditions of the cultivation site there will be only one flowering cycle per year. The cycle will start in Mid-May and the plants will be harvested in late October. Specific strains will be selected that are bred to finish early so that we grow strains best suited to our specific conditions.

A non-permanent moveable high tunnel structure will be used over part of the cultivation canopy to propagate plants and to extend the grow season to accommodate longer maturing varieties.

Glacier Fed Farms will purchase clones or start our own seeds in the high tunnel and may utilize a combination of both clones and our own seed starts.

Irrigation and Fertigation of plants will occur using top-feed hand watering methods. Glacier Fed Farms maintains that irrigation and fertigation are more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and irrigation and nutrient applications can be tailored to the unique needs of each individual plant.

Once the cannabis is dried Glacier Fed Farms will utilize a licensed distributor/processor to transport the cannabis and perform trimming, curing, grading and packaging.

Processing

The only processing that will take place on site will be to dry harvested cannabis for approximately one week before the product is transported to a licensed distributor for offsite processing and packaging.

Plants that are ready for harvest will have their flowering branches removed and suspended in temporary fabric tent which is equipped with ventilation fans and climate control measures. Glacier Fed Farms will dry the harvested cannabis in the cultivation site so that existing security measures of the cultivation site can be maintained for the drying period. The drying process takes approximately one week.

Activities to Be Performed Off Site

Processing and Packaging will be done by a licensed Cannabis Distribution Company which will assist GFF in specializing in cultivation and to keep the cultivation site more secure by not having processed cannabis stored on the property.

Pest Management

Glacier Fed Farms will grow commercial cannabis utilizing organic growing practices including the use of beneficial insects. It is our intention to limit or completely eliminate pesticide use.

Should the use of pesticides be required we will only use products certified by the Organic Materials Review Institute (or OMRI). OMRI is a 501(c)(3) nonprofit organization that provides an independent review of products, such as fertilizers, pest controls, livestock health care products, and numerous other inputs that are intended for use in certified organic production and processing.

Specifically, the OMRI certified products that may be used include:

- Azamax
- Greens Cure
- Monterey Spinosad
- NOLO Bait
- Neem Oil
- Potassium Bicarbonate

*These products will be kept inside in a locked outbuilding on the premises

Other products that may be used and will be kept in a locked outbuilding on the premises:

- Diesel
- Gasoline
- Oil
- Hydraulic Fluid

Glacier Fed Farms will follow the following protocols when handling pesticides:

- Compliance with pesticide laws and regulations as enforced by the Department of Pesticide Regulation.
- For all pesticides that comply with subsection (e) and are exempt from registration requirements, licensees shall comply with the following pesticide application and storage protocols:
 - (1) Comply with all pesticide label directions;
 - (2) Store chemicals in a secure building or shed to prevent access by wildlife;
 - (3) Contain any chemical leaks and immediately clean up any spills;
 - (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and

- (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

Fertilization

Our approach to fertilization of cannabis plants will be to focus on creating the healthiest soil possible through on site composting and soil production using natural carbon resources located on the property and local pack station manure that is delivered annually. Glacier Fed Farms has learned over many years of organic vegetable production that the key to healthy crops is healthy soil and we believe that growing cannabis is no different.

In addition to growing cannabis in the healthiest soil possible Glacier Fed Farms will additionally fertilize the cannabis with natural aerated teas and top dressing of additional nutrients. This method will eliminate the need for toxic fertilizers that degrade the natural soil.

Examples of tea and top dressing ingredients include:

- Alfalfa meal
- Mexican Bat Guano
- Peruvian sea bird guano
- Blood Meal
- Cotton Seed Meal
- Feather Meal
- Molasses
- Azomite
- Fish Emulsion/Squid
- Cold Processed Seaweed
- Composted Manure
- Worm Castings
- Compost

Waste Management

Glacier Fed Farms will utilize on-premises composting for disposal of cannabis waste. This is the preferred method as GFF will be operating an organic cannabis cultivation production. By disposing of cannabis waste through on premises composting we will also be able to use the waste to build soil for the cannabis cultivation project. This method will securely destroy any waste material by reaching an internal temperature of at least 145 degrees. This method will also ensure that any psychoactive compounds are destroyed as well.

Any cannabis waste, liquid waste, or hazardous waste will be disposed of in accordance with 8 Ill. Adm. Code 1000.460. To the greatest extent feasible, all

cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1).

GFF will use the following procedures to assure safe waste management:

- Prohibit the placement, dumping, or disposal of trash, garbage, litter, or any other kind of waste on the property of another legal entity or any public place within or beyond the local community.
- Communicate clearly during training that improper disposal of any type of waste by an employee is cause for termination.
- Establish a relationship with one or more vendors who properly dispose of universal waste.
- Prohibit the sale of cannabis waste.
- Store cannabis waste in a secured waste receptacle or a secured area on the licensed premises.

Composting of Cannabis Waste

- All cannabis that is not usable will be disposed of within [ten] calendar days of expiration or removal from the regular inventory.
- Mixing/blending will be carried out by the authorized employee in a limited access area under video surveillance.
- Cannabis waste to be composted will be securely stored in a limited access area prior to and after mixing.
- Immediately prior to mixing, all cannabis waste will be weighed on a calibrated certified scale that is integrated with the ICS.
- Cannabis waste will be ground up and incorporated with allowed combustible solid waste or other organic materials to a resulting mixture that is at least 50% non-cannabis waste by volume. At multiple points during the waste disposal process, a Manager will record key items in the ICS, including:
 - Plant, batch, or lot identifier of the cannabis to be disposed
 - Quantity of cannabis waste added to waste container
 - Description of the cannabis waste being disposed of, including the number of failed or otherwise unusable cannabis plants or harvest batches
 - Weight of mixed waste when entered into storage
 - Weight of mixed waste when removed from storage
 - Waste container identification number, if applicable
 - Method of disposal
 - Date of disposal
 - Confirmation that the cannabis was rendered unusable before disposal
 - The name and signature or identification number of the ICM or his/her designee.

Liquid Cannabis Waste

- Liquid cannabis waste will not be allowed to enter the local wastewater collection system, storm drain system, sewer system, or any unsecured rubbish disposal system.
- All liquid waste potentially containing cannabis solids or residues, nutrients, chemicals, or any other potential pollutants will be disposed of in an on-site storage tank that is compliant with applicable local and state regulations.
- Rinse waters from equipment and empty chemical containers will be minimized and never discharged into a sewer system, ditch, stream, or the ground.
- Spills and leaks will be attended to promptly to ensure liquid waste does not become a source of contamination.



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AGENDA ITEM NO.: 10 (Informational)

**PLANNING COMMISSION
MEETING DATE:** March 23, 2022

SUBJECT: Inyo County 2021 General Plan Annual
Progress Report

EXECUTIVE SUMMARY

Staff has prepared the County's 2021 General Plan Annual Progress Report. This report is required to be presented to local legislative bodies prior to being submitted to the State.

PROJECT INFORMATION

Supervisory District: County-wide

Recommended Action: **Receive a presentation from staff regarding the Inyo County 2021 Annual Progress Report**

Alternatives: 1.) Do not receive a presentation from staff regarding the Inyo County 2021 Annual Progress Report

Project Planner: Cathreen Richards, Planning director

BACKGROUND

Government Code Section 65400 requires that local agencies prepare a General Plan Annual Progress Report (APR). The purpose of the document is to report on the County's progress in implementing its General Plan. The document is being provided to the Planning Commission and Board of Supervisors for their review. Subsequently, it will be submitted to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

STAFF ANALYSIS

In summary, the General Plan is the County's constitution and guiding vision, and upkeep and maintenance of the General Plan is a continuous process. The County implements the General Plan's vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process.

The County provided leadership and participated in many planning activities in 2021, as identified in the attached report. It continued its building permit and project review responsibilities to further the General Plan's goals, policies, programs, and implementation measures. The County completed the redistricting process based on the 2020 Census, worked on the 6th and Cycle Housing Element Update, and completed and opened the Bishop Airport.

ENVIRONMENTAL REVIEW

The APR is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.

RECOMMENDATIONS

Provide comments on the draft APR.

ATTACHMENTS

Draft Inyo County 2021 Draft General Plan Annual Progress Report

General Plan Annual Progress Report 2021

County of Inyo



Prepared by the Inyo County Planning Department

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- Appendix B Housing and Community Development Department Annual Element
Progress Report Forms

I. Introduction

This report has been prepared pursuant to the requirements of Government Code Section 65400. Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR)¹.

The purpose of the document is to report on Inyo County's progress in implementing its General Plan. The document will be provided to the Planning Commission and Board of Supervisors for their review and submitted to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

Background

The County adopted a comprehensive update to the General Plan on December 11, 2001, and has amended the Plan on several occasions since. The planning process for the update took over four years, many public hearings and meetings, and substantial effort on the part of staff, the Board of Supervisors, the Planning Commission, local organizations and interest groups, and the general public.

The Plan replaced, reformatted, and/or updated a number of older General Plan Elements and other planning documents that had been adopted over the years. In addition to the many working documents, staff reports, and outreach materials, the Plan resulted in the following major documents that are utilized on a day-to-basis in the County's planning processes:

- General Plan Summary
- Background Report
- Goals and Policies Report
- Land Use and Circulation Diagrams
- Environmental Impact Report (EIR)

The Inyo County General Plan received awards of excellence from local chapters of the American Planning Association in 2001. The policy document and diagrams are available on the Planning Department's website at the following link:

<https://www.inyocounty.us/sites/default/files/2020-02/GP%20Goals%20and%20Policy%20Report%2012.2001.pdf>

Informational Document

This document is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.

¹ General Plan Annual Progress Report Guidance. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. Revised July 11, 2007. Refer to https://www.opr.ca.gov/s_planningassistance.php

Organization

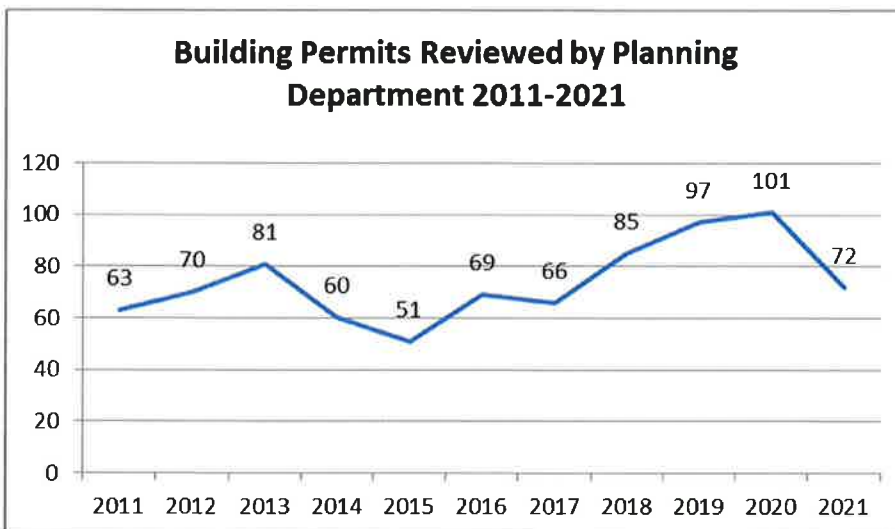
After this Introduction, a summary of projects and issues addressed over the last year is provided, and then each General Plan element is addressed. Following these topics, the County's planned General Plan and Zoning Ordinance update are addressed. Appendix A includes Government Code Section 65400. Appendix B includes the HCD reporting forms.

II. Plans, Projects, and Accomplishments

During 2021 the County processed numerous projects and participated in a variety of planning programs. The following summaries provide a brief overview of these projects and programs and are not intended to be exhaustive.

Building Permits

Seventy-two building permits were reviewed by the Planning Department for zoning consistency issues in 2021. This was less than in 2020, by 29 permits. Thirteen of these permits were for new housing units, 3 less than in 2020. Building permits were applied for 6 new single-family homes (three more than in 2020), and 2 new manufactured homes (8 less than 2020) and 5 accessory dwelling units (ADU) (2 more than 2020). Three Certificates of Occupancy (completed projects) were granted by the Building and Safety Department in 2021 for residential projects. Two were for manufactured homes and 1 was for an ADU.



Planning Permits

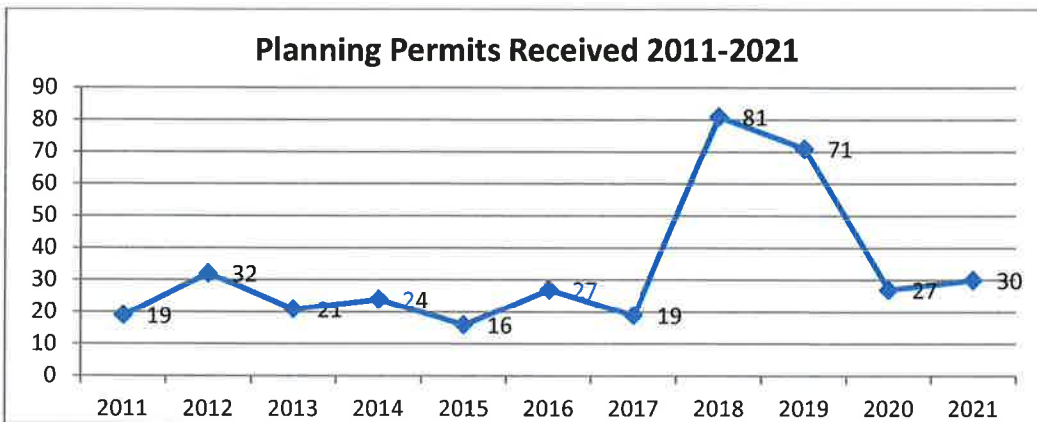
The Planning Department also processed a variety of landuse permits during 2021, including conditional use permits (CUP), variances, subdivisions, and associated environmental reviews. The breakdown in applications received is as follows:

- 12 Conditional Use Permits, and 1 Amendment (10 of the Conditional Use Permits were for Cannabis businesses)
- 3 General Plan Amendments

- 2 Zoning Reclassifications
- 3 Variances
- 6 Hosted Short Term Rental Permits
- 2 Zone Text Amendments
- 1 Renewable Energy Permit (solar)
- 2 Amendments to a Mining Reclamation Plan
- 3 Parcel Mergers

During the past year, the Planning Commission agendas included the following application types:

- 12 Condition Use Permits – 1 Amendment
- 3 General Plan Amendments
- 2 Zone Reclassifications
- 2 Zone Text Amendments
- 4 Variances
- 1 Renewable Energy Permit (solar)
- 2 Amendments to Mining Reclamation Plans
- 1 Mitigated Negative Declaration/Initial Study (MND/IS) (Bishop Airport)
- 1 CUP Violation
- 1 Mining Violation



In addition, the Planning Commission reviewed ordinances related to updating the County's regulations regarding second units and outdoor lighting and the 6th Cycle Housing Element Update. Of the projects reviewed by the Planning Commission, 4 projects were also presented to the Board of Supervisors. The Lone Pine Architectural Design Review Board reviewed 2 design review projects in 2021, as well.

Three more applications were reviewed by the Planning Commission in 2021 then were in 2020 (30 in 2021 and 27 in 2020). In 2018 and 2019 this number was quite a bit higher (81 and 71 respectively) due to the new short-term rental permits that came available in 2018. Since the first big wave of applications for the short-term rental permits the numbers have renormalized.

Projects Reviewed by the Planning Commission During 2021

In addition to the Ordinances reviewed by the Planning Commission, the following applications were reviewed by the Planning Commission and/or Board of Supervisors during the past year:

Conditional Use Permit-2019-16 /Inyo Face – Cultivation - The applicant requested a CUP for the cultivation of cannabis on an approximate 2.5-acre parcel located along the Old Spanish Trial Highway in the community of Charleston View, in southeast Inyo County. The project included the construction of an 18,504-sqft building for the growing, harvesting, dry and curing of cannabis plants. This project was applied for concurrently with a retail cannabis business to be located on a parcel directly north of the cultivation project. The Planning Commission approved the project.

Conditional Use Permit-2019-17/Inyo Face –Dispensary - The applicant requested a CUP to establish a retail cannabis store on an approximate 2.5-acre parcel located along the Old Spanish Trial Highway in the community of Charleston View, in southeast Inyo County. The project included the construction of a 1,355-sqft building to house the store. This project was applied for concurrently with a cannabis cultivation business to be located on a parcel directly south of the retail project. The Planning Commission approved the project.

Conditional Use Permit-2020-10/Desert Green - Distribution - The applicant applied for a Conditional Use Permit for a cannabis distribution facility in the community of Charleston View, in southeast Inyo County. The Planning Commission approved the project.

Conditional Use Permit-2020-11/Desert Green - Cultivation - The applicant applied for a Conditional Use Permit for a cannabis cultivation facility in the community of Charleston View, in southeast Inyo County. The Planning Commission approved the project.

Conditional Use Permit-2021-01/ Chief Farms – The applicant applied, and met the requirements, for a Conditional Use Permit near the community of Pearsonville, in southern Inyo County. The permit would allow, following approval from the Inyo Planning Commission, for commercial cannabis microbusiness on the property. The microbusiness would include the cultivation, manufacturing, and distribution of cannabis products. The Planning Commission approved the project.

Conditional Use Permit-2021-02/Variance-2021-02/Cook - The applicant applied for a Conditional Use Permit to allow for the cultivation of hemp. The applicant is also seeking a yard Variance, which would allow for hemp cultivation to occur within five feet of the property line. The project area was previously used as a garden and a lawn and is located near the community of Lone Pine. The Planning Commission approved the project.

Conditional Use Permit-2020-06/Pinnacle Cannabis – The applicant applied for a Conditional Use Permit for a cannabis microbusiness. The microbusiness use would include indoor cultivation, non-volatile manufacturing, distribution, and non-storefront retail delivery. The Project is located at 1550 Trona Wildrose Road, near the community of Trona. The Planning Commission approved the project.

Conditional Use Permit-2021-05/Cluff - The applicant applied for a Conditional Use Permit (CUP) to make the legally nonconforming “resort” use of the property conform to the Inyo County zoning code. The applicant applied for the CUP so he could expand the services provided by Cardinal Village Resort, near the community of Aspendell. No new construction was proposed. The Planning Commission approved the project.

Conditional Use Permit-2021-07/Graves - The Applicant applied for a conditional use permit to convert his garage, which was nonconforming to the required side yard setback, into a habitable space along with building an addition to connect the garage to the main house. Under County Code 18.78.250, “A nonconforming building shall not be enlarged, extended or structurally altered without submission of and approval by, the planning commission of a conditional use permit application.” The Planning Commission approved the project.

Conditional Use Permit-2021-08/Variance-2021-06 - & Variance-2021-07 -Andracki - The applicant applied for a CUP and two VAR to operate a commercial cannabis cultivation business located at 691 Desert Trail Way in the community of Charleston View. The Planning Commission approved the project.

Conditional Use Permit-2021-06/The Tree Farm - The applicant applied for a CUP for the cultivation of 8.5 acres of cannabis located at 800 Ekenberg Rd. in the community of Sandy Valley in southeast Inyo County. The Planning Commission approved the project.

Conditional Use Permit-2019-01/Shade Grown Farms Violation Hearing - On February 27, 2019 the Planning Commission, upon the recommendation of staff, approved a CUP for the applicant to operate a commercial cannabis cultivation operation at 140 Agate Drive in the community of Stewart Valley. The project proposal included growing cannabis plants of a variety of strains as well as processing the mature plants which entails drying, curing, trimming and packaging at the project site. The CUP was approved with several conditions, one of these being conformance with all applicable provisions of the County Code and State Regulations. The applicant failed to meet these conditions as construction to house the cannabis operations occurred with no building, electrical or plumbing permits, therefore, staff recommended the revocation of CUP. The Planning Commission revoked the CUP. An appeal has been submitted to the Board of Supervisors.

Violation Of Conditional Use-2007-05/Pruett Ballarat Inc. Hearing - The County was seeking an order to revoke the Conditional Use Permit and require immediate closure of all portals and reclaim site. The Planning Commission revoked the CUP. An appeal has been submitted to the Board of Supervisors.

Amendment To Reclamation Plan 96-12 - The applicant applied for an amendment to mining Reclamation Plan 96-12. The project proposed to expand mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site, over a 30 to 50-year timespan, in an 8.1 acre-expansion area. A Mitigated Negative Declaration of Environmental Impact was prepared and publicly noticed pursuant to the California Environmental Quality Act. The Planning Commission approved the project.

Amendment To Conditional Use Permit (Cup-1978- 09); Amendment To Reclamation Plan (78-02)/Twin Mountain Rock Venture LLC - The applicant applied for amendments to an existing mine site. The proposed amendments included updating the current plans for completing mining in the main quarry and extending mining operations to the northeast section of the property, away from US 395, in order to utilize the on-site cinder reserves. Approximately 10,714,286 cubic yards of material will be extracted from the site over a 100-year timespan. A Mitigated Negative Declaration of Environmental Impact was been prepared and publicly noticed pursuant to the California Environmental Quality Act. The Planning Commission approved the project.

General Plan Amendment 2021-01/Inyo County – Housing Element Update - Staff prepared a draft 2021 General Plan Housing Element update. The update incorporated the requirements of new relevant legislation, the Regional Housing Needs Allocation (RHNA) stipulated by the State, an Affirmatively Furthering Fair Housing Section and new demographic information. This draft updated Housing Element is was provided for the Planning Commission’s review and recommendation to the Board of Supervisors for approval. The Planning Commission provided a recommendation that the Board of Supervisors to approve. The Board approved the project. Staff is still waiting for specific comments and language from HCD so it can be completed and re-approved.

General Plan Amendment-2021-03/Zone Reclassification-2021-03/W. Mcneal - The applicant proposed to change the Zoning and General Plan Designations on a property, located at 100 Tecopa Hot Springs Road in Tecopa, CA. The parcel was zoned Rural Residential with a 1 acre minimum (RR-1.0) and had the General Plan designation of Residential Rural High Density (RRH). The applicant requested 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 had operated a nonconforming short-term rental on the property and applied for a Zone Reclassification and General Plan Amendment to better match the surrounding commercial zoning designations and bring the existing use into conformance. There was no development proposed. The Planning Commission provided a recommendation that the Board of Supervisors to approve. The Board approved the project.

General Plan Amendment-2021-02/Zone Reclassification-2021-02/ 7/11materials Inc. - The

applicant requested a GPA and ZR to meet the requirements of the reclamation plan for the Adams Pit located near the Bishop Airport. The reclamation plan required this reversion to the original zoning and general plan designation for the mine to close. This project was exempt from CEQA. The Planning Commission provided a recommendation that the Board of Supervisors to approve. The Board approved the project.

RENEWABLE ENERGY PERMIT-2021-01/BARKER - The applicant is applied for a Renewable Energy Permit to construct a 2 megawatt (MW) photovoltaic solar facility using 5,400 fixed tilt or single-axis tracker solar panels. The project site is located on two 5-acre parcels that are highly disturbed with no natural vegetation or structures on site. The Planning Commission approved the project.

VARIANCE-2021-01/O'SULLIVAN - The applicant applied, and met the requirements for, a front-and-side-yard setback Variance to create an addition to the primary dwelling. The variance allowed the applicant/owner to more reasonably accommodate a second dwelling unit on the eastern side of the property. The property's zoning designation (R2) allows for multiple dwellings. The property is located at 190 South Lone Pine Ave., in Lone Pine. The Planning Commission approved the project.

ZONE TEXT AMENDMENT-2020-02 ICC-RESCIND 18.78.340/SECOND UNITS - Inyo County's Code, was out of compliance with State Laws related to Accessory Dwelling Units. Staff drafted a proposed ordinance to Amend the Inyo County Zoning Code's Title 18.78.340 General Regulations - Second Units, to bring the County into compliance with State regulations. Planning Commission approved the project in late 2020. It was then brought back to the Commission because of an error.

ZONE TEXT AMENDMENT-2021-01/INYO COUNTY OUTDOOR LIGHTING - A draft outdoor lighting ordinance was prepared for the Planning Commission's consideration of a recommendation to the Board of Supervisors for adoption. The Planning Commission approved the project. It is awaiting scheduling with the Board of Supervisors.

BISHOP AIRPORT HANGER – NEGITIVE DECLARATION – The Inyo County Planning Commission will considered the approval of a Negative Declaration/Initial Study (MND/IS) for the proposed Commercial Airline Service at the Bishop Airport, which would allow for the introduction of commercial service at the Bishop Airport by United Express. The Planning Commission approved the project.

Other Plans and Projects

The following discussion summarizes other projects which the County expended substantial efforts in 2021.

2021 Housing Element Update

The County's General Plan Housing Element was due for an update in 2021. The County began preliminary work on the update during the fall of 2020. This included securing a Local Early Action Planning (LEAP) grant from the State. The County expended a tremendous amount of time and effort in updating its Housing Element to meet all of the new requirements. With

virtually no help, nor guidance from HCD (besides references to statutes), the County addressed the new legislation and struggled through the required new Affirmatively Furthering Fair Housing (AFFH) section. Currently, the County is waiting for HCD staff to send specific language that will allow the County to meet the requirements for the 6th Cycle Update. Once substantive comments and edits are received from HCD the Update can be completed.

Zoning Code/General Plan Update Housing Element

Once the Housing Element Update is completed, several updates to other sections of the General Plan and the County's Zoning Code will be necessary to implement the changes set forth in the Update.

Senate Bill 2 (SB-2) Planning Grant for Affordable Housing - SB2

SB2 was adopted by the State Legislature in 2017 to provide a permanent source of funding to help local jurisdictions provide affordable housing. In 2019, funding was directed at planning assistance that helps to achieve affordable housing goals. The grant funding was allocated by an "over the counter" non-competitive means to all eligible jurisdictions in the State. The county submitted an application for this funding. Since Inyo County is considered a 'small county' with regard to the SB2 funding allocations, the award was \$160,000. The County secured the SB2 grant and a contractor and began working on the project in fall 2020. The contractor and County identified parcels in the County that may be appropriate for re-designating for higher density residential use and the Draft Ad Min EIR has been prepared. Staff plans to complete the EIR during 2022.

Cannabis

In 2016, the California voters enacted Proposition 64, which permits and regulates recreational use of marijuana in California. Several statutes to regulate medical marijuana were passed in the 2015 legislative session – Assembly Bill (AB) 266 (Bonta, 2015), AB 243 (Wood, 2015), and Senate Bill (SB) 643 (McGuire, 2015) – becoming effective January 1, 2016. The County also included Advisory Ballot Measures G, H, and I in the 2016 election: Measure G inquired whether the voters support medical commercial cannabis businesses, H inquired whether the voters support recreational cannabis businesses, and I was for a tax on cannabis businesses. All three measures were decided in favor cannabis businesses and taxation. The County continues to monitor implementation of the legislation. The County worked throughout 2017 on cannabis regulations and adopted them in January 2018. In December 2018 the first Cannabis Business Licenses were awarded in Inyo County and subsequent CUPs began being processed in 2019 and continued into 2021.

Short-term Rentals

In 2006 the County determined that short-term vacation rentals are not permitted within the Residential Zoning Districts. The County began to investigate if this decision should be revisited, and if so, how it might proceed. During 2016, the Board conducted several workshops, and directed staff to begin public outreach. Public workshops were conducted in 2017 and Draft regulations were prepared. In February 2018 an ordinance was approved by the Board of Supervisors allowing for the short term rental of residential properties with proper permitting. The County began approving permits for short term rentals in April 2018. During 2019 staff reviewed the successes and issues related to short-term rental permitting. The results of this review were presented to the Board of Supervisors, along with suggestions to update the short-

term rental ordinance at 3 workshops. Based on public input and recommendations from the Board, updates to the short-term rental ordinance were prepared by staff and subsequently adopted by the Board. These changes included removing the availability of non-hosted short term rental permits.

Dark Skies – Lighting

In the 2002 update of the County's General Plan a policy relating to lighting was include, under the Conservation and Open Space Element - Visual Resources 1.6 Control of Light and Glare. It states: *The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and which are fully shielded. Where public safety would not be compromised, the County shall encourage the use of low-pressure sodium lighting for all outdoor light fixtures.* This policy was never implemented through the zoning code as language was never included in the County's zoning code for it. Due to interest from the community and members of the Board of Supervisors, County staff began a process to evaluate a possible lighting ordinance for the County. Three public outreach meetings and two Board workshops were held on the subject in 2018. The project continued into 2020, but with minimal attention due to Covid and lack of staff. This project was picked back up in 2021 and a Draft Ordinance has been completed. A recommendation from the Planning Commission has also been obtained. It is tentatively been scheduled for a February hearing with the Board of Supervisors for adoption.

Community Plans for Charleston View/Tecopa/Shoshone

Based on interest from local residents, the County embarked on preparation of Community Plans for Tecopa and Charleston View in Southeast Inyo County in 2015. Public meetings were conducted in both Charleston View and Tecopa in 2016 to kick-off the project and vision the Plan. In addition, background reports were developed for each planning area. Work continued on the plans in 2017 with visioning work. In December 2018 Draft Community Plans were presented to the communities of Charleston View and Tecopa. The Plans were well received with a few suggestions for minor changes. The County continued to try to identify and pursue grants for environmental analysis and implementation of the Plans during 2021.

Olancha Cartago Corridor Study – The County was awarded a Caltrans Sustainable Communities Grant to study a section of U.S. 395 that is currently planned to be bypassed as part of the Caltrans US 395 Olancha-Cartago four lane project. The Olancha Bypass Corridor Study (OBCS) will include both 1) a portion of US 395 from the current intersection of SR 190 northward to just past Cartago that is proposed to be relinquished to the County and 2) the portion of US 395 from the current intersection with SR 190 south to the southern end of the bypass that will become part of SR 190. Work began on the study in 2018 that included the first public outreach meeting. This project continued through and was completed in 2019. The county has continued to research grants and various programs to implement the opportunities identified in the Study.

West-wide Energy Corridors

This project, approved in 2009, involves numerous federal agencies led by the BLM. Pursuant to a settlement agreement, the federal agencies are conducting reviews of the approved corridors. In

2016, a Corridor Study and regional reviews were released. The County provided input regarding the Region 1 Review and continues to monitor the program. In 2019, the Region 5 Review took place. The county provided numerous comments on Region 5 as it spans the length of Inyo County along the I-395 corridor. The Region 5 review continued into 2020 and the County participated in stakeholder meetings and providing comments. At the end of 2020 the Draft Report was released. The County has prepared draft comments and sent them to the Agencies in early 2021. The County will continue to monitor and comment on the Regional Reports as they go through the process to adoption.

Redistricting 2021

Every 10 years, following the completion of the US Census, California's 58 counties are required to review and adjust the lines dividing their supervisorial districts to ensure that the population within each district remains approximately equal and that the districts are compliant with various state and federal laws. The County engaged in redistricting following the 2020 Census. This consisted of redrawing the County's Supervisorial District lines with an extensive public outreach component. There were a total of 9-public meetings addressing questions and taking comments regarding the redistricting process.

Haiwee Geothermal Leasing Area (HGLA)

A DEIS for the HGLA was submitted by the BLM for comments beginning in 2009 (Notice of Intent) through 2012 (DEIS). It evaluated five alternatives to address the potential environmental impacts of opening approximately 22,805-acres of BLM managed federal mineral estate for geothermal energy exploration and development and leasing and for three individual leasing proposals covering approximately 4,460-acres of federal mineral estate for geothermal energy testing and development. A supplement to the DEIS and proposed amendment to the CDCA Plan, was released in 2019. It was prepared primarily to update both documents to be consistent with changes to landuse designations and resource management strategies based on the Desert Renewable Energy Conservation Plan (DRECP). The total area under review (22,805-acres) and proposed leases (4,460-acres) are exactly the same as what was previously evaluated. The County reviewed the supplemental document with regard to comments it sent in 2009 and 2012 and sent additional comments in 2019. The County continued to monitor possible implementation of the DEIS in 2021.

Owens Valley and Haiwee Pump-back Storage Projects

During 2019, Premium Energy Holding LLC applied to the Federal Energy Regulatory Commission (FERC) for preliminary permits to study hydro-electric pump back storage projects for the North Owens Valley, and Haiwee dam areas. A preliminary permit is issued for up to four years. It does not authorize construction, but it maintains priority of an application for license while the applicant studies the site and prepares to apply for a license. The applicant is required to submit periodic reports on the status of its studies. The preliminary permit it is not necessary to apply for or receive a license. Many comments have been submitted regarding these applications. The Owens Valley proposal does not appear to be moving forward and Haiwee is. The County continued to monitor this proposal in 2020, 2021 and will continue to do so in 2022 as well as and provide comments at each opportunity.

Mining

Pursuant to the Surface Mining and Land Reclamation Act (SMARA), the County continued its

oversight activities to encourage production and conservation of mineral resources while minimizing associated environmental impacts. Staff has continued to amend County policy as the impacts of changes to SMARA that were approved by the California Legislature and Governor in 2016 are continuing to be implemented. Staff is responsible for the inspection and administration of reclamation policy for approximately 79 SMARA mines. Staff has noted a continuation from last year of a general increase in activity at many of the County's local surface mines during 2019. The increase in mining activities in 2019 and 2020 continued into 2021. Also during 2021, many of the mines that were behind in fee payments were brought into compliance.

Brownfields Grant

In 2011 Inyo County entered into a Memorandum of Understanding (MOU) with Nye, Esmeralda, Lincoln, and White Pine counties of Nevada for the Environmental Protection Agency Brownfields Coalition Assessment Grant to conduct environmental site assessments and area-wide planning in support of renewable energy, transmission, and economic development in the vicinity of identified Brownfields sites. A subsequent grant was obtained, and the Coalition was expanded to include Esmeralda County. In 2018 the Duckwater Shoshone Tribe joined the Coalition. The County continued to participate in the Coalition during 2018. A site that was reviewed under a Brownfield grant funded Phase I environmental assessment in 2016 and a Phase II environmental assessment in 2017 was able to be successfully developed into a Grocery Outlet store with plans for the remainder of the property to be developed into the Inyo County consolidated office building. Also in 2018, a revolving loan and fund grant, applied for in 2017, was awarded to the coalition. The coalition completed updates to its website and to the Area Wide Plan. The county continued to participate in the Brownfields program during 2022.

Yucca Mountain Repository Assessment Office

Funding for development of the Yucca Mountain Repository was terminated by the Obama Administration, consequently eliminating the funding to all Affected Units of Local Government. Staff continues to monitor litigation and other activities. In 2016, the County reviewed and provided input regarding the Final Supplemental EIS for groundwater, which largely responded to the County's previous input. The County has continued through 2021 to support groundwater monitoring in its southeast area to provide data for the project and monitor the Yucca Mountain program.

Desert Renewable Energy Conservation Plan (DRECP)

The DRECP covers the Mojave and Colorado deserts to provide binding, long-term endangered species permit assurances and facilitate renewable energy project review and approvals. The DRECP planning area includes portions of Inyo County: roughly in the Owens Valley to just north of Independence, the Panamint Valley, Death Valley, and other southeast portions of the County. The County has been participating in the project since the late 2000s, which was to have been a General Conservation Plan/Natural Communities Conservation Plan. In 2014, a phased approach was taken to the DRECP whereby the Bureau of Land Management's (BLM) Proposed Land Use Plan Amendment was separated out from the NCCP component. The Final EIS and Proposed Decision were released in late 2015, which the County protested. The County approved a Programmatic Agreement regarding cultural resources related to the Plan in early 2016, and reviewed BLM's recirculation of the Areas of Environmental Concern from the draft DRECP. The Record of Decision was issued later in 2016, which dismissed the County's protest and

implemented the BLM's DRECP components. In early 2017 the BLM published a Segregation Notice for mineral entry on California Desert National Conservation Land. The County provided comments on this action and continues to monitor DRECP activities. In February 2018 a Presidential Executive Order was noticed in the Federal Register instructing the BLM to begin a scoping process for possible amendments to the DRECP. The notice specifically requested comments on how land designations identified in the DRECP might affect the ability to develop solar, wind or other renewable energy resources. The County evaluated and provided comments to the BLM regarding this request. The county continued to monitor DRECP activities through 2021.

Tribal Consultation Policy

In response to input from the Big Pine Tribe, the County developed a draft Tribal Consultation Policy to guide its consultation efforts under Senate Bill 18 (Burton, 2004) and Assembly Bill 52 (Gatto, 2014). The County shared the draft Policy with local Tribes and conducted multiple workshops in 2015 and 2016. The County approved the Policy in late 2016, and invited the Tribes to consult regarding development of Tribe-specific agreements. The County continues to work with the Tribes on establishing good communications and possible Tribal-specific agreements.

Coso Hay Ranch Water Export Project

The County approved a project in 2009 that pumps water from the Hay Ranch in the Rose Valley to the Coso Geothermal plants at China Lake Air Weapons Naval Station. The County continued to monitor pumping activities in 2021.

Crystal Geyser Roxane Cabin Bar Ranch Water Bottling Plant Project

The CGR Cabin Bar Ranch Water Bottling Plant project proposes the construction and operation of a spring water bottling facility on a 34-acre site on the northeastern portion of the 420- acre Cabin Bar Ranch property, adjacent to the southern boundary of the community of Cartago and on the east side of US Highway 395. Approved in 2013, the project will pump 360 acre feet of groundwater per year. Project facilities include a 198,000-square foot water bottling plant containing four bottling lines and an associated 40,000-square foot warehouse facility. The County will continue to monitor implementation in 2021.

Crystal Geyser Olancha Bottling Plant Water Quality Investigation

The Lahontan Regional Water Quality Control Board is investigating unpermitted arsenic discharges from CGR's water bottling plant in Cartago. The County coordinated with the Water Board to conduct two public meetings regarding the investigation in 2016, as well as responding to the Grand Jury's findings regarding the issue. The County continues to monitor this situation.

North Sierra Highway Corridor/Specific Plan

In 2015, Caltrans selected the County and the City of Bishop for a grant to prepare a Corridor Plan for North Sierra Highway (generally between the Tri-County Fairgrounds and the Bishop Paiute Palace on the north side of Bishop) in 2015. The County, City of Bishop, and the Bishop Paiute Tribe worked with other interested parties in the Corridor to expand the scope of work to a Specific Plan, and the Eastern Sierra Transit Authority pledged to provide financial support to assist doing so. In 2016, the County and its partners selected a consultant to assist in the planning

process and convened an Advisory Committee to assist with coordination between the many participating agencies. Preliminary outreach commenced, existing conditions were assessed, and a visioning was initiated. A Charrette was conducted to brainstorm ideas for the Plan, and a draft Plan is anticipated in 2017. The Corridor Plan was completed in 2017. The specific plan has not been completed and staff will continue to look for grants to fund its completion. During 2021 the plan was consulted with to help Cal Trans with the Meadow Farms ADA project as the project area is within the North Sierra Highway Plan area.

Sol Smart

Through the Department of Energy's Sun Shot – Roadmap, Inyo County deployed a program to encourage small solar energy systems and energy efficiency for local residents and businesses. The County developed an expedited permitting process for small-scale solar energy systems and institutes a small-scale solar-friendly zoning ordinance. In cooperation with Southern California Edison (SCE), the County updated its General Plan to incorporate energy efficiency goals, policies, and implementation measures. Also in cooperation with SCE, the County has prepared an Energy Efficiency Revolving Loan Fund program, and is seeking seed funds to implement. Through these programs, Sol Smart, a program funded by the U.S. Department of Energy Sun Shot Initiative, has recognized Inyo County as second in the nation for taking important first steps to encourage solar energy for homes and businesses. The County is still participating in the Sol Smart program.

DWP Solar Ranch

The County is monitoring DWP's Solar Ranch proposal in the Southern Owens Valley, which intends to develop approximately 200 megawatts of photovoltaic. DWP issued a Notice of Preparation for the project in 2010, and the two locations and in 2013, DWP decided to develop a third site, located south of Independence. The County provided input regarding the Draft EIR for the project in 2013, and continues to monitor for any progress.

Zoning Code/General Plan Update

The County adopted a comprehensive General Plan update in 2001. One of the follow-up actions directed in the 2001 General Plan was to update the Zoning Code, which is a component of the Inyo County Code. Staff worked with Wildan in 2011 to prepare updated Zoning Code sections and incorporated the Planning Commission's and Board of Supervisors' input into a comprehensive Zoning Code update and prepared a related General Plan update. Staff received direction from the Board regarding several issues related to the update in 2014, including code enforcement, Digital 395, and special event permits. Environmental review is still awaiting funding.

Endangered Species Coordination

The County has been monitoring the US Fish and Wildlife Service's and the California Fish and Wildlife's endangered species listing work program. Most recently this included proposals for listing of various species of Joshua Trees.

Property Assessed Clean Energy Program (PACE)

During 2016 and 2017, the County evaluated the feasibility of participating in PACE, which provides alternative financing homeowners and businesses for renewable energy, energy

efficiency, and other authorized improvements. PACE providers are coordinating with the Tax Collector and Auditor to assist in determining if the County should proceed.

Inyo County Consolidated Office Building

The County continued, in 2019, to work towards developing a consolidated office building to house multiple departments currently located in various facilities throughout Bishop. The proposed consolidated office building will house County Counsel, the District Attorney office, the Public Guardian, Health and Human Services, Waste Management, Motor Pool, Building and Safety, Parks and Recreation, Personnel, Information Systems, Sheriff, and Probation, and possibly an Adult Education Center. The County has been considering a consolidated office building for about 20 years. In 2018, the Chair of the Board signed an agreement with a developer who will design and build the consolidated office building. A lease agreement was entered into and ground breaking for the project was spring 2020 with completion expected in 2021. On July 1, 2021 the Consolidated Office Building was issued a Certificate of Occupancy and the various County offices were moved in over a period of three weeks through the month of July 2021.

2020 Regional Transportation Improvement Program

This project involves the development and selection of transportation projects that are then programmed in specific amounts and program years for the next five year funding cycle. The development of this program requires local and regional coordination. The program was approved by the Inyo County Local Transportation Commission in November 2021, and will be submitted for inclusion in the Statewide Transportation Improvement Program (STIP). The STIP has been implemented on an ongoing basis by Caltrans, County, and City of Bishop. Going into 2022 the construction phase of the 395 Olancha Cartago 4 Lane Project has begun and therefore the project has been removed from the RTIP. Although there is a lack of proposed funding within the 2022 STIP, the Inyo County LTC has continued to prioritize the Tri-County (Kern, Mono, Inyo) MOU projects with the next in line being the SR 14 Freeman Gulch Segment 2 Project. The 2022 RTIP advances P,S&E & construction phases of the Lone Pine Town Rehab Project and the East Line St. Bridge Project. The Inyo County 2022 RTIP has been supplemented with \$1.757 million of Federal COVID relief funds.

South Lake Road Reconstruction

This project was voted (approved) by the California Transportation Commission in October of 2019. This project will reconstruct South Lake Road between SR 168 and South Lake and add bicycle lanes on the lower 2.1 miles of roadway. The County, in partnership with the Federal Highway Administration, completed a review of this project under the California Environmental Quality Act and the National Environmental Policy Act. The Design component of this project was initiated in 2017. It went to bid in the fall of 2019. The contract was awarded in January 2020 and is on schedule to start construction in spring 2020. The project was completed in 2020 with minor close-out paperwork currently in progress. The project was completed by the Federal Highway Administration in 2020. It suffered a major pavement failure prior to opening in the spring of 2021. Although brand new, the FHWA offered no warrantee and the project required significant Public Works efforts and funds to fix and repair prior to opening for the summer 2021 season.

Regional Transportation Plan (RTP)

This project involved the development and selection of transportation projects that are then eligible to be programmed in specific amounts and program years in the Regional Transportation Improvement Program. The RTP is intended to be a fiscally constrained planning document for the 2019-2039 period. The RTP is updated every four years. The development of this plan required local and regional coordination. This plan was approved by the Inyo County Local Transportation Commission (ICLTC) in October 2019. The ICLTC has hired a consultant to complete the 2023 RTP update

Inyo County Active Transportation Program Plan

Inyo County, with a consultant, drafted an Active Transportation Program (ATP) Plan and held public outreach meetings. The 2015 ATP was released for public review and comment and then approved by the Inyo County Local Transportation Commission in April 2016. The 2015 ATP Plan includes:

1. Bicycle Element – an update of the 2009 Inyo County Collaborative Bikeways Plan;
2. Pedestrian Element – this describes existing facilities, examines past accident records, estimates the current number of pedestrians, lists and prioritizes potential projects, and identify funding sources;
3. Recreation Trails Element – this identifies areas where there are deficiencies in motorized and non-motorized recreational trails, lists and prioritizes potential projects, estimates the number of users for a given trail segment, and describes how the projects provide for the viewing of points of interest; and
4. Safe Routes to School Element – this section creates Safe Routes to Schools maps for all areas in Inyo County and updates the Safe Routes to School maps for schools inside the City of Bishop.

In 2018 Inyo County submitted applications for several competitive ATP Cycle 4, 2019 Grants. One of the three submissions was successful. The California Transportation Commission awarded funding for the “Lone Pine Sidewalk Construction and ADA Improvement Project.” During the 2020 ATP grant cycle, the City of Bishop submitted application, and Caltrans District 9 submitted an application, but neither application was successful. The 2020 ATP grant program was ten times over-subscribed and highly competitive. Inyo County LTC staff are currently identifying projects to try and find a competitive concept for the next ATP cycle.

Eastern Sierra ATV Adventure Trails System Project

The County certified an EIR for this project in early 2015, which included potentially up to 38 combined-use routes on County roads for Off-highway vehicles. The Board approved seven of the routes for a pilot program, three of which opened in the summer of 2015. The County reached an agreement with the City of Los Angeles Department of Water and Power (DWP) to open the remaining four routes in December 2016. The pilot program is designed to test the extension of combined use routes from the existing law’s three mile limit to a longer ten mile limit. An update hearing before the Board of Supervisors was held in December and a final report was sent to the California Legislature in December as required by the law. The Legislature has extended the pilot program for another five year period now expiring January 1, 2025.

Local Road Safety Plan (LRSP)

The Local Transportation Commission (LTC) received in 2020 a grant to complete a local road safety plan. The 2022 cycle of Highway Safety Improvement Plan (HSIP) grants will require an LRSP as a pre-condition. The LTC, with a recently approved consultant, will develop this safety document to identify potential highway safety improvements in the City of Bishop and County of Inyo

Highway Safety Improvement Plan (HSIP)

Inyo County Public Works received an HSIP grant to add fog-line and center-line striping at various locations throughout southern Inyo County. This striping work is complete. Public Works has applied for and received another HSIP grant to replace the Onion Valley Road guardrail. This project is entering design in FY '21-'22.

Environmental Assessment/Initial Study for the Proposed Commercial Airline Service at Bishop Airport

Inyo County and On-Call Environmental Services consultant Environmental Service Associates completed two environmental documents analyzing the impacts of the proposed introduction of commercial air service. The County received a grant from the Federal Aviation Administration (FAA) for costs associated with the federal document. A Finding of No Significant Impact / Record of Decision was issued for the proposed service by the FAA on August 12, 2021, and the Inyo County Planning Commission approved a Negative Declaration on July 28, 2021. The FAA issued a Class I Operating Certificate, pursuant to CFR Part 139, on September 1, 2021. Scheduled commercial passenger service to the Bishop Airport by United Express (operated by Skywest) began on December 19, 2021.

Inyo-Mono Integrated Regional Water Management Plan (IRWMP)

The ICWD participates in this collaborative body made up of public, private and not-for-profit entities. MOU signatories include Inyo and Mono counties, the town of Mammoth Lakes, tribes, water districts, and community service districts. The group consists of 34 voting members. The mission of the Inyo Mono Regional Water Management Group (RWMG) is to "To research, identify, prioritize, and act on regional water issues, and related social and economic issues, so as to protect and enhance our environment and economy." A Phase II Inyo Mono IRWMP was completed in 2012, which was revised in 2014 and again in 2019.

In January 2016, DWR awarded the Inyo-Mono IRWMP \$1,816,943 for various projects in the region, including funding of \$280,234 to Inyo County for a project titled "Recycled Water for Restoration and Community Projects in Big Pine" The project proposed using treated wastewater to supply irrigation for an unaccomplished LADWP mitigation project east of town. In trade, an equal supply of fresh water to be delivered to re-green an abandoned field on Main Street that had been used as pasture.

The feasibility study and engineering design was completed in 2019, and a CEQA draft Initial Study was produced along with a cultural resources survey. The survey identified significant cultural resources at the project site. Additional archeological work would be required to advance the project. This work was beyond the scope of the grant, with costs that far exceeded the grant funding. The project cannot proceed without new funding to complete the additional

archeological work and environmental reporting. Additionally, LADWP withdrew their support citing concerns related to installing below-ground irrigation and the use of treated effluent on their land. LADWP also alleged the project amounted to a gift of water, which is prohibited by the City Charter.

Inyo/Los Angeles Long Term Water Agreement

The Inyo/Los Angeles Long Term Water Agreement (Agreement) is settlement to CEQA litigation between the County and Los Angeles concerning the operation of Los Angeles's second aqueduct. The Agreement requires Los Angeles to manage surface water and groundwater so as to avoid any significant adverse impacts that cannot be acceptably mitigated and to provide a reliable supply of water for Inyo and Los Angeles. Activities conducted by the County and Los Angeles include annual planning of water management activities, implementation and monitoring of mitigation projects, monitoring of habitat and hydrologic conditions, and evaluation of current conditions relative to the Agreement's goals.

Specific activities undertaken during 2021 included continued monitoring of hydrologic and environmental effects of LADWP's test of well 385 near Fish Slough and completion of technical reports describing the results of that test. An evaluation of conditions and potential modifications to the McNally Ponds and Native Pasture project in the Laws area was commenced in 2021. Inyo and Los Angeles implemented several adaptive management measures in the LORP including revised flows in the delta habitat area and substantially revised the wetland management procedures in the Blackrock waterfowl management area according to an Interim Plan developed by Inyo and Los Angeles. Staff also implemented new monitoring programs to assess the effects of these measures. These programs are discussed in greater detail below. The development of enhanced biological monitoring at certain mitigation sites and implementation of a Type-D study of willow and cottonwood development in riparian areas of the Owens Valley continued. A significant effort is to conduct ongoing monitoring of phreatophytic vegetation and hydrologic conditions on Los Angeles's land throughout the Owens Valley floor.

Lower Owens River Project (LORP)

The LORP is a mitigation project under the Long Term Water Agreement with the Los Angeles Department of Water and Power (LADWP). The project is compensatory mitigation for impacts considered difficult to quantify or mitigate directly. Fourteen years into the project, the goals of the LORP – to establish a healthy, functioning ecosystem for the benefit of biodiversity and Threatened and Endangered species are in part being met. An evaluation of the progress of the LORP can be found in the 2020 LORP Annual Report: https://www.inyowater.org/wp-content/uploads/2020/01/2019_DRAFT_LORP_ANNUAL_REPORT-reduced-1.pdf.

In the LORP, the river-riparian areas have greened up considerably since the project was implemented in 2006, but the rate of development of a willow and cottonwood forest has been far below projections. Instead of the expected doubling of tree canopy, the project area has experienced a net reduction in acres of forest canopy. Riparian trees provide habitat for specific bird species, many who have not been found in the project area, and whose presence is an indicator of project success.

Bulrush and cattails have filled in wetlands and ponds, and have greatly diminished the amount of open water in the project area. Emergent vegetation continues to limit recreational access, encroaches upon ranch pasture, and occupies land where tree willow might otherwise established.

In the river, the combination of warm water and high flows, which stir up accumulated organic material, can cause a decrease in dissolved oxygen. On numerous occasions this situation has led to fish kills. Flows were less variable than in previous years and no water quality impacts to the fishery were noted in 2020. Poor water quality will likely be a permanent concern for LORP management.

Surveys completed in August 2018 found a significant increase in populations and spread of the noxious weed *Lepidium* due to flooding in 2017. A weed survey in 2020 found that the spread of *Lepidium* has somewhat stabilized, but that tamarisk had become abundant in areas that have been previously cleared. ICWD and Inyo/Mono Agricultural Department are engaged in cooperative planning to control further spread of weeds in the LORP.

In response to a 2019 LORP evaluation, changes have been made to reduce flows into the Delta Habitat Area during the growing season—this to limit the growth of emergent vegetation and improve habitat for waterfowl. Another reaction to the evaluation is a study of trees in LORP—in an attempt to understand how they established and what we might do to encourage new tree recruitment. Average annual flows will still comply with legally mandated limits.

Inyo and LADWP are revising the plan for the Blackrock Waterfowl Area (BWMA). Early on in the project, the BWMA hosted substantial numbers of bird, but over the years the area has become less ecologically productive. Changes in water management are proposed that will discourage the growth of emergent vegetation that has crowded out open water. The new, 5-year interim plan would require agreement of the MOU parties and could be implemented as soon as the fall of 2021.

Owens River Water Trail (ORWT)

Owens River Water Trail would open up more than 6 miles of river channel east of Lone Pine for recreational canoeing, kayaking, and paddle boarding. The County has been awarded two grants to construct the ORWT; \$500,032 from the California Natural Resources Agency (CRA), and \$110,000 from California Division of Boating and Water. These funds would pay for design, engineering, and permitting for improvements at the launch and take-out facilities. LADWP funded the development and production of an EIR, which was completed in 2019. The CEQA document will be certified as soon as the terms for a long-term lease with LADWP are known. The lease will allow the development of water entry and exit points that are located on LADWP owned lands.

Mitigation Projects

One of the key roles of the ICWD is to assist with, monitor, and report on the implementation and ongoing management of 64 Environmental Projects and Enhancement/Mitigation Projects, which are LADWP obligations in the Owens Valley. These mitigation projects include civic improvement, revegetation, wildlife enhancement, habitat recovery, and the LORP. These

projects are mitigation measures adopted by LADWP in the 1991 EIR; projects that are provided for in the 1997 MOU; and projects developed subsequently. If mitigation goals are not being met, or projects are not being managed as stipulated, or simply not being implemented, the ICWD works with the LADWP and MOU parties to either help implement or modify the project. The full list of these projects and their status, as well as other useful information can be found in the Inyo County Water Department's webpage www.inyowater.org/mitigation.

In 2020, Los Angeles and the County worked on a joint assessment of the status of mitigation projects and other activities mandated under the Agreement. Inyo County and LADWP agreed on the status of all but two of the mitigation projects (Five Bridges revegetation, and the LORP), and one of the other mandated commitments (Haiwee Reservoir). In Inyo County's assessment, 48 projects were either complete, or they were implemented and ongoing, and 16 projects were either implemented but not meeting goals or not fully implemented. Other revegetation mitigation projects claimed complete by LADWP are being assessed and evaluated by the County.

A focus of upcoming work will be the development of scientific studies to assess habitat related projects—to determine if changes in management can improve conditions. As well, the County and LADWP are investigating moving the ponds portion of the McNally Ponds and Native Pasture Project from the McNally Ditch, where the water supply is both unreliable and/or prone to creating drawdown impacts, to an area just below Farmers Pond, where upstream water resources might allow reliable annual operation of substitute ponds in an environment more favorable to waterfowl and conducive to habitat development.

Sustainable Groundwater Management for the Owens Valley (SGMA)

The Sustainable Groundwater Management Act of 2014 (SGMA) requires that local Groundwater Sustainability Agencies (GSA) manage groundwater basins in California. The Owens Valley Groundwater Basin (Basin) includes Owens, Chalfant, Hammil, and Benton valleys, and originally, Inyo County, Mono County, City of Bishop, and the Tri Valley Groundwater Management District were designated as individual GSA's. In 2018, the four agencies withdrew as GSA's to allow the Owens Valley Groundwater Authority (OVGA) to become the exclusive GSA for the Basin. Seven additional community service districts also elected to become members of the OVGA. A grant was acquired and consultant selected to develop the Groundwater Sustainability Plan (GSP) for the Basin in late 2019. The Basin initially was designated as medium priority which requires that groundwater must be managed by a local GSA in accordance with an approved GSP. Work to prepare the GSP by staff and the consultant, Daniel B. Stephens and Associates, began in earnest in early 2019. The A Basin boundary adjustment to remove the Starlight area triggered a re-evaluation of the Basin priority by the Department of Water Resources which released a draft report in April 2019 designating the Basin as low priority. Under SGMA, low priority basins are not required to be managed by a GSA. Following several months of uncertainty, the OVGA decided that regardless of the basin status, the agency should proceed with development of the GSP. The designation of the basin as low priority was finalized in December 2019. Four agencies subsequently decided in 2020 to withdraw from the OVGA. Additional changes to the OVGA composition occurred in 2020 when the Owens Valley Committee (a local environmental group) and the Lone Pine Paiute Shoshone Tribe were added as Interested Parties.

Work on the GSP accelerated in 2020, specifically the components to acquire existing hydrologic data, describe the basin hydrology, water balance, groundwater dependent ecosystems, and hydrologic conceptual model, prepare draft sustainable management criteria, develop an online hydrologic database management system and website, and adoption of a mission statement and public engagement plan. Consultant work products for the GSP were presented at regular OVGA meetings and discussed at several evening workshops in 2020 and 2021. Unfortunately, due to coronavirus (COVID-19) pandemic restrictions, the OVGA was prevented from conducting the public process to engage stakeholders in-person as intended. The OVGA Board meetings and stakeholder meetings are public and were migrated to a virtual format successfully. In Benton, Hammil and Chalfant valley, internet access is relatively poor, and the OVGA resorted to a slower and higher cost direct mailer to reach residents in those communities.

An administrative draft of the GSP was prepared in August, 2021, and a public review draft was released for a 45 day public comment period. The final GSP including responses to public comment was adopted by the OVGA on December 9, 2021. The Basin was divided into three management areas, Tri-Valley/Fish Slough, Owens Valley, and Owens Lake based on the differing hydrologic characteristics of each area. Tri-Valley exhibits chronically declining water levels. Water levels in the Owens Valley and Owens Lake fluctuate but do not exhibit declining trends. Sustainable management criteria and management actions in the GSP reflect the desire to avoid negative results in the Owens Lake and Owens Valley areas. In Tri-Valley, the management actions prescribe a path to address identified data gaps and to seek funds to develop numerical groundwater models necessary to make informed decisions to address the declining water levels. Given the low priority status, implementation of all or parts of the GSP is at the discretion of the OVGA.

Local Agricultural Study

The Agriculture Department worked with a consultant to complete a study aimed at quantifying the value of local agriculture to our economy. This study was completed in 2017 and provides more in-depth analysis than the gross production value that is presented in the annual Crop and Livestock Report. Areas of analysis include comparison to other local industries, valuation of industries reliant on or linked to agriculture, economic ties between Inyo and Mono Counties, number of jobs maintained by this industry, economic contributions by crop and land ownership, a valuation of taxes generated by this industry, and estimated value of ecosystem services provided by agricultural producers. This report continues to provide valuable information to the County.

The Agriculture Department also continued the continuing education program in 2021, but later than normal and via zoom due to Covid. The Eastern Sierra Weed Management Area and Owens Valley Mosquito Abatement Program divisions fully implemented a GIS based electronic field monitoring and reporting system that will help to provide more efficient and effective survey, treatment, and reporting of field operations.

Cannabis

The division began inspections of cultivation sites and continued inspections of retail locations. Various changes were made to the Inyo County Code in relation to cannabis with the input of

industry and other county departments with the intention of improving and streamlining processes. The division also implemented a licensing system to integrate application review, renewals, taxes, and other processes into one system.

III. General Plan Elements

The General Plan details the County's guiding principles for a variety of planning topics and is the roadmap for future development. California Government Code Section 65300 et seq. provides direction and specifications for the content of the General Plan. The following seven elements are required:

- Land Use
- Circulation
- Conservation
- Open Space
- Noise
- Safety
- Housing

The elements may be combined or renamed, but basic requirements must be included. An agency may adopt any type of optional element, such as an Economic Element, at its discretion. Only the Housing Element must be certified by another agency (i.e., HCD), although the State Geologist and CalFire provide some oversight of other aspects.

The Inyo County General Plan consists of the following Elements:

- Government
- Land Use
- Economic Development
- Housing
- Circulation
- Conservation/Open Space
- Public Safety

Subtopics are included in the elements to meet California's requirements. The following sections address implementation for each of the County's General Plan Elements.

Government Element

The Government Element includes the following goals (i) promoting consistency of other agencies' actions with General Plan (Goal Gov-1), (ii) encouraging collaborative planning and public participation (Goal Gov-2), (iii) increasing private land ownership (Goal Gov-3), (iv) guiding federal land actions and encouraging economic development (Goal Gov-4), (v) protecting and developing water resources (Goal Gov-5), (vi) preserving and expanding agriculture (Goal Gov-6), (vii) enhancing opportunities for recreation, including for off-road vehicles, hiking, and biking (Goal Gov-7), (viii) encouraging improved management of wildlife and fisheries (Goal Gov-8), (ix) promoting exploration, development, and reclamation of mineral resources (Goal Gov-9), (x) balancing energy development (Goal Gov-10), and (xi) enhancing

transportation and preserving access (Goal Gov-11)

To achieve these goals, the County has continued dialogue with local, regional, State, and federal agencies on a variety of projects, as discussed elsewhere in this report, thereby continuing the previous coordination efforts with other agencies. The County constantly strives to ensure collaboration between national, California, and regional agencies as required by federal, State, and local regulations. The County works to make such agencies aware of County programs and policies and bring their actions into conformance with the General Plan. During 2018, the County worked with the US Forest Service, BLM, the US Fish and Wildlife Service, the National Park Service and other state and federal agencies in regional planning efforts affecting Inyo County resources.

The County also involves citizens, Native American tribes, and public interest groups in the planning process whenever feasible. Staff works to ensure that the public is made aware of all planning projects through mailings and notices in the newspaper to allow for their participation. Routine feedback and public input is requested, and the County's website is maintained to provide for current up-to-date information regarding planning issues.

Land Use Element

The Land Use Element guides County land use policy and insures that appropriate development takes place, with adequate provision of public services and utilities. Land use designations are specified, defined, and mapped in the Land Use Diagrams. The land use designations roughly correspond to the County's zoning districts. Public services and utilities are also addressed in the Land Use Element. Development in and around existing towns is encouraged, which is where most building permits are issued.

Potential impacts from new development are assessed under CEQA. Additional conditions of approval and mitigation may be required if deemed necessary to provide for issues such as screening, habitat conservation, parking, and noise-reduction, or otherwise address issues per the General Plan's direction.

Economic Development Element

The Economic Development Element works to support long-term efforts to improve economic conditions for all County residents, and addresses tourism, natural resources, and retail sales. Towards these ends, the County has continued to promote access to public lands and limit any new restrictions being planned. Promotions regarding Inyo County in major population centers elsewhere in the State (including at the State fair) are carried out. Filming opportunities are exploited, and several dramatic locations were featured in film, television, and other venues in 2021.

Housing Element

The Housing Element works to provide housing for all of the community, and addresses the needs of specified populations. In 2014, the County updated the Housing Element, which was certified by HCD. Preliminary data indicate that in 2021 thirteen new units were applied for, and

that construction began on a significant number of the new units, and 3 units obtained certificates of occupancy.

The County continues to work with service providers to provide for the needs of lower- income households, the disabled, and other special needs populations, per the direction provided by the Housing Element. The County is also working to update the Zoning Ordinance, which incorporates new State zoning requirements regarding housing.

Circulation Element

The Circulation Element addresses a wide variety of topics, including roads, scenic highways, public transportation, bicycles and trails, railroads, aviation, canals, pipelines, and transmission cables. These planning programs prioritize improvement to achieve implementation measures for roadway repaving and reconstruction projects.

As discussed previously, projects are reviewed to minimize impacts, provide for parking, reduce vehicle trips, and optimize transportation access. Continuing improvement in telecommunications infrastructure provides opportunities for telecommuting and economic development, and Digital 395 provides an excellent opportunity for telecommunications enhancements locally. The County continues to work with Caltrans regarding the Olancho-Cartago Four-Lane project and is seeking ways to implement the strategies identified in the corridor study prepared for the area proposed to be abandoned.

The Adventure Trails project works to provide access and encourage economic development. Viewshed issues along scenic highways are also addressed, as they may apply. The County continues to encourage the Forest Service and other federal agencies to address local concerns regarding appropriate motorized transport on federal lands and to otherwise maintain and improve access.

The County continues to work with and support ESTA to implement transit service throughout the County and beyond. The Short Range Transit Plan completed in 2016 and the Roles and Responsibilities Analysis started in 2010 implement the General Plan's direction to support and promote public transit and accessibility. In 2016, the County approved the Inyo County Active Transportation Plan (ATP), which includes bicycles, pedestrians, safe-routes-to-schools, and recreation trails. An update to the Regional Transportation Plan (RTP) is required every four years. The latest update was scheduled, completed and approved in 2019.

The County worked with the City of Bishop, Caltrans, and other local stakeholders to implement the Collaborative Bikeways Plan, which was adopted in 2008. This project implements the Circulation Element's bicycle goals, policies, and implementation measures. As discussed above, the Inyo 2016 ATP built upon and incorporated the policies and goals set forth in the 2008 bikeways plan. Continued coordination with LADWP, the Forest Service, and the BLM ensures appropriate trail maintenance and access to public lands.

The County continues its planning efforts towards commercial air service at the Bishop Airport. The County continues working on improving other airports in its jurisdiction by seeking grant funds and coordinating with Caltrans and the Federal Aviation Administration. The Bishop

Airport layout plan and narrative was also completed and sent to the FAA for review and approval in 2019. Work continued throughout 2020 on the project and scheduled commercial passenger service to the Bishop Airport by United Express (operated by Skywest) began on December 19, 2021.

Conservation/Open Space Element

The Conservation and Open Space Element works to provide for resource management, open space for recreation, and park development. Inyo County's Open Space Element includes sections on soils, agriculture, minerals and energy, water, biology, cultural (i.e., archaeology), visual, and recreation.

The County continues its programs to support agriculture and ranching. Mineral resource development is encouraged, and the County reviews projects to ensure compliance with SMARA and other regulations. As discussed above, the Planning Commission continues its work providing oversight for reclamation plans, and staff inspected about 80 mines in 2021. The County is working with State and federal agencies to encourage appropriate mineral production.

The Environmental Health Department provides oversight and permitting for potable water and wastewater treatment systems in order to manage and improve water quality. Individual projects are reviewed to ensure that they do not adversely impact groundwater quality or quantity. Work on the LORP and other enhancement projects improve surface water quality through biological filtering. Water transfers are reviewed to minimize environmental and economic effects. Potential impacts on biological, cultural, and visual resources are analyzed for projects and programs through environmental review processes. Architectural Design review in Lone Pine is carried out to ensure compatibility. The County continues to work to improve its parks and provide access to federal lands.

Public Safety Element

The Public Safety Element works to reduce hazards regarding air quality, floods, avalanches, wildfires, geology and seismicity, and noise. The County continues to cooperate with DWP to reduce dust from Owens Lake, and evaluates air quality issues for major discretionary projects. Building permits and other development proposals are reviewed for flooding, fire, avalanche, and faulting hazards. The County continued its work on a Hazard Mitigation Plan in 2017 and it was approved by FEMA in December 2017. In September 2018 the County's General Plan Public Safety Element was amended to add by reference the Hazard Mitigation Plan. Incorporating the MHMP into the General Plan is beneficial to the County as it adds identification of potential hazards, analysis, and mitigation language to the General Plan; and, it opens up more potential funding opportunities to the County in the event of a disaster.

IV. General Plan and Zoning Code Update

The County comprehensively updated its General Plan on December 11, 2001. One of the follow-up actions was to update the County's Zoning Code per the direction provided in the General Plan. During the past several years staff has been working to update the Zoning Code and conducting workshops on proposed changes with both the Planning Commission and the

Board of Supervisors. As a result of those changes to the Zoning Code, related changes to the General Plan are being considered to maintain consistency between the two documents.

During 2013, staff held numerous meetings with stakeholders and public workshops throughout the County to provide information, and receive input and feedback on the updated general plan and zoning code update. Results of the stakeholder and public outreach were presented to the Planning Commission in late 2013 and to the Board of Supervisors in early 2014. Staff is incorporating the results of public outreach, as well as comments from the Planning Commission and Board of Supervisors, and working to conduct environmental review in 2022.

V. Conclusion

The General Plan is the County's constitution and guiding vision. Due to the world's ever-changing nature, upkeep and maintenance of the General Plan is a continuous process. The County implements the General Plan's vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process.

The County provided leadership and participated in many planning activities in 2020, as identified in this report. It continued its project review responsibilities to further the General Plan's goals, policies, programs, and implementation measures.

Appendix A

Government Code Section 65400

(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). Prior to and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and

county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

Jurisdiction	County - Unincorporated	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	04/30/2021 - 04/30/2029

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		0

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	0	0
2 to 4	0	0	0
5+	0	0	0
ADU	0	0	0
MH	0	0	0
Total	0	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	13
Number of Proposed Units in All Applications Received:	13
Total Housing Units Approved:	3
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas