

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

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

Inyo County Planning Commission
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CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
LESLIE CHAPMAN
CHRISTIAN MILOVICH

PLANNING DIRECTOR
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
COUNTY COUNSEL

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).

April 27, 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 March 23, 2022 Planning Commission Meeting.

**Action
Item**

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

Action
Item/
Public
hearing

6. **VARIANCE 2022-02/VALERO** - The applicant is requesting a sign variance to exceed the 50-square-foot maximum sign size for an existing Port of Subs sign to 80-square-feet. The property is zoned Central Business (CB) and is located at 130 S. Edwards Street in the community of Independence. This project is Categorically Exempt under CEQA.

Action
Item/
Public
hearing

7. **CONDITIONAL USE PERMIT-2022-01/VALERO** - The applicant is requesting a CUP to remove and replace an existing gas station sign that will include an electronic price reader. The project is proposed on a property located at 130 S. Edwards Street, in the community of Independence. A gas station, mini-mart and a Port of Subs restaurant are currently operating at the site. The applicant has applied for the CUP to change the current Chevron sign into a Valero sign and to include the electronic component to display gas prices. All other proposed signage changes on the site are compliant with the Central Business zone, in which the gas station is located. This project is Categorically Exempt under CEQA.

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 MARCH 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
FIFTH DISTRICT

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STAFF:

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PAULA RIESEN
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, March 23, 2022, this is the first in-person meeting since Covid-19 hit, and we will be using Zoom for our meeting also so the public can attend. Commissioner Morely opened the meeting at 10:07 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 10:07 a.m.

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

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

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 10:08 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:08 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the December 29, 2021 meeting of the Planning Commission.

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

The Motion passed 4-0 at 10:08 a.m.

ITEM 5: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the January 26, 2022 meeting of the Planning Commission.

MOTION: Commissioner Todd Vogel made motion to approve; the motion was seconded by Commissioner Callie Peek.

The Motion passed 4-0 at 10:09 a.m.

ITEM 6: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the February 23, 2022 meeting of the Planning Commission.

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

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

ITEM 7: **CONSIDERATION OF A RESOLUTION** - The Planning Commission to meet remotely pursuant to AB 361.

Chair Morley gave a brief statement about AB 361, and said she recommends that the Commission pass the resolution.

MOTION: Commissioner Callie Peek made a motion to approve AB 361 for another month as long as needed. Commissioner Scott Kemp made the second.

Commissioner Todd Vogel asked, so this will be available for us in case we cannot make the meeting in person?

Cathreen Richards, Planning Director answered, I think it is strictly if we have to a remote meeting. I think the hightred is okay without a resolution. If I am wrong then we are covered.

Chair Kate Morley asked if it is for someone out of town.

Cathreen Richards, Planning Director answered that she is not sure about. Maybe Christian would you know about that? Can you chime in, I am just not sure.

Christian Milovich, County Counsel, answered by passing this the commission could continue to meet strictly remotely. You could also do a highbred basis under the Brown Act without a resolution.

Cathreen Richards, Planning Director answered thank you that answers the question.

Chair Kate Morley stated she had a follow up question. If there is a Planning Commissioner that is out of town, or could not make it to Independence that day, could the commissioner do it that way with zoom?

Christian Milovich, County Counsel, said so under the Brown Act rules the commission could meet in a way such that one of the commissioners were remote, if the agenda that the teleconference location was listed and the public was able to attend with in that remote location. Those are standard Brown Act rules. So the short answer is yes, if it is agenized properly.

Cathreen Richards, Planning Director answered so you would have to have the public in your motel room if that is where you are meeting from.

Christian Milovich, County Counsel, replied that is right.

Chair Kate Morley stated that this is to meet fully remotely if necessary.

The Motion passed 4-0 at 10:12 a.m.

ITEM 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.

Ryan Standridge, Associate Planner gave staff report.

Commissioner Todd Vogel asked staff to explain the map?

Ryan Standridge, Associate Planner, stated that the green area is the DG pit area. The blue is the existing permitted salvage yard from the original CUP. The black box is the entire 18.37-acre lease with DWP that will now be part of the salvage yard with approval of the amendment.

Chair Kate Morley requested confirmation that the amendment to the CUP resulted from putting together a reclamation plan.

Ryan Standridge, Associate Planner, answered yes. What happened is we were out on inspection, and found that the pit was not adequately closed for reclamation but had been

mined out of material. The Financial Mechanism must stay in place until reclamation is met or a new use is allowed by zoning. The Salvage yard is already permitted under OS-40 with a conditional use permit. The amendment will expand the salvage yard and enable the DG pit to be signed off on by the state.

Chair Morley opened the Public Comment Period at 10:18 a.m.

Doug Brown the president of Brown's Supply Inc., we have had that lease since 1985, It was a DG Pit, initially with the intention of making it a salvage yard, the reclamation is done and now we are just waiting for the revegetation to happen.

Chair Morley seeing no one else wanted to speak closed the public hearing at 10:20 a.m.

MOTION: Commissioner Todd Vogel made a motion to approve the amendment to the CUP 1985-07 Brown's Supply to the findings 1-7 and conditions of approval 1-4 as identified in the staff report and find that this project is exempt under CEQA. Commissioner Callie Peek made the second.

The Motion passed 4-0 at 10:21 a.m.

ITEM 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.

Cathreen Richards, Planning Director gave the staff report.

Commissioner Scott Kemp asked exactly where does the fence go, is it around the entire perimeter?

Cathreen Richards, Planning Director answered it was just around the perimeter of the project area.

Commissioner Callie Peek asked, I know this is up in the canyon is this part of the avalanche zone?

Cathreen Richards, Planning Director answered that the avalanche zone is not near the project area.

Commissioner Callie Peek stated that since this project is in her district she has received many calls and text messages about this project. One of the concerns was there was

already a greenhouse that had been put in, they didn't know if it was destroyed in the avalanche or the winds in the spring time.

Cathreen Richards, Planning Director answered I would imagine that would be a detriment to their cannabis plants so they will probably work to keep that in order. I know there is a hoop house there now, I didn't really go up and inspect it.

Jennifer Weston the owner of the project came to the podium to answer any questions. When we first erected that hoop house, we didn't get the finals brace put up, and that night gale force winds came and the entire thing blew down. We didn't put it back up because we needed to do something that would make it a lot more structurally sound for those winds. We do not have to use the high house, we might be able to use the smaller tunnels that might work better for us, and that would be less for us to put up.

Commissioner Scott Kemp then asked Jennifer if all of the plants will be inside of the house and watered inside of the house?

Jennifer Weston answered that is correct. The covering will be there only a short time then the covering would need to be removed so that the plants could have full access to the sun light.

Commissioner Todd Vogel asked what the usual set back requirement for cannabis, isn't it 300 feet?

Cathreen Richards, Planning Director answered yes it is 300 feet.

Jennifer Weston answered that the area of the possible encroachment is the avalanche area to the west and it cannot be built upon.

Commissioner Callie Peek said she was asked about the deed being listed as (no commercial zoning) and it was now listed as residential.

Cathreen Richards, Planning Director stated she had check Ms. Weston's deeds and there was no restrictions about any type of use on the deed.

Jennifer Weston stated that the property they were just discussing to the west was already zoned commercial years ago. There was a fish camp many years ago and there was about 50 acres that touches her property that was zoned commercial.

Commissioner Callie Peek then asked about the water usage. Is the water metered or how does the water usage you currently have verses to the water usage you will use.

Jennifer Weston answered the water we use now is not metered, because we are not drawing over the amount to require a meter. We have riparian water rights with a point of diversion of use that we have used since 1974. We have underground piping infrastructure that serves the house and all of the agriculture that we previously use to do,

none of that will change. We are working with the water board and they are well aware of our project. I will report to the state my water usage once a year. I would like to say, we will use less water with the cannabis than we did with the vegetable garden. If we used over 12 acre feet of water then we would have to install a meter.

Commissioner Callie Peek asked if there will be odor mitigation.

Jennifer Weston answered because it is a small out door plot we designed this project with all of these factors, which is why the crop is so small for odor control. Since we are not in a structure we cannot use carbon filters or any of those things because it is outdoors. We do have a couple natural things that do play in our favor, one is we have an uphill breeze and the downhill breeze in the evening. Up above us we have undeveloped property with no structures. Down below us we have only full time resident who did share a letter with you that she is in support of our project and does not see where it would be a problem for her. For our folks across the creek we are counting on the downhill flow of air that goes right down the creek. It is one season just two months of the year that we will grow that has the odor.

Commissioner Scott Kemp asked how long does the smell last?

Jennifer Weston stated two months of the bloom, and 5 to 6 months for the rest, June first until October, at the very latest a couple weeks into November.

Chair Morley asked is there potential lights from the grow.

Jennifer Weston stated there will be motion sensors lights for security only, which is not typical for most growers, and we don't have the electricity for that.

Commissioner Scott Kemp asked you live there, is that right?

Jennifer Weston answered yes, we will be there the entire grow season.

Chair Morley said she was reading through the comments and there are potential concerns about need for law enforcement.

Cathreen Richards, Planning Director stated that trend wise with our permitted grows, no there has been no additional need for law enforcement. We do have a lot of illegal growing in south east county right now and that has increase law enforcement, but not for permitted cannabis grows for retail.

Jennifer Weston stated that we have been working with the Sheriff's department for feedback and we incorporated all of those suggestions into our set up of operations. Also, in regards to the comment of cell reception, that is very valid concern. I have satellite internet now so that is not a concern for us. That runs all of the phones and security systems online as well.

Cathreen Richards, Planning Director stated that she brought up a concern that I should have. This is not the end for her permitting with the county. So once she gets her Conditional Use Permit she has to get her Cannabis business license and that has to have a security plan and it has to be approved by the Sheriff's. So if they feel there is going to be some security issues or law enforcement problems, they will bring that out she may be conditioned further based on that cannabis license.

Chair Morley stated one more question there are concerns here about the migration of the deer.

Cathreen Richards, Planning Director answered the fencing only goes around the grow area, so I have assumed that the deer can continue through the property. CDFW did not mention the deer migration and I would think that they would be the ones who would have those concerns.

Jennifer Weston answered yes, there is deer migration. It is a lot smaller than it used to be. The deer do come through there and the deer come right up by the house and they have full rein to whatever they want and I do not think they will be impeded at all. In fact, the reason for the higher fence it to try and keep them out, they will jump right over a six foot fence.

Chair Morley opened the Public Comment Period at 10:51 a.m.

Dustin Moore introduced himself as Jennifer's partner and explained they had worked very hard to incorporate everyone's concerns.

Chair Morley seeing no one else wanted to speak closed the public hearing at 10:53 a.m.

Commissioner Todd Vogel asked if they are still growing other crops out there.

Jennifer Weston answered yes; we do intend to grow other crops. We intended make a living growing vegetables and produce. We learned very quickly that is a pretty tough way to make a dollar. So this can help us support that. That is where our passion is to continue to grow produce on a much lower scale utilizing other greens that fit to our grow season.

Commissioner Todd Vogel asked when they go to get there cannabis license does it come back to the commission?

Cathreen Richards, Planning Director stated no it does not come back to the commission, we only approve of the use of the land and property. Then it goes to the Agriculture Commissioner for the cannabis license, they go through a lot of regulatory processes. They also have to have a county business license that is a separate process for that where other things will be reviewed. So they will not come back to you. Then after the finishes those two process, then they have to go to the State which has their own process. Cannabis is a very regulated process.

Commissioner Todd Vogel said the reason he brought this up was because they talk about a pesticide plan and their own cultivation plan are much more specific about pesticides and there were concerns in the comments, so if they were a condition it would address those concerns with specific organically improved pesticides. I would suggest that as a condition.

Cathreen Richards, Planning Director said so we can say because there is a condition for pesticide and federalizer plan as illustrated in the cultivation plan or something to that effect.

Commissioner Todd Vogel said it may just help those who are more skeptical about pesticides concerns and more specifically what they intend to do.

Chair Morley asked about the Dark Skies law being mentioned.

Cathreen Richards, Planning Director stated that in this case I really do think that we needed to have that wording in there, when the building inspectors go out, I am not quite sure how they will look at it, so I think it is important that we have that in there.

Commissioner Callie Peek asked what type of fence that is going to be used for the fence. Is it going to be chain link fence?

Jennifer Weston nodded yes.

Commissioner Todd Vogel stated that the fence was roughly 60 feet by 100 feet.

MOTION: Commissioner Todd Vogel said he is prepared to make a motion to approve, so I would move to approve the Conditional Use Permit 2021-03 and two Variances 2021-03 setback and 2021-08 fence height Glacier Fed Farms and certify the project as a Mitigated Negative Declaration under CEQA with the findings and conditions as identified in the staff report plus the additional condition following their own cultivation plan as attached to the report. Commissioner Scott Kemp made the second.

Commissioner Todd Vogel said it is not going to changed his mind but I am just curious are these properties to the east downstream are they year round residents?

Jennifer Weston answered no.

Commissioner Todd Vogel asked who that is.

Jennifer Weston answered Joe Profita.

Commissioner Todd Vogel said thank you.

Chair Kate Morley stated it was time for a Vote.

Chair Morley – Yes
Commissioner Vogel – Yes
Commissioner Kemp – Yes
Commissioner Peek – No

Chair Kate Morley stated the motion passed.

Cathreen Richards, Planning Director stated that Ms. Weston has been a great applicant, thank you.

ITEM 10: **2021 ANNUAL PROGRESS REPORT** - Staff will give a presentation to the Planning Commission summarizing the Inyo County 2021 Annual Progress Report.

Cathreen Richards, Planning Director, presented staff report, which summarized the permits and projects from the year 2021.

COMMISSIONERS' REPORT/COMMENTS –

None.

DIRECTOR'S REPORT –

Planning Director Cathreen Richards we are going to meet in person next month in April.

ADJOURNMENT –

Chair Kate Morley requested a motion to adjourn the meeting at 11:20 a.m. The next meeting will be April 27, 2022, at 10:00 a.m.

Motion by Commissioner Todd Vogel.

Seconded by Commissioner Scott Kemp.

Motion passed 4-0.

Prepared by:
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AGENDA ITEM NO.: 5 (Action Item)

PLANNING COMMISSION MEETING DATE: April 27, 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**

RESOLUTION NO. 2022-04

**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 27th day of April, 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
mnmann@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.

J.A.R.

Dr. James A. Richardson
Inyo County Health Officer



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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** April 27, 2022

SUBJECT: Variance #2022-02/Valero

EXECUTIVE SUMMARY

The applicant is requesting a sign variance to exceed the 50-square-foot maximum sign size for an existing Port of Subs sign to 80-square-feet. The property is zoned Central Business (CB) and is located at 130 S. Edwards Street in the community of Independence.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Sal Pablo – Sign Development Inc.

Property Owner: Abdul Jobah

Site Address/ 130 S. Edwards Street

Community: Independence

A.P.N.: 002-056-08

General Plan: Central Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: Approximately 0.6-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Gas Station, mini-mart, restaurant	Central Business District (CBD)	Central Business (CB)
North	Vacant lot	Central Business District (CBD)	Central Business (CB)
East	County offices	Public Facility (PF)	Public (P)
South	Kearsarge Street/Vacant lot	Central Business District (CBD)	Central Business (CB)
West	Highway 395	NA	NA

Staff Recommended Action: **1.) Do Not Approve the Variance.**

Alternatives:

- 1.) Approve the Variance.
- 2.) Approve the Variance 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

Variance Request & Site Characteristics

The applicant is requesting a sign size variance to exceed the 50-square-foot maximum sign size to 80-square-feet for an existing Port of Subs sign. The property is zoned Central Business (CB) and is located at 130 S. Edwards Street in the community of Independence (map attached). Currently, this sign is in violation of 18.75.100 of the Inyo County Code. The applicant is concurrently requesting a CUP to change the existing Chevron sign at the same property as the owner is changing gas station franchises. The variance is required before the CUP can be approved due to the violation on the property. A gas station, mini-mart and a sandwich shop have been on this site for many years. The owner of the Port of Subs had the sign put up to replace a Subway Sandwich sign, but did not understand that the replacement could not exceed the size of the sign it was replacing, or be larger than 50-square feet without a variance.

Inyo County Code at 18.75.100 (C)(2) limits the size of signs in the County’s commercial zones as follows:

“Advertising or business signs collectively totaling not more than three hundred square feet in area are permitted to be placed or erected on each lot exceeding ten thousand square feet in area at a density ratio of three hundred square feet of

total collective sign area per ten thousand square feet of lot area, e.g., signs having a collective total area of four hundred fifty square feet may be erected or placed on a lot fifteen thousand square feet in area; no individual sign, however, shall exceed fifty square feet in area and the total collective area of signs upon any such a lot shall not exceed six hundred square feet.”

Previous Variance History

Staff was unable to find previous variances on the property

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.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density.", as it is a request for a variance on land with a slope of less than 20%, which does not result in changes in land use or density.

RECOMMENDATIONS

Findings

Staff has reviewed this application and can find that three of the seven required Findings can be affirmed; four cannot:

1. There are exceptional circumstances applicable to the property involved which do not generally apply to other property in the same district and which deprive such property of privileges enjoyed by other property in the same district with identical zoning.

Affirmative: The property is located within the CB Zone. Per 18.75.100, this zoning district permits pole signs but also limits their size to 50-square-feet in area. This sign was erected without appropriate review by the County and is too large. The primary reason for the variance request is to update another sign on the property to include an electronic gas price component. This cannot be done without this variance. Although there are many non-conforming signs in the CB zone, none have come forward under the same circumstances.

2. The result of the variance will not be detrimental to the public welfare, or injurious to property in the vicinity.

Affirmative: The sign Ordinance ICC 18.75 allows for signs with specific size and height limitations in the CB zone. A variance allowing the signs to be larger than set forth in the standard per ICC 18.75, would not be detrimental to the public welfare, or injurious to property in the vicinity as it has already been at this location for several years with no negatives effects or complaints from the public.

3. The strict application of the zoning ordinance will result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of Title 18 of the Inyo County Zoning Ordinance.

Affirmative: The strict application of the County's sign Ordinance 18.75 could result in practical difficulties for the applicant. The owner is currently changing the gas station franchise on the property and has to follow the corporate policy for the new gas station sign. This cannot happen while there is a zoning violation on the property, which could in turn have negative

consequences on the owner's ability to complete the change. Since alternations to the County Code's design standards are allowed for by an approved variance, the attainment of, the general purposes of the County Code can still be met.

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: Currently there are other existing signs in the CB zone that are non-conforming due to their size. These signs are also in violation of the County Code. Approving this variance does not constitute a grant of special privilege as any of the owners of any non-conforming sign in the County could also apply for a variance. Obtaining a variance for non-conforming signs is encouraged and could be forced if the County were to receive code enforcement complaints regarding them.

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: The proposed variance applies to sign size as set forth in the County Code. Commercial pole signs are permitted by right, with the conditions set forth in 18.75, in the CB Zone, so this does not allow for a use that is otherwise not authorized.

6. The proposed variance is consistent with the Inyo County General Plan.
Affirmative: The requested sign variance presents no inconsistencies with the General Plan land use designation of the project site, which is CBD that allows for gas stations, mini-marts and sandwich shops.

7. The requirements of the California Environmental Quality Act (CEQA) have been met.

Variations are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density."

Conditions of Approval

- 1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2022-02/Valero, or the applicant's failure to comply with conditions of approval.

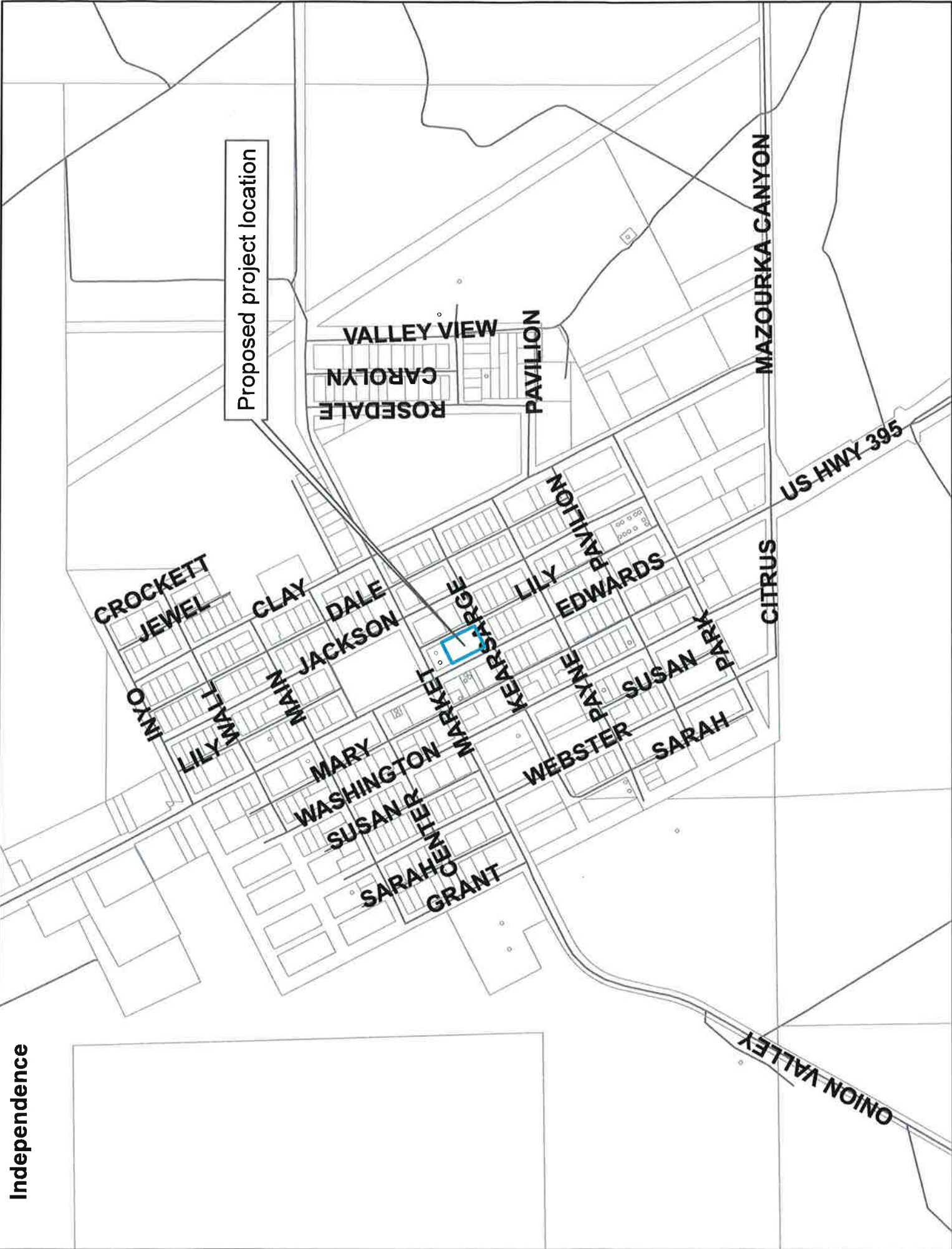
ALTERNATIVES

1. Approve Variance 2022-02/Valero with additional conditions of approval.

2. Do not approve Variance 2022-02/Valero.
3. Direct staff to continue the hearing to a future date and prepare additional information.

ATTACHMENTS

- Vicinity map
- Picture of sign



Proposed project location

VALLEY VIEW
PAVILION
ROSEDALE
CAROLYN

MAZOURKA CANYON

US HWY 395

CITRUS

CROCKETT
JEWEL

CLAY

DALE

JACKSON

MARKET

LILY

EDWARDS

KEARSARGE

PAYNE

SUSAN

PARKER

WEBSTER

SARAH

MARY

WASHINGTON

SUSAN R

SARAH O

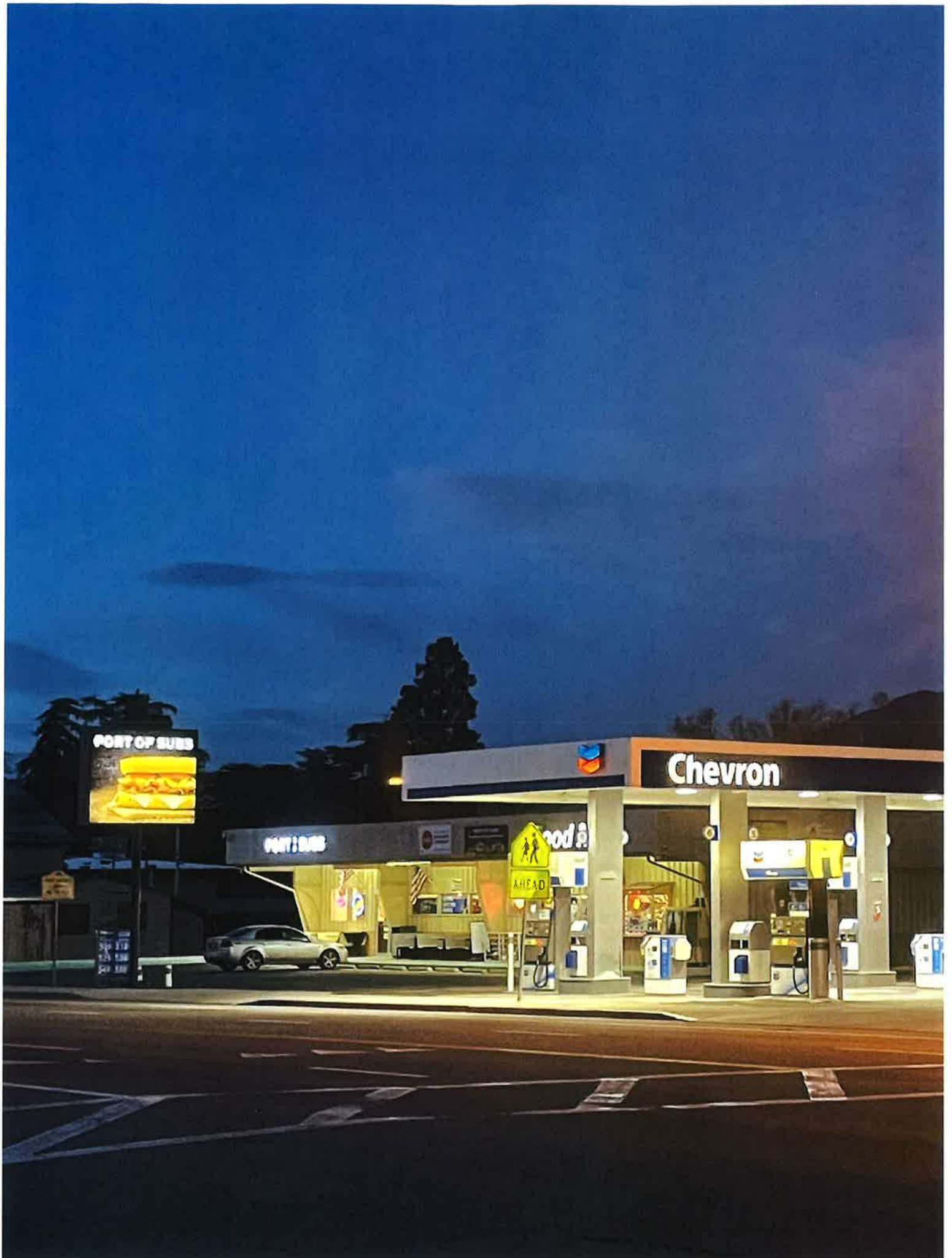
GRANT

LYLE

MAIN

Independence

ONION VALLEY



PORT OF SUBS

Chevron

AHEAD



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO.: 7 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: April 27, 2022
SUBJECT: Conditional Use Permit (CUP) 2022-01/Valero

EXECUTIVE SUMMARY

The applicant is requesting a CUP to remove and replace an existing gas station sign that will include an electronic price reader. The project is proposed on a property located at 130 S. Edwards Street, in the community of Independence. A gas station, mini-mart and a Port of Subs restaurant are currently operating at the site. The applicant has applied for the CUP to change the current Chevron sign into a Valero sign and to include the electronic component to display gas prices. All other proposed signage changes on the site are compliant with the Central Business zone, in which the gas station is located, without a CUP.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Sal Pablo – Sign Development Inc.

Property Owner: Abdul Jobah

Site Address/ 130 S. Edwards Street

Community: Independence

A.P.N.: 002-056-08

General Plan: Central Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: Approximately 0.6-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Gas Station, mini-mart, restaurant	Central Business District (CBD)	Central Business (CB)
North	Vacant lot	Central Business District (CBD)	Central Business (CB)
East	County offices	Public Facility (PF)	Public (P)
South	Kearsarge Street/Vacant lot	Central Business District (CBD)	Central Business (CB)
West	Highway 395	NA	NA

Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2022-01/Valero and find the project is exempt 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 to remove and replace an existing gas station sign that will include an electronic price reader. The project is proposed on a property located at 130 S. Edwards Street, in the community of Independence (map attached). A gas station, mini-mart and a Port of Subs restaurant are currently operating at the site. The applicant has applied for the CUP to change the current Chevron sign into a Valero sign and to include an electronic reader board to display gas prices (sign plan attached). All other proposed signage changes are compliant with the Central Business zone, without a CUP, in which the gas station is located. A gas station, mini-mart and a sandwich shop have been on this site for many years and currently, the applicant is in the process of changing the gas station franchise from Chevron to Valero. This change will require an update to all of the signage on the site with regard to the gas station. The applicant is requesting the CUP to include LED lit gas prices, which is defined by the County Code as an electronic sign and requires the CUP in the CB zone per 18.75.120. Since this requested use is allowed in the CB zone with a CUP, it is appropriate and meets the requirements of the Inyo County Code.

General Plan Consistency

The goal of this project is to allow for an electronic sign. The project is consistent with the General Plan designation of CB in which it is located, as it allows for commercial uses including retail and transportation services such as gas stations.

Zoning Ordinance Consistency

The CB designation allows for electronic signs as a conditional use. The current uses on the site are well established and are allowed by right. The applicant is seeking the use permit to change and upgrade an existing sign to include an electronic component for gas prices, in compliance with County's zoning ordinance. By acquiring the CUP the applicant is creating consistency with the code.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the Common Sense Rule 15061(b) (3) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a CUP is to change an existing sign to have an electronic component to display gas prices. No new building or use changes are part of the project and the entire property is built out and disturbed.

NOTICING & REVIEW

The application for CUP 2022-01/Valero has been reviewed by the appropriate county departments. The CUP is being conditioned with meeting all State and County Building Codes including those related to lighting.

The hearing for CUP 2022-01/Valero was noticed on March 12, 2022 in the Inyo Register and mailed to property owners within 300-feet of the project location as required by the Inyo County Code. No comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2022-01/Valero, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt by the Common Sense Rule 15061(b) (3) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and, the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: The Common Sense Rule 15061(b) (3) states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The application for this CUP is for a sign gas station sign to include an electronic price component. The property has been in use as a gas station, mini-mart

and sandwich shop for years. The changes will be changes and upgrades to signage on the property. No new building or use changes are proposed as part of the project and the entire property is already disturbed (graded and compacted).].

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of CBD.
[Evidence: The goal of this project is to allow for an electronic sign. The project is consistent with the General Plan designation of CB in which it is located, as it allows for commercial uses including retail and transportation services such as gas stations; and therefore, the CUP is consistent with the County's General Plan as the sign is directly related to the allowed use.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits "Electronic Signs" as a conditional use in the CB Zone.
[Evidence: The CB designation allows for electronic signs as a conditional use. The current uses on the site are well established and are allowed by right. The applicant is seeking the use permit to change and upgrade an existing sign to include an electronic component for gas prices in compliance with County's zoning ordinance. By acquiring the CUP the applicant is creating consistency with the code.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that is being replaced has been at this location for many years and has not caused issues to date. The only change will be that the gas prices will be lit up similar to the Shell gas station a few blocks south. It also helps to promote a local business that caters to visitors in the area; and therefore, is a desirable use.]
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 to allow a gas station sign to include an electronic price component. Changing the sign will not likely increase the current level of vehicles exiting and entering Highway 395; and therefore the project will have no impact on the 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 conditional use permit is to allow a gas station sign to include an electronic price component. The sign will not create impacts on the health or safety of persons living or working in the vicinity.]
7. Operating requirements necessitate the Conditional Use Permit for the site.

[Evidence: For the sign change to include the electronic price component a conditional use permit is required per the Inyo County Code. Therefore, the conditional use permit is necessary for the sign 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 Conditional Use Permit No. 2022-01/Valero. The County reserves the right to prepare its own defense.

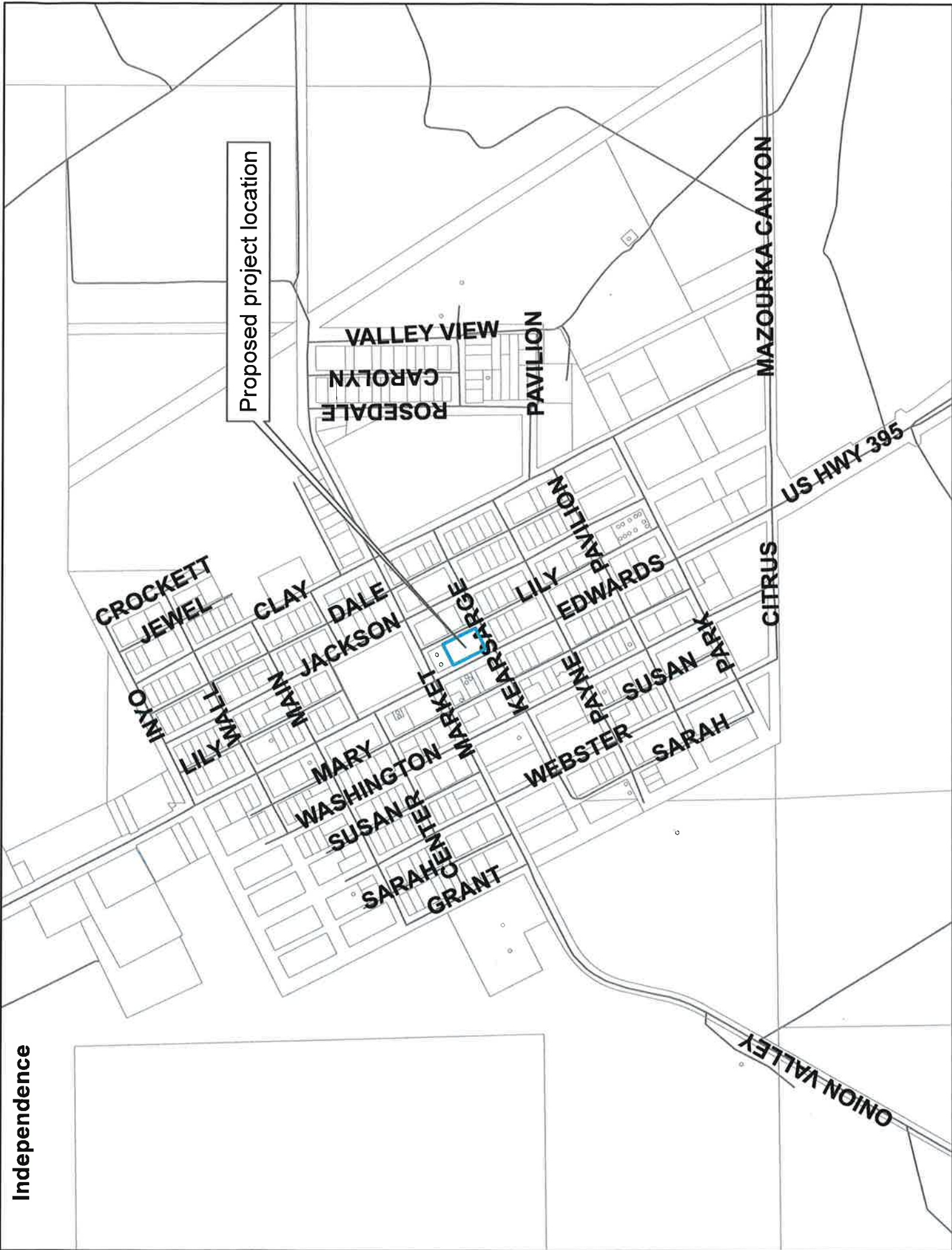
2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building Code. Failure to meet this condition may result in the revocation of CUP 2022-01/Valero. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. The applicant shall complete VAR 2022-01/Valero prior to any changes to signage at the project location. Failure to do so may result in the revocation of CUP 2022-01/Valero.

Attachments:

- Vicinity Map
- Sign Plan



Proposed project location

VALLEY VIEW
CAROLYN
ROSEDALE

PAVILION

MAZOURKA CANYON

US HWY 395

CROCKETT
JEWEL

CLAY
DALE
JACKSON

CLAY
DALE
JACKSON

KEARSARGE
MARKET

LILY
EDWARDS
PAVILION

LILY
EDWARDS

CITRUS

WALL
LILY

MARY
WASHINGTON
SUSAN R

MARKET
SUSAN R
GRANT

WEBSTER
SARAH

SARAH
GRANT

ONION VALLEY

Independence

SIDE A

101 1/2"



LOGO TO LEFT, BOTH SIDES

67 1/2"

23 7/8"

20"

6" AMBER LED PRICE DIGIT

IMPORTANT: INSTALLER MUST REGISTER ALL LED SIGNS WITH ABL. PLEASE CALL 614-388-8868 BEFORE 2:00P-5T TO REGISTER. MUST FORWARD CONFIRMATION NUMBER TO SDI AND WRITE REGISTRATION # INSIDE CABINET. FAILURE TO PROVIDE SDI WITH REGISTRATION # WILL DELAY PAYMENT.

PAINT EXISTING CABINETS, REFRAINERS, AND BASE STRUCTURES VALERO LIGHT GRAY.

INSTALL NEW 25 AMP PHOTO CELL TO CONTROL ALL BACKLIGHTING.

1 RELAMP EXISTING CABINET AND TEST. REFACE EXISTING D/F PRICE/ID SIGN. 47.58 sq.ft. SCALE: 1/2" = 1'-0"

SIDE B

101 1/2"



LOGO TO LEFT, BOTH SIDES

67 1/2"



EXISTING D/F PRICE/ID SIGN

REMOVE EXISTING BANNER FROM PRICE SIGN BASE

NOTE: THESE DRAWINGS MAY NOT BE THE FINAL COLOR SCHEME AND APPROVED LAYOUT



Sign Development Inc.

License # 52627

Upland, CA 91786 (909) 920-5535

CUSTOMER APPROVAL

NO. X6960

DATE: 01.11.22BA

REV: 01.13.22BA

PAGE: 2 OF 7

Valero 130 S. EDWARDS ST. INDEPENDENCE, CA 93562

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SIGN AND PRINT FULL NAME _____ DATE _____