

RESOLUTION NO. 2009-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING AND ADOPTING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT CONCERNING, AND MAKING CERTAIN FINDINGS WITH RESPECT TO AND APPROVING, GENERAL PLAN AMENDMENT #2008-02/POOLE, ZONE TEXT AMENDMENT #2008-03/POOLE AND CONDITIONAL USE PERMIT #2008-04/POOLE

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission as the Environmental Review Board pursuant to Section 15002 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to Section 15025 of the State CEQA Guidelines as implemented by Section 15.12.040 of the Inyo County Code (CEQA Procedures), the Planning Commission is responsible for the environmental review of all County projects; and

WHEREAS, the Inyo County Planning Department completed an Initial Study/Environmental Checklist and Draft Negative Declaration of Environmental Impact pursuant to CEQA concerning applications for General Plan Amendment #2008-02/Poole and Zone Text Amendment #2008-03/Poole for all properties designated Retail Commercial (RC) in Inyo County, and Conditional Use Permit #2008-04/Poole for property located at 188 Pa Me Lane, Bishop, which is designated Retail Commercial (RC), zoned General Commercial & Retail (C-1) and is the site of a residence and cabinet making business; and

WHEREAS, General Plan Amendment #2008-02/Poole proposes to amend Policy LU-3.2 in the Inyo County General Plan to increase the allowed maximum Floor Area Ratio (FAR) from 0.40 to 0.60 for property designated Retail Commercial (RC) under the Inyo County General Plan; and

WHEREAS, the Inyo County Planning Department circulated said Initial Study and Draft Negative Declaration of Environmental Impact for a 30-day public review period as required by Section 15.32.060 of Inyo County Code, commencing on November 29, 2008, and ending on December 29, 2008; and

WHEREAS, the Inyo County Planning Commission is required to conduct a public hearing on proposed General Plan Amendments, and Zone Reclassifications, and to make a recommendation to the Board of Supervisors thereon on General Plan Amendments and Zone Reclassifications (Sections 65854 and 65855 of Government Code); and

WHEREAS, at a noticed public hearing on February 25, 2009, the Planning Commission considered the Draft Negative Declaration of Environmental Impact, report of staff, and all oral and written comments to date regarding this project; and

WHEREAS, following said public hearing the Planning Commission adopted a Resolution wherein it recommended that this Board of Supervisors:

- 1.) Adopt the Negative Declaration of Environmental Impact and thereby certify that the requirements of the California Environmental Quality Act have been satisfied with respect to the General Plan Amendment and Zone Reclassification applications; and
- 2.) Approve the General Plan Amendment and Zone Reclassification applications.

WHEREAS, pursuant to that recommendation, this Board of Supervisors held a public hearing on XXXX, 2009, and considered all written and oral testimony presented concerning the General Plan Amendment #2008-02/Poole, Zone Text Amendment #2008-03/Poole and Conditional Use Permit #2008-04/Poole.

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received at the XXXX, 2009, hearing, including the Planning Department Staff Report and the Negative Declaration of Environmental Impact concerning the above described proposed project, this Board makes the following findings regarding the Negative Declaration:

- 1.) A Draft Negative Declaration of Environmental Impact was prepared and circulated in accordance with the California Environmental Quality Act and was completed in compliance with CEQA.
- 2.) The Negative Declaration of Environmental Impact was reviewed and considered by this Board of Supervisors.
- 3.) The Negative Declaration of Environmental Impact reflects the County's independent analysis and judgment.
- 4.) Together with the Initial Study, all comments received on the Negative Declaration, the responses to those comments, and all other information in the record, the Negative Declaration shows that there is no substantial evidence that the project will have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby adopt the Negative Declaration of Environmental Impact concerning General Plan Amendment #2008-02/Poole, Zone Text Amendment #2008-03, and Conditional Use Permit #2008-04/Poole.

BE IT FURTHER RESOLVED, that General Plan Amendment #2008-02/Poole proposes to increase the allowed maximum Floor Area Ratio (FAR) from 0.40 to 0.60 for property designated Retail Commercial (RC) under the Inyo County General Plan by amending Policy LU-3.2 of the Inyo County General Plan to read:

"This designation provides for retail and wholesale commercial uses, service uses, offices, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.60. Residential uses in this designation shall be subject to discretionary review and approval. Residential densities shall be in the range of 7.6 to 24 dwelling units per net acre."

BE IT FURTHER RESOLVED, that the increase to the FAR is consistent with the following Inyo County General Plan Goals:

- Goal ED-3, Local Retail & Service Commercial Land Uses: Promote increased capacity to serve local citizens within the County's established urbanized areas.
- Goal LU-3, Commercial: Provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs.

BE IT FURTHER RESOLVED, that based on all of the written and oral comment and input received at the XXXX, 2009, hearing, including the Planning Department Staff Report and the Negative Declaration of Environmental Impact concerning the above described project, this Board makes the following findings regarding General Plan Amendment #2008-02/Poole:

- 1.) Based on substantial evidence in the record, the proposed General Plan Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
- 2.) Based on substantial evidence in the record, the proposed General Plan Amendment is consistent with Title 18 (Zoning Ordinance).
- 3.) The proposed use is properly related to other uses and transportation and service facilities in the vicinity.
- 4.) The proposed use would not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.
- 5.) The proposed use is necessary or desirable.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby approve General Plan Amendment #2008-02/Poole.

BE IT FURTHER RESOLVED, that upon consideration of the written information and oral testimony received at said public hearings, including the Planning Commission Staff Report, and based upon the entirety of the record, this Board of Supervisors approves Conditional Use Permit #2008-04/Poole, subject to the following Conditions of Approval:

- 1.) Hold Harmless: As a condition of approval of General Plan Amendment #2008-02/Poole, Zone Text Amendment #2008-03/Poole, and Conditional Use Permit #2008-04/Poole, the applicant shall defend, indemnify and hold harmless Inyo County (County), its 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 said approval of General Plan Amendment #2008-02/Poole, Zone Text Amendment #2008-03/Poole, and Conditional Use Permit #2008-04/Poole. The County reserves the right to prepare its own defense.

- 2.) Compliance with County Code: 15 parking stalls shall be provided for the commercial cabinetry business located at 188 Pa Me Lane, as required by the Inyo County Zoning Ordinance (Section 18.45.050 requires one space for each four hundred square feet of usable floor area).

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby approve General Plan Amendment No. 2008-02/Poole and Conditional Use Permit #2008-04/Poole. General Plan Amendment No. 2008-02/Poole shall not take effect for thirty days after the date of this Resolution.

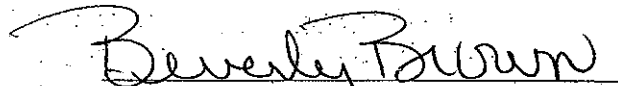
PASSED AND ADOPTED THIS 17th DAY OF March 2009:

AYES: Supervisors Arcularius, Cash, Brown, Fortney and Cervantes

NOES: -0-

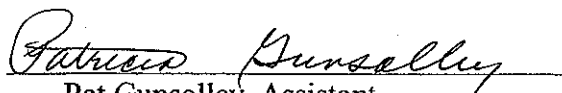
ABSTAIN: -0-

ABSENT: -0-


Beverly Brown, Chairperson
Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO
Clerk of the Board

By 
Pat Gunsolley, Assistant