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**AGENDA ITEM NO.:** 7 (Action Item – Public Hearing)

**PLANNING COMMISSION** September 22, 2021  
**MEETING DATE:**

**SUBJECT:** Conditional Use Permit (CUP) 2021-  
05/Cluff

### **EXECUTIVE SUMMARY**

The Applicant Ken Cluff, of Cardinal Village Resort, is applying for a CUP to expand the uses at a legally non-conforming “resort” and cause it to be conforming to the Open Space zoning designation in which it is located. The Cardinal Village Resort has been operational for almost 70 years providing lodging, dining, and recreational opportunities near the community of Aspendell, west of Bishop. The applicant is applying for the CUP so he can expand the services to include serving alcoholic beverages. No new construction is being proposed at this time.

### **PROJECT INFORMATION.**

**Supervisory District: 1**

**Project Applicant:** Ken Cluff, Cardinal Village Resort

**Property Owner:** Ken and ShaleAnn Cluff

**Site Address:** 311 Cardinal Rd. Bishop, CA 93514

**Community:** Aspendell, CA

**A.P.N.:** 014-050-22

**General Plan:** Rural Protection (RP)

**Zoning:** Open Space with a forty-acre minimum (OS-40)

**Size of Parcel:** Approximately 4.9 acres

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Resort- Lodging, dining, recreation	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
North	Forest Service Cabins & Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
East	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
South	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
West	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)

**Staff Recommended Action:**

**1.) Approve the Conditional Use Permit (CUP) 2021-05/Cluff 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:**

Graham Meese

**STAFF ANALYSIS**

Background and Overview

The Applicant Ken Cluff, of Cardinal Village Resort, is applying for a CUP to expand the uses at a legally non-conforming “resort” and cause it to be conforming to the Open Space zoning designation in which it is located. The Cardinal Village Resort has been operational for almost 70 years providing lodging, dining, and recreational opportunities near the community of Aspendell, west of Bishop. The resort has operated as legally nonconforming under 81.78.230, but the applicant would like to expand the services provided by the resort to include serving alcoholic beverages and must obtain a CUP per Inyo County Code 18.78.240. No new construction is being proposed at this time.

The general project area is in a location surrounded by open space, with two USFS cabins and the community of Aspendell approximately ¼ mile to the north.

Vicinity Map

Vicinity Map

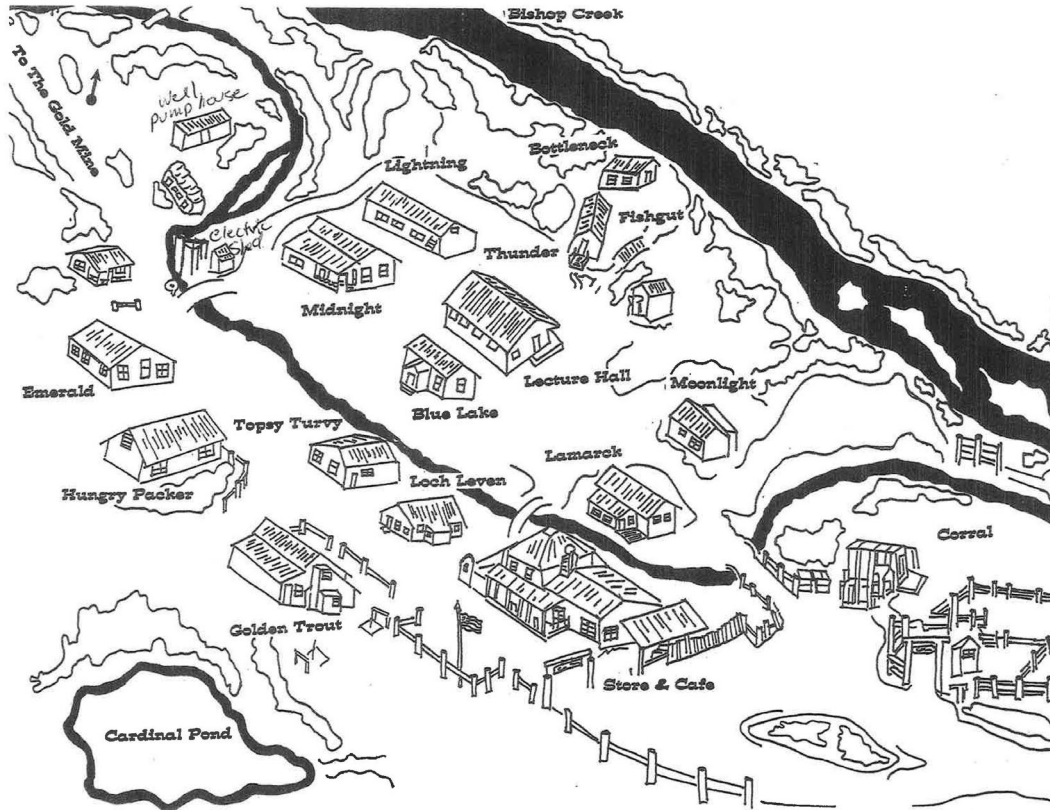


Site Map

Site Map



## Resort Layout



### General Plan Consistency

The goal of this project is to allow for an established legally nonconforming resort use on the site to continue in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for the managed production of natural resources and recreation uses. The Cardinal Village Resort provides low-intensity recreational opportunities and has been a fishing preserve since its creation in the 1940's. It is also compatible with the General Plan's Economic Development Element's Goal ED-2: Bring more destination-spending into Inyo County. The continued operation and opportunity to expand the services provided will create a boost to the local economy while people are staying the resort. It also provides about 12-16 full time seasonal jobs during the summer and 2 part time jobs during the winter.

### Zoning Ordinance Consistency

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

## **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2021-05/Cluff is Categorically Exempt under CEQA Guidelines 15301, 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 CUP is being applied for to permit the operation of an existing resort with a minor use alternation of allowing for alcoholic beverage service, causing it to be Exempt.

Additionally, any future replacement or reconstruction of the existing structures would be covered under Class 2 (15302) and any new construction or conversion of small structures would likely be covered under Class 3 (15303). No new construction is being proposed at this time, however.

## **NOTICING & REVIEW**

The application for CUP 2021-05/Cluff has been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

A public hearing notice was published in the Inyo Register on September 9<sup>th</sup> and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

## **RECOMMENDATION**

Planning Department staff recommends the approval of CUP No. 2021-05/Cluff, with the following Findings and Conditions of Approval:

## **FINDINGS**

1. The proposed CUP is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; 15302, replacement or reconstruction of existing facilities – Class 2; and 15303, constrtion or conversion of Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The CUP is being applied for to permit the operation of an existing resort with a minor use expansion to allow for alcoholic beverage service, causing it to be Exempt. Additionally, any future replacement or reconstruction of the existing structures would be covered under Class 2 (15302) and any new construction or conversion of small structures would likely be covered under Class 3 (15303). No new construction is being proposed at this time.]*



2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of Rural Protection (RP).  
*[Evidence: The goal of this project is to allow for an established legally nonconforming resort use on the site to continue in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for the managed production of natural resources and recreation uses. The Cardinal Village Resort provides low-intensity recreational opportunities and has been a fishing preserve since its creation in the 1940's. It is also compatible with the General Plan's Economic Development Element's Goal ED-2: Bring more destination-spending into Inyo County. The continued operation and opportunity to expand the services provided will create a boost to the local economy while people are staying the resort.]*
3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits "resorts" as a conditional use in Open Space.  
*[Evidence: The purpose of the Open Space zoning designation is to encourage the protection of mountainous, hilly upland, and valley areas from detrimental effects of intensive land use activities, and allows for "resorts" a permitted conditional use. Cardinal Village Resort is an established low impact recreational use at the site and the applicant is seeking the conditional use permit to continue to operate the resort in compliance with County's zoning ordinance.]*
4. The proposed CUP is necessary or desirable.  
*[Evidence: The General Plan's Economic Development Element's Goal ED-2 states: 'Bring more destination spending into Inyo County'. Cardinal Village Resort provides lodging, dining, and recreational opportunities. This creates a boost to the local economy while people are staying the resort. It also provides about 12-16 full time seasonal jobs during the summer and 2 part time jobs during the winter; therefore, this is a desirable use.]*
5. The proposed CUP is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed CUP is to make an existing use and associated buildings compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]*
6. The proposed CUP would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[Evidence: The CUP is being proposed to make an existing use compliant the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]*

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

## **CONDITIONS OF APPROVAL**

### **1. Hold Harmless**

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning CUP No. 2021-05/Cluff. The County reserves the right to prepare its own defense.

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

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