

MINUTES



County of Inyo Board of Supervisors

May 3, 2024

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 9:04 a.m., on May 3, 2024, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Scott Marcellin, Jeff Griffiths, Jennifer Roeser and Trina Orrill. Also present: County Administrator Nate Greenberg, County Counsel John-Carl Vallejo, and Assistant Clerk of the Board Darcy Ellis.

Pledge of Allegiance County Counsel Vallejo led the Pledge of Allegiance.

Public Comment – Chairperson Kingsley asked for public comment related to items not calendared on the agenda and public comment was received from Lauralyn Hundley.

Planning Department – Appeal No. 2023-02 Chairperson Kingsley re-opened the hearing for the appeal. Assistant Planner Cynthia Draper introduced Appeal No. 2023-02 of Renewable Energy Permit (REP) 2022-01/Barker, for which today's public hearing was continued from April 9, and reviewed the proposed project.

Assistant County Counsel Christy Milovich followed by reviewing the Planning Department's position. Project proponent Robbie Barker then showed a brief PowerPoint describing community solar opportunities in Trona.

Trona property owner and appellant John Mays addressed the Board to express his opposition to the project. Patrick Soluri, attorney for the appellants, expanded on Mays' comments. Amanda McNamara, daughter of property owner Brian McNamara, also addressed the Board in opposition to the proposed solar project.

Sean Hungerford, attorney for Barker, spoke on behalf of his client, expressing his client's position on why the project should be approved.

Discussion ensued among the Board and with staff regarding the addition of additional mitigation measures.

Moved by Supervisor Griffiths and seconded by Supervisor Marcellin to:

- 1) Deny the appeal and uphold the Planning Commission's decision to approve REP 2022-01/Barker, subject to all conditions of approval outlined in the material;
- 2) Approve the Recirculated Mitigated Negative Declaration for the Project; as presented and certify that it is an adequate and complete document prepared in compliance with CEQA;
- 3) Adopt the Mitigation Monitoring and Reporting Program, as revised, and set forth in the Recirculated Mitigated Negative Declaration, as the Mitigation Monitoring and Reporting Program for the Project, prepared in accordance with CEQA; and
- 4) Make findings a-d as follows:
 - a. All previous findings made by the Planning Commission in its October 25, 2023 public hearing are incorporated herein as findings;
 - b. The Project will not have a potentially significant effect on the environment with mitigation measures incorporated based on the reasons documented in the Recirculated Mitigated Negative Declaration; that mitigation measures are needed for this project which have been incorporated in the project; and that there is no substantial evidence that the project, with the mitigation measures incorporated, could have a significant effect on the environment;
 - c. The Project is consistent with the plans for which the Program EIR was prepared; that any new effects which had not previously been considered in the

Program EIR have been reduced to less than significant by mitigation measures or revisions incorporated into the project; and that the project incorporates all applicable mitigation measures identified in the Program EIR; and

- d. Through the imposition of the mitigation measures, the conditions of approval including the conditions pertaining to the requirement for an approved reclamation plan and corresponding receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the permit, the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded; and

- 5) Add as conditions of approval the requirements that preconstruction surveys be conducted for the desert tortoise and Mojave ground squirrel by a biologist approved by the California Department of Fish and Wildlife and, if any species of concern are discovered, appropriate feasible mitigation measures will be taken as prescribed in the Programmatic Environmental Impact Report.

Motion carried 4-1, with Supervisor Roeser voting no.

*Planning Department –
Appeal No. 2023-03*

Chairperson Kingsley re-opened the hearing for Appeal No. 2023-03. Assistant County Counsel Milovich asked that her previously stated arguments and comments in relation to Appeal No. 2023-02 be incorporated into the record for this hearing on the Trona 4 project, as they pertain to this project. Patrick Soluri, the appellants' attorney, and John Mays, appellant, requested that all arguments and comments made by all of the appellants be incorporated into the record as they pertain to Trona 4.

Assistant Planner Cynthia Draper reviewed the proposed project for the Board. Sean Hungerford, attorney for proponent Robbie Barker, asked that his and Mr. Barker's previously stated arguments and comments be incorporated into the record for this hearing on the Trona 4 project, as they pertain to this project. He also commented on mitigation of visual impacts and the recorded access road in the project vicinity.

The Board agreed to incorporate all of the arguments and comments into the record for Appeal No. 2023-03.

Appellant Tom Kidder spoke in opposition to the project.

Moved by Supervisor Orrill and seconded by Supervisor Marcellin to:

- 1) Deny the Appeal, uphold the Planning Commission's decision to approve REP 2022-02/Barker, subject to all conditions of approval outlined in the material;
- 2) Approve the Recirculated Mitigated Negative Declaration for the Project, as presented and certify that it is an adequate and complete document prepared in compliance with CEQA;
- 3) Adopt the Mitigation Monitoring and Reporting Program, as revised, and set forth in the Recirculated Mitigated Negative Declaration, as the Mitigation Monitoring and Reporting Program for the Project, prepared in accordance with CEQA; and
- 4) Make findings a-d as follows:
 - a. All previous findings made by the Planning Commission in its October 25, 2023 public hearing are incorporated herein as findings;
 - b. The Project will not have a potentially significant effect on the environment with mitigation measures incorporated based on the reasons documented in the Recirculated Mitigated Negative Declaration; that mitigation measures are needed for this project which have been incorporated in the project; and that there is no substantial evidence that the project, with the mitigation measures incorporated, could have a significant effect on the environment;
 - c. The Project is consistent with the plans for which the Program EIR was prepared; that any new effects which had not previously been considered in the Program EIR have been reduced to less than significant by mitigation measures or revisions incorporated into the project; and that the project incorporates all applicable mitigation measures identified in the Program EIR; and
 - d. Through the imposition of the mitigation measures, the conditions of approval including the conditions pertaining to the requirement for an approved reclamation plan and corresponding receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the permit, the health, safety and welfare of the county's citizens, the county's

- environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded; and
- 5) Add the following as conditions of approval:
- a. preconstruction surveys must be conducted for the desert tortoise and Mojave ground squirrel by a biologist approved by the California Department of Fish and Wildlife and, if any species of concern are discovered, appropriate feasible mitigation measures will be taken as prescribed in the Programmatic Environmental Impact Report; and
 - b. The proponent will restore the recorded access road to minimum County standards per County Code.

Motion carried 4-1, with Supervisor Roeser voting no.

Adjournment

The Chairperson adjourned the meeting at 1:04 p.m. to 8:30 a.m. Tuesday, May 7, 2024, in the County Administrative Center in Independence.

*Attest: NATE GREENBERG
Clerk of the Board*



Chairperson, Inyo County Board of Supervisors

by: 

Darcy Ellis, Assistant