

# Agenda

## County of Inyo Planning Commission

Board of Supervisors Room  
Inyo County Administrative Center  
Independence, California

### INYO COUNTY PLANNING COMMISSION

**Howard Lehwald**  
**Caitlin (Kate) J. Morley**  
**Todd Vogel**  
**Callie Peek**  
**Aaron Cassell**

**First District**  
**Second District**  
**Third District (Chair)**  
**Fourth District (Vice Chair)**  
**Fifth District**

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#### STAFF

Cathreen Richards  
Danielle Visuaño  
Ryan Standridge  
Cynthia Draper  
Sally Faircloth  
Michael Errante  
Nate Greenberg  
Christian Milovich

Planning Director  
Senior Planner  
Associate Planner  
Associate Planner  
Project Coordinator  
Public Works Director  
County Administrator  
Assistant County Counsel

**This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California, beginning at 10:00 a.m.**

- 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 23, 2025**

**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.
4. **APPROVAL OF MINUTES** – Approval of minutes from the February 26, 2025, Planning Commission Meeting.

**Action  
Item /  
Public  
Hearing**

5. **CONDITIONAL USE PERMIT (CUP) 2023-02/LEON7FARMS**  
The applicant has requested a Conditional Use Permit (CUP) to cultivate cannabis on a 2.5-acre parcel at 631 Ruby Lane, Charleston View, CA, in unincorporated Inyo County (APN 048-364-070). The project includes approximately 3,000 square feet of cannabis cultivation within two greenhouses, as well as five shipping containers for seed processing, drying, employee breaks, and equipment storage. The site is surrounded by vacant land, with the nearest town, Pahrump, NV, about 30 miles to the north. This project is classified as a Mitigated Negative Declaration under the California Environmental Quality Act (CEQA).

**Action  
Item /  
Public  
Hearing**

6. **TENTATIVE PARCEL MAP No. 433/ESLS-BALTAZAR**  
The applicant is seeking approval to subdivide a 5 acre parcel into two equal parcels of 2.5 acres each. Both proposed parcels currently do not contain any structures and there are no plans for new construction. The subdivision will not create any setback issues for any future development of dwellings or accessory structures. The property is located at 1990 Indian Springs Dr. Alabama Hills, California. Both proposed parcels are zoned Rural Residential (RR-2.5), which requires a minimum lot size of 2.5-acres, and are designated as Rural Residential Medium (RRM) use in the General Plan. This project is exempt from CEQA under General Rule 15061(b)(3).

**Action  
Item /  
Public  
Hearin**

7. **CONDITIONAL USE PERMIT 2019-06/GROW4GOLDVIOLATION HEARING** – On August 28, 2019 the Planning Commission, upon the recommendation of staff, approved a CUP for the applicant to operate a commercial cannabis cultivation operation located approximately 26-miles southeast of the community of Charleston View in Sandy Valley on Long Rd. The project proposal included drying and packaging the cultivated product at the project site. The CUP was conditioned with, among other things, a requirement to conform to all applicable provisions of the Inyo County Code and State Regulations. The applicant has failed to meet these conditions as the operation is being conducted with no building, electrical or plumbing permits, therefore, staff is recommending the revocation of the CUP. This action is exempt from CEQA under 15321 – Enforcement Actions by Regulatory Agencies.

**Action  
Item /  
Public  
Hearing**

8.

**ZONE TEXT AMENDMENT 2024-03 / MAINTENANCE OF ANIMALS**

Staff is reintroducing this item that was originally presented to the Planning Commission on July 24, 2024. It includes an updated proposed ordinance to update Section 18.78.310 – Maintenance of Animals; and Subsections 18.12.020 (D) and 18.12.040 (J) Open Space, of the Inyo County Code to:

- identify prohibited nuisances;
  - add stream buffer language; and,
  - include a requirement for kennels in the Open Space zone to obtain a Conditional Use Permit (CUP).

The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3). Subsequent CUPs for kennels will require project specific CEQA evaluations.
9.

**COMMISSIONERS’ REPORTS/COMMENTS**
10.

**PLANNING DIRECTOR’S REPORT**
11.

**ADJORN**

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF FEBRUARY 26, 2025 MEETING

### COMMISSIONERS:

HOWARD LEHWALD  
CAITLIN (KATE) J. MORLEY  
TODD VOGEL  
CALLIE PEEK  
AARON CASSELL

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

Inyo County Planning Commission  
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CHRISTIAN MILOVICH  
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SALLY FAIRCLOTH  
NATE GREENBERG  
MIKE ERRANTE

PLANNING DIRECTOR  
ASSISTANT COUNTY COUNSEL  
ASSOCIATE PLANNER  
SENIOR PLANNER  
ASSISTANT PLANNER  
PROJECT COORDINATOR  
COUNTY ADMINISTRATOR  
PUBLIC WORKS DIRECTOR

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The Inyo County Planning Commission met in regular session on Wednesday, February 26, 2025. Commissioner Peek 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, Callie Peek, Kate Morley, Howard Lehwald, and Aaron Cassell were present.

Staff present: Cathreen Richards, Planning Director, Danielle Visuaño, Senior Planner, Cynthia Draper, Associate Planner, Sally Faircloth, Project Coordinator and Christian Milovich, Assistant County Counsel.

Staff absent: Nate Greenberg, 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.

Vice-Chair Peek opened Public Comment Period at 10:04 a.m.

Vice-Chair Peek asked if there was anyone else in the audience wishing to make a public comment.

No comments were made.

Vice-Chair Peek closed Public Comment Period at 10:04 a.m.

**ITEM 4:**     **APPROVAL OF MINUTES** – Approval of minutes from the January 22, 2025, Planning Commission Meeting.

**MOTION:**   Commissioner Morley made the motion to approve the minutes. The motion was seconded by Commissioner Lehwald.

Minutes were approved 4-1 by general consent with Chair Vogel absent.

**ITEM 5:**     **TENTATIVE PARCEL MAP No. 429/McINTYRE** – The applicant is seeking approval to subdivide a 32,007-square-foot parcel into two separate lots: Parcel 1, measuring 15,045 square feet, and Parcel 2, measuring 16,962 square feet. Each parcel currently contains an existing single-family home. The subdivision will not create any set-back issues for the homes or accessory structures on the property. The property is located at 3071 W. Line Street in Bishop, California, and both proposed parcels are zoned Residential – Single Residence (R-1 10,000), which requires a minimum lot size of 10,000 square feet. The parcels are also designated for Residential Low Density (RL) use in the General Plan. This project is exempt from CEQA under General Rule 15061(b)(3).

Cynthia Draper, Associate Planner, presented the staff report as well as a slide show for this project.

Commissioner Lehwald asked if there were any fire or easement issues.

Ms. Draper was able to answer Commissioner Lehwald’s question by stating the local fire department had no issues or concerns regarding the easement.

Commissioner Morley had an additional question regarding an existing easement which did not reference a street number on it.

Ms. Draper answered Commissioner Morley’s question by stating that it was an easement for a different property.

Vice-Chair Peek opened and closed the Public Comment Period at 10:14 a.m.

No comments were made.

Vice-Chair Peek opened discussion with the Commissioners at 10:14 a.m.

**MOTION:**   Commissioner Morley made a motion to move with the three recommended actions listed in the staff report to find the proposed project Tentative Parcel Map No. 429/McIntyre is exempt from the requirements of CEQA, make certain findings with respect to and approve Tentative Parcel Map No. 429/McIntyre subject to Conditions of approval 1-7 and to waive any pre-improvements and utility installations required by Inyo County Code Section 16.40.10 as permitted.

The motion was seconded by Commissioner Cassell.

The Motion passed 4-1 at 10:15 a.m. with Chair Vogel absent.

**ITEM 6: CUP 2024-10/ELKS PARK** - The applicant, Bishop Elks, has applied for a CUP to continue to operate a currently non-conforming lodge that includes recreational activities, RV camping, and event rentals that involve large assemblages of people. The Bishop Elks Lodge has been operating at 3301 West Line Street, Bishop, since 1979. The applicant is asking for the CUP to continue these already established uses on the property without any expansion, building or additional uses. This project is Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 15301 Existing Facilities.

Cathreen Richards, Planning Director, presented the staff report with a slide show.

Ms. Richards stated there was one public comment that was received after the staff report was written. The commentor stated they did not like the RVs at the location nor did people respect the ten o'clock time frame.

Assistant County Counsel, Christian asked Ms. Richards if there was a copy of the letter for the public should they wish to review the letter.

Ms. Richards stated yes, a copy of the letter was available to view for the public.

Ms. Richards also stated there were representatives from the Elks Lodge present in the audience in the event anyone should have questions.

Vice Chair Peek asked Ms. Richards if camping was for Elks members only or if it was offered to renters holding an event.

Mr. Steve Keef, Elks representative, stated camping is for members only. However, they have allowed people to camp at the site that were part of the wedding party.

Commissioner Cassell asked about noise compliance and if there was an overnight host.

Ms. Richards stated noise complaints would be a County Code Enforcement and Sheriff's issue.

Mr. Keef stated the Elks Lodge does not have an overnight host in attendance at present but is hoping to make that change soon.

Commission Morley inquired as to where the current RV parking space hookups are located in reference to the local neighborhood properties.

Ms. Richards was able to answer Commissioner Morley's question to her satisfaction.

Commissioner Lehwald asked a question of Mr. Keef regarding the back area for this location and if it was rented out during Mule Days.

Mr. Steve Keef answered Commissioner Lehwald's question stating they only rent out the back area for dry camping only during Mule Days with restrictions such as no open fires at anytime and other item conditions listed on a sheet.

Ms. Richards stated for the record that there has been only one noise complaint about the Elks Park where a party went on past the ten o'clock curfew.

Vice-Chair Peek opened for Public Hearing at 10:30 a.m.

Ms. Diane Hedding stated she resides two houses from the venue and provided public comment regarding noise concerns from the Elks Lodge venue. She expressed that the amplified sound from the PA system and music is disruptive. Ms. Hedding suggested that the Elks Lodge be more mindful of noise levels, consider using a volume meter for monitoring, and have a representative present during events to ensure compliance and accountability.

Craig London, an officer of the Elks Lodge, provided public comment. He mentioned that he frequently drives by the Elks Lodge and wanted to address a noise complaint regarding a party and loud music. Mr. London explained that his wife, the secretary of the Elks Lodge, had asked him to check on the park around 9:50 pm to ensure it was quiet. He spoke with a woman who had rented the venue, and she claimed to be unaware of the 10:00 pm curfew, which he later realized was untrue. During the conversation, another Elks officer present at the party advised that the event continue. Mr. London later apologized for the noise and any inconvenience caused. He also mentioned being aware of other noise issues from private parties in the area that were not associated with the Elks Lodge and reiterated that the Elks would continue to strive to be good neighbors.

Dr. Nicholson, a resident near the Elks Lodge Park, stood for public comment. He shared that, after polling his neighbors, he and the others in the area agreed that the parties and music were enjoyable and contributed to a festive atmosphere.

Vice-Chair Peek closed the public hearing and opened discussion with the Commissioners at 10:41 a.m.

Commissioner Lehwald had directed a comment/question for the Elks members inquiring about their knowledge regarding the frequency of individuals driving by the area in RVs, noticing an open space, and choosing to park overnight without the Elks' permission.

Elks members Steve Keef and Craig London, along with Dr. Nicholson, stated that they were not aware of this issue occurring. It was also mentioned that some people may not realize they can go online to reserve an overnight space for those wishing to stay over.

At 10:45, Assistant County Counsel Christian Milovich informed the Commission that if they wished to hear additional testimony, they would need to reopen public comment.

Vice-Chair Peek re-opened for Public Hearing at 10:47 a.m.

Ms. Hedding returned to address the Commission, reiterating concerns about noise levels from festive events. She emphasized that she is simply requesting a reduction in volume.

Vice-Chair Peek closed the public hearing and re-opened discussion with the Commissioners at 10:48 a.m.

Commissioner Morley asked a question if the county has a noise ordinance.

Ms. Richards stated that the county does not have an official noise ordinance and instead adheres to the penal code.

Assistant County Counsel, Christian Milovich, stated there is a county code section related to County Parks referencing to no "hooting and hollering" during the quiet hours 10:00pm to 8:00 am.

Commissioner Cassell asked if the City of Bishop has any noise ordinances.

Ms. Richards stated she did not know if City of Bishop had any noise ordinances.

Commissioner Cassell inquired whether camping at the Elks Lodge falls under the Lodge's bylaws or if it is also subject to county regulations.

Ms. Richards stated that there are currently seven RV spaces designated for members only during Mule Days. However, she noted that county language could be revised to specify that these spaces are for special events and for Elks Lodge members and their guests. She also stated that language can be added at the request of the commissioners by creating a motion to add.

Commissioner Lehwald asked Vice-Chair Peek a question or possibly back to the Elks regarding a posted phone number should there be a complaint by someone in the area.

Mr. Steve Keef, an Elks member, stated that there is no physical sign or posted number for complaints. However, he noted that a contact number is available on the website where individuals can leave a message.

Mr. Wayne Ball, officer of the Elks Lodge, stood up to address the commission.

Assistant County Counsel Christian Milovich interjected to inform the Commission that if they intended to continue asking questions of the members of the public, the public hearing would need to be formally reopened.

Vice-Chair Peek re-opened for Public Hearing at 10:55 a.m.

Mr. Wayne Ball, an officer of the Elks Lodge, addressed the Commission, stating that one of his responsibilities is to patrol the park daily to prevent vandalism and address homelessness concerns. He noted that his phone number is available on the website for any questions, concerns, or complaints. Mr. Ball emphasized that the Elks Lodge is committed to the community and encourages everyone to visit and have a good time.

Mr. Craig London commented on the issue of noise, noting that the county hosts a music festival at the Millpond. He expressed that the noise from the event disrupts his sleep and inquired about a noise ordinance.

Ms. Milovich, Assistant County Counsel, stated in general there is not a noise ordinance for Inyo County. However, she noted that there is a park ordinance that includes provisions prohibiting excessive noise, such as no "hoot or holler," and establishes quiet hours from 10:00 PM to 8:00 AM.



Vice-Chair Peek asked the commissioners if they had any further questions for the members of the public.

At this moment, Ms. Milovich corrected her statement regarding the park ordinance provision, clarifying that it prohibits excessive noise, including "hooting, calling, and blowing of automobile horns."

Vice-Chair Peek closed the public hearing and re-opened discussion with the Commissioners at 10:58 a.m.

Vice-Chair Peek commented on the benefits of the venue, highlighting its positive impact on the community by hosting a variety of events.

Commissioner Morley acknowledged the public's concerns regarding noise levels and suggested that the Elks Lodge remind venue renters to be mindful of nearby neighbors. She stated that setting a decibel limit does not seem appropriate at this time but noted that the county code regarding noise levels in parks could apply.

Ms. Richards stated in the event someone needed immediate assistance to the noise level issues, a person can always contact the Sheriff's office after 10:00 pm.

Commissioner Cassell commented that, given his familiarity with tourism, he understands that some individuals may exceed acceptable noise levels. He asked if the Elks Lodge could remain vigilant in ensuring that venue renters adhere to the venue's requirements and remain respectful of neighboring residents.

**MOTION:** Commissioner Lehwald moved to approve the CUP 2024-10/Elks Park subject to the finding list in the staff report findings 1-7 and subject to the conditions of approval listed in the staff report on pages seven & eight inclusive of adherence to quiet hours from 10:00 p.m. to 8:00 a.m. inclusive of seven RV spaces may be rented exclusively to Elks members and their guests inclusive of use of the property for limited dry camping during Mule Days or other similar events for Elks members and guests shall be permitted and find the project is exempt under CEQA.

The motion was seconded by Vice-Chair Peek.

The Motion passed 4-1 at 11:01 a.m. with Chair Vogel absent.

**ITEM 7: CONDITIONAL USE PERMIT 2024-06; TELECOMMUNICATIONS PLAN UPDATE 2024-02/VERIZON-SEQUOIA-LONE PINE.** The applicant, Verizon Wireless – c/o Armando Montes with Sequoia Deployment Services, has submitted an application to update Verizon's existing Telecommunications Plan and request a Conditional Use Permit to construct a 105-foot monopole tower. The tower will house six 6-foot panel antennas, three 3-foot panel antennas, along with six remote radio units, two surge suppressors and two 4-foot microwave dishes. The property is located at 1203 Lubken Canyon Road, Lone Pine, California and has a Zoning Designation of Open Space with a 40-acre minimum (OS-40) and is owned by Scott and Mary Kemp, with Tax Assessor Parcel Number (APN) 026-150-30. The project is a Mitigated Negative Declaration of Environmental Impact under the California Environmental Quality Act (CEQA).

Danielle Visuaño, Senior Planner, presented the staff report with a slide show.

Ms. Visuaño stated that Mr. Pete Shubin, a representative from Sequoia Development Services, was present in the audience and available to answer any questions.

Vice-Chair Peek asked Ms. Visuaño whether the type of tower being discussed would resemble a tree or have a similar design intended to blend in with the surroundings.

Ms. Visuaño stated that the tower will not be designed to resemble a tree; however, the pole will be painted with non-glare paint to minimize visual impact.

Commissioner Cassell asked Ms. Visuaño how this tower will affect the Mt. Whitney cabins and store in the area.

Mr. Pete Shubin, representative from Sequoia Development Services, revisited the question regarding the use of a faux tree versus a standard tower. He explained that, after speaking with neighbors in the surrounding area and further discussion, it was determined that a standard tower was the better option, as attempting to disguise a 150-foot structure would be less effective.

Mr. Shubin also addressed coverage in response to Commissioner Cassell's question, stating that the proposed tower will provide new, added coverage for Verizon in the area.

Commissioner Lehwald asked Mr. Shubin a question about repeaters.

Mr. Shubin was able to answer his question to Commissioner Lehwald's satisfaction.

Commissioner Cassell asked Mr. Shubin if this tower will have beacon lights, guide wires or will booster antennas be able to capture the signal coming from the tower.

Mr. Shubin stated that the tower will not include any beacon lights or guide wires. He also noted that there are localized tools available that can amplify outdoor signals for improved indoor reception.

Vice-Chair Peek opened and closed the Public Comment Period at 11:51 a.m.

No comments were made.

Vice-Chair Peek opened discussion with the Commissioners at 11:51 a.m.

**MOTION:** Commissioner Morley made a motion to move to adopt the Mitigated Negative Declaration of Environmental Impact Pursuant to CEQA, prepared for CUP 2024-06 / Telecommunications Plan Update 2024-02 / Verizon-Sequoia-Lone Pine. Make certain findings with respect to, and approve, CUP 2024-06/Verizon-Sequoia-Lone Pine as included in our staff report and make certain findings with respect to, and approve, Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine with certain findings that are being made are the findings listed in the staff report submitted to the Planning Commission and the use permit subject to the conditions as listed in the staff report.

The motion was seconded by Commissioner Cassell.

The Motion passed 4-1 at 11:56 a.m. with Chair Vogel absent.

**ITEM 8: RESIDENTIAL INFILL PROJECT WORKSHOP #1. (INFORMATIONAL)** Planning staff along with the consultant, Precision Civil Engineering, Inc., will conduct a workshop to discuss issues related to identifying updates and modifications to the Zoning and General Plan requirements that could help infill housing in the communities of Big Pine, Independence, and Lone Pine. This workshop will focus on exiting residential design standards and their relationship with the California Building Code, review of ADU requirements and vacant and underutilized zoned parcels.

Danielle Visuaño, Senior Planner, presented along with Jenna Chillingierian and Luke Risner with Precision Civil Engineering.

Ms. Chillingierian presented the staff report accompanied by a slideshow. She stated that three workshops have been scheduled to take place in Big Pine, Lone Pine, and Independence. She also noted that the Big Pine workshop had taken place the night before, with a fair turnout of approximately 30 attendees.

Commissioner Cassell asked Ms. Chillingierian if this concept was the possibility to opening more than one ADU on a property.

Ms. Chillingierian replied yes to Commissioner Cassell's question citing state law will allow up to three ADU's on a single-family lot such as Junior ADU, attached ADU or a detached ADU.

**ITEM 9: GENERAL PLAN ANNUAL PROGRESS REPORT (GPAPR) - (INFORMATIONAL)** Staff will present the 2024 GPAPR to the Commission and take comments. This document is a reporting document and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306 Information Collection.

Cathreen Richards, Planning Director, presented the staff report with a slide show.

Commissioner Lehwald asked Ms. Richards a question about environmental justice element.

Ms. Richards stated environmental justice element is in process.

Commissioner Lehwald also asked Ms. Richards if she heard or knew anything about water wells and that he heard there was an independent group that are seeking input for monitoring independent wells.

Ms. Richards response was perhaps to check with the Environmental Health Department as she was not aware of this.

Commissioner Morley asked Ms. Richards a question about active mines.

Ms. Richards stated that Inyo County has a significant number of mines, with some currently in compliance and others not. She also mentioned that there are miners who may be in the early stages of preparing to eventually come before the Planning Commission.

### **COMMISSIONERS' REPORT/COMMENTS**

Commissioner Lehwald commented about his amazement of the Bishop's Tribal Chairman and his vision.

Commissioner Cassell also commented about Lone Pine Tribe possibly building a casino/hotel in the area.

### **DIRECTOR'S REPORT**

Planning Director Cathreen Richards announced that the March Planning Commission meeting will be cancelled. However, she informed the Commission that the meeting scheduled for April 23, 2025, will proceed as planned and is expected to have a full agenda.

### **ADJOURNMENT**

Vice-Chair Peek adjourned the meeting at 12:43 p.m.

Prepared by:  
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Planning Department



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**AGENDA ITEM NO.:** 5 (Action Item – Public Hearing)

**PLANNING COMMISSION** April 23, 2025  
**MEETING DATE:**

**SUBJECT:** Conditional Use Permit 2023-02/  
Leon7farms

### **EXECUTIVE SUMMARY**

The applicant has requested a Conditional Use Permit (CUP) to cultivate cannabis on a 2.5-acre parcel at 631 Ruby Lane, Charleston View, CA, in unincorporated Inyo County (APN 048-364-070). The project includes approximately 3,000 square feet of cannabis cultivation within two greenhouses, as well as five shipping containers for seed processing, drying, employee breaks, and equipment storage. The site is surrounded by vacant land, with the nearest town, Pahrump, NV, about 30 miles to the north. This project is classified as a Mitigated Negative Declaration under the California Environmental Quality Act (CEQA).

### **PROJECT INFORMATION.**

**Supervisory District:** 5

**Project Applicant:** Leon7farms, LLC- 7843 E. Triple Crown Ln, Camby, IN 46113

**Property Owner:** Jaime Varela, 7843 E. Triple Crown Ln, Camby, IN 46113

**Site Address:** 631 Ruby Lane, Charleston View, CA 92389

**Community:** Spring Valley Ranchos

**A.P.N.:** 048-364-07

**General Plan:** Resort Recreational (REC)

**Zoning:** Rural Residential with a 2.5-acre minimum (RR-2.5)

**Size of Parcel:** 2.5 acres

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
North	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
East	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
South	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
West	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)

**Staff Recommended Action:**

**1.) Approve the Conditional Use Permit (CUP) 2023-02/Leon7farms 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:**

Cynthia Draper

**STAFF ANALYSIS**

**Background**

The applicant has submitted a Conditional Use Permit (CUP) application to operate a commercial cannabis cultivation farm on a 2.5-acre parcel located at 631 Ruby Lane, Charleston View, CA, in unincorporated Inyo County (APN 048-364-070). The site is situated north of Old Spanish Highway and east of N. Garnet St., with Ruby Lane bordering the northern edge (see vicinity map). The surrounding area is primarily vacant land, with the nearest town, Pahrump, NV, located approximately 30 miles to the north. The parcel is zoned Rural Residential (RR), which permits commercial cannabis cultivation through a CUP. The immediate surroundings are also zoned RR, with a mix of open, vacant land and scattered residential development. The property to the east of the project site is classified as vacant but consists of disturbed graded soil, a motor home, storage containers and piles of miscellaneous materials. The project is not within 600 feet of a school, daycare, park, or library, and therefore complies with state and county exclusionary zones.

The farm will produce cannabis flowers, which will be grown, dried, and trimmed on-site. The cultivation area will consist of two greenhouses, totaling approximately 3,000 square feet, equipped with infrastructure and technology to support cannabis growth, primarily using natural light. The applicant will perform dry harvesting over a 3–4-week period, and after harvesting, the cannabis will be transported off-site to a licensed distributor for further processing and packaging. Additionally, the project will include five shipping containers for seed processing, drying, trimming, equipment storage, and employee breaks. The entire cultivation production area will be fully enclosed with galvanized chain-link fencing enhanced with plastic slats, and a 6-foot-high entrance gate will be installed, ensuring restricted access to the public.

Two on-site water tanks will supply both potable and non-potable water, delivered monthly by Water Pros of Las Vegas under a service agreement approved by the Environmental Health Department. The applicant will also be required to install a well on the property within two years of permit approval. The project is projected to use approximately 1,500 to 2,000 gallons of water per week, and hand irrigation will be used for more precise and efficient water management. The applicant will work with the Environmental Health Department to address water management, septic systems, the use of portable toilets during construction, permanent toilet installation, and the storage, disposal, and use of pesticides and fertilizers. These requirements must be approved by the Environmental Health Department and the project is conditioned as such.

Access to the site will be from Ruby Lane via a 30-foot-wide entrance gate at the north end of the property. The site will provide ten parking spaces, including two handicapped accessible spaces.

Exterior lighting will be minimal to reduce light pollution. All lighting will be shielded, directed downward, and confined within the property boundaries. The lighting fixtures will be painted with a non-reflective color to minimize visual impact. The applicant will adhere to the Inyo County's Outdoor Lighting Ordinance (Ordinance No. 1278, Chapter 18.74).

#### Zoning Ordinance Consistency

The proposed project seeks a Conditional Use Permit (CUP) for the commercial cultivation of cannabis. The RR (Rural Residential) zoning designation allows both agricultural and residential uses. Within the RR zone in Charleston View, commercial cannabis cultivation is permitted on lots of 2.5 acres or larger, subject to the approval of a CUP. This use must also comply with relevant design guidelines, conditions, and regulations, including setbacks, as outlined by the county. The proposed project adheres to all required setbacks, which are 50 feet for the front, 30 feet for the rear, and 20 feet for the sides pursuant to the RR zone.

### General Plan Consistency

The goal of this project is to establish a commercial cannabis cultivation operation on property designated as REC (Resort/Recreational) in the General Plan. While the property is within the REC designation, it is located in the RR (Rural Residential) zone, which permits cannabis cultivation through a Conditional Use Permit (CUP). Although the project does not fully align with the REC designation, it supports the county's broader goals of economic growth and sustainable farming.

The project is consistent with the General Plan's Goal Agriculture (AG) 1.0, which aims to "provide and maintain a viable and diverse agriculture industry in Inyo County." Cannabis cultivation will contribute to the diversification of the county's agricultural industry, generating additional tax revenue and creating jobs both directly and indirectly. These economic benefits will provide valuable support to the local economy, particularly in an area with limited residential, recreational, or tourist-based activity.

The proposed cultivation site is located in a largely undeveloped area, reducing the potential for conflicts with neighboring land uses. The applicant will also implement mitigation measures such as lighting, waste management, and water conservation to minimize any potential environmental impacts.

### **ENVIRONMENTAL REVIEW**

Conditional Use Permit (CUP) 2023-02 for Leon7farms has been classified as a Mitigated Negative Declaration under the California Environmental Quality Act (CEQA). As part of the CUP approval process, several mitigation measures will be implemented to reduce potential environmental impacts as conditions for granting the permit. These conditions are listed below under Conditions of Approval. The Initial Study, along with the Biological and Cultural Study, can be accessed at: <https://www.inyocounty.us/services/planning-department/current-projects>.

### **TRIBAL CONSULTATION**

In compliance with AB 52 and Public Resources Code Section 21080.3.1(b), tribes local to Inyo County were notified via certified letter on May 26, 2023, about the project and the opportunity for consultation. The tribes notified included the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe of the Owens Valley, the Bishop Paiute Tribe, the Cabazon Band of Mission Indians, the Fort Independence Paiute Tribe, the Lone Pine Paiute-Shoshone Tribe, the Timbisha Shoshone Tribe, and the Torres-Martinez Desert Cahuilla Indians.

Inyo County received a letter from the Timbisha Shoshone Tribe stating that the project would not affect cultural or traditional resources but also requested updates on the project's progress.



## NOTICING & REVIEW

The application for CUP 2023-02/Leon7farms has been reviewed by the relevant departments, including Building and Safety, Environmental Health, Hazardous Materials (CUPA), Public Works, the Road Department, and the Inyo/Mono Agricultural Commission. No issues or concerns were identified during this review.

The public review of the CEQA document was announced in the Inyo Register on November 2, 2024, and no public comments have been received to date. The California Department of Fish & Wildlife (CDFW) and the Department of Cannabis Control (DCC) submitted comments with suggestions and recommended mitigation measures. Several of these comments were deemed substantive and have been incorporated into the Conditions of Approval for the permit.

The public hearing for this CUP was noticed in the Inyo Register on April 12, 2025, and a notice was mailed to property owners within 1,500 feet of the project location, as mandated by Section 18.78.360(F), which specifies the requirement to notify property owners within this distance about public hearings related to conditional use permits (CUP).

## RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2023-02/Leon7farms, with the following Findings and Conditions of Approval:

## FINDINGS

1. The proposed Conditional Use Permit is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to "consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review" (Inyo County Code Section 15.28.030). This document contains the necessary "project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures" (Inyo County Code Section 15.28.040).]*

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan.

*[Evidence: The goal of this project is to facilitate the cultivation of cannabis, an agricultural product, on a parcel of land designated as (REC) in the Inyo County General Plan. Although the property falls under the REC designation, it is located within the RR (Rural Residential) zoning district, which permits cannabis cultivation through a Conditional Use Permit (CUP). This project aligns with the General Plan's Goal Agriculture (AG) 1.0, which strives to "provide and maintain a viable and diverse agricultural industry in Inyo County." Cannabis cultivation will contribute to diversifying the county's agricultural sector, generating addi-*

*tional tax revenue, and creating both direct and indirect job opportunities. These economic benefits will help support the local economy, especially in an area where residential, recreational, and tourism activities are limited. While the project is within a REC-designated area, its agricultural nature and alignment with broader goals of economic development and sustainable farming outweigh its position within the REC designation. Thus, it is consistent with the General Plan's overall objectives for agricultural and economic growth in the county.*

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential (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 on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: 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 is agriculture in nature and adheres to all required setbacks.]*

4. The proposed Conditional Use Permit is necessary or desirable.

*[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term and are expected to remain stable throughout the time horizon of this General Plan.' The applicant has stated that Leon7farms expects to produce cannabis flowers and products that will serve both County businesses and consumers, as well as other markets in the State. This is a sustainable model, 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 a commercial cannabis cultivation establishment to operate in a remote, rural, area. It is related to the current and historic rural, agriculture and open space nature of the area and will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]*

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 for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Spring Valley Rancho area and the proposed se-*

*curity plan for Leon7farms will be reviewed by the Sheriff's Department as a business license requirement; 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: 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 Eco Holdings LLC.]*

## CONDITIONS OF APPROVAL

1. **Hold Harmless** The applicant/developer shall defend, indemnify, and hold harmless Inyo County, including its agents, officers, and employees, from any claims, actions, or proceedings against the County related to the approval of Conditional Use Permit No. CUP 2023-02/Leon7farms Cannabis Cultivation. The County reserves the right to prepare its own defense.
2. **Compliance with County Code** The applicant/developer shall comply with all applicable Inyo County Code provisions and State regulations, including but not limited to building, grading, and public health and safety regulations. If the use authorized by this conditional use permit is not established within one year of approval, the permit will be void.
3. **Compliance with Agricultural and State Licensing Agencies** The applicant/developer shall work with the Agricultural Commission and the Department of Cannabis Control to secure the necessary permits and licensing for the project. All required permits and approvals shall be obtained prior to the issuance of building permits.

### 4. Environmental Commitments under CEQA

Aesthetic Impact: The applicant shall comply with Inyo County's Outdoor Lighting Ordinance (Ordinance No. 1278, Chapter 18.74) by ensuring that all outdoor light fixtures—including street lighting, signs, and billboards—are energy-efficient, fully shielded, and directed downward in accordance with County standards.

Air Quality: The applicant shall follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects during construction and from the Cannabis crop's VOC emissions (Terpenes).

Geology and Soils: The applicant shall consult with the Inyo County Environmental Health Department for the management of sewage waste using portable toilets until indoor bathrooms are constructed. The portable toilets shall be hauled away weekly to a contracted RV dump station. The applicant must also consult with the Environmental Health Department regarding septic system compliance and pesticide and fertilizer use and disposal.

Water Supply: The applicant shall install a well within two years of the approval of the CUP. The well must be installed to replace the use of the two water tanks currently used for potable and non-potable water, as the Environmental Health Department prefers the well to be in place for a more sustainable water source, phasing out the need for the tanks.

Lahontan Regional Water Quality Control Board: The applicant shall collaborate with the Lahontan Regional Water Quality Control Board to determine whether an application for a stormwater prevention plan permit is required. The applicant shall comply with any necessary permitting or regulatory requirements identified by the Lahontan Regional Water Quality Control Board to ensure water quality standards are met.

## **5. Biological Mitigation Measures (BIO)**

### Worker Environmental Awareness Training

Before any work occurs in the project area, including grading and equipment staging, a qualified biologist shall provide a Workers Awareness Training (WEAT) to all employees, representatives, contractors, and subcontractors regarding special-status species present within the project limit. The qualified biologist shall provide interpretation for non-English speaking workers.

### Equipment Maintenance

All construction equipment shall be checked daily prior to initiating work. If equipment leaks while onsite, place a construction diaper (i.e. tarp and wattles) underneath until the equipment is maintained

### Litter

All trash will be disposed of in a closed container or disposed off-site at the end of each day. This measure will remove food that may attract predators such as ravens and coyotes in the project site as well as minimize degradation of habitat by decreasing the amount of litter at the project site.

### Light Pollution Mitigation

To minimize light pollution (inside), blackout curtains must be used to prevent light from escaping cultivation structures. Artificial lighting at dawn and dusk should be limited to reduce impacts on wildlife. All lighting must be shielded and directed downward to prevent excessive brightness and skyglow. LED lights with a warm color temperature (3,000K or lower) must be used, and hazardous waste must be disposed of properly

### Burrowing Owl Surveys and Protection

Before construction, the site and surrounding area must be surveyed for burrowing owls following CDFG (2012) guidelines. If no owls or nests are found, no further action is needed. If owls or signs of them are present, a biologist will create a

protection plan with CDFW approval. Work near active burrows must include appropriate buffers to prevent disturbance. If avoidance is not possible, CDFW must be consulted to determine the necessary steps.

#### Torrey's Mormon-Tea Avoidance

Special-status plants must be protected using fencing or markers. If avoiding them is not feasible, compensation measures, such as preserving plants elsewhere through conservation programs, must be implemented.

#### Nesting Bird Protection

A nesting bird survey must be conducted within three days before starting work. If active nests are found, a biologist will establish buffer zones to prevent disturbance until nesting is complete. If no nests are found, no further action is required.

#### Desert Tortoise Surveys and Avoidance

A qualified biologist must survey the area for desert tortoises before construction begins. Two consecutive negative surveys are required before work can proceed. If tortoises are found, a protection plan must be developed in consultation with CDFW. If avoidance is not possible, further coordination with CDFW is required to determine appropriate measures.

6. Failure to comply with the conditions of approval as set forth may cause the revocation of Conditional Use Permit (CUP) 2023-02/Leon7farms.

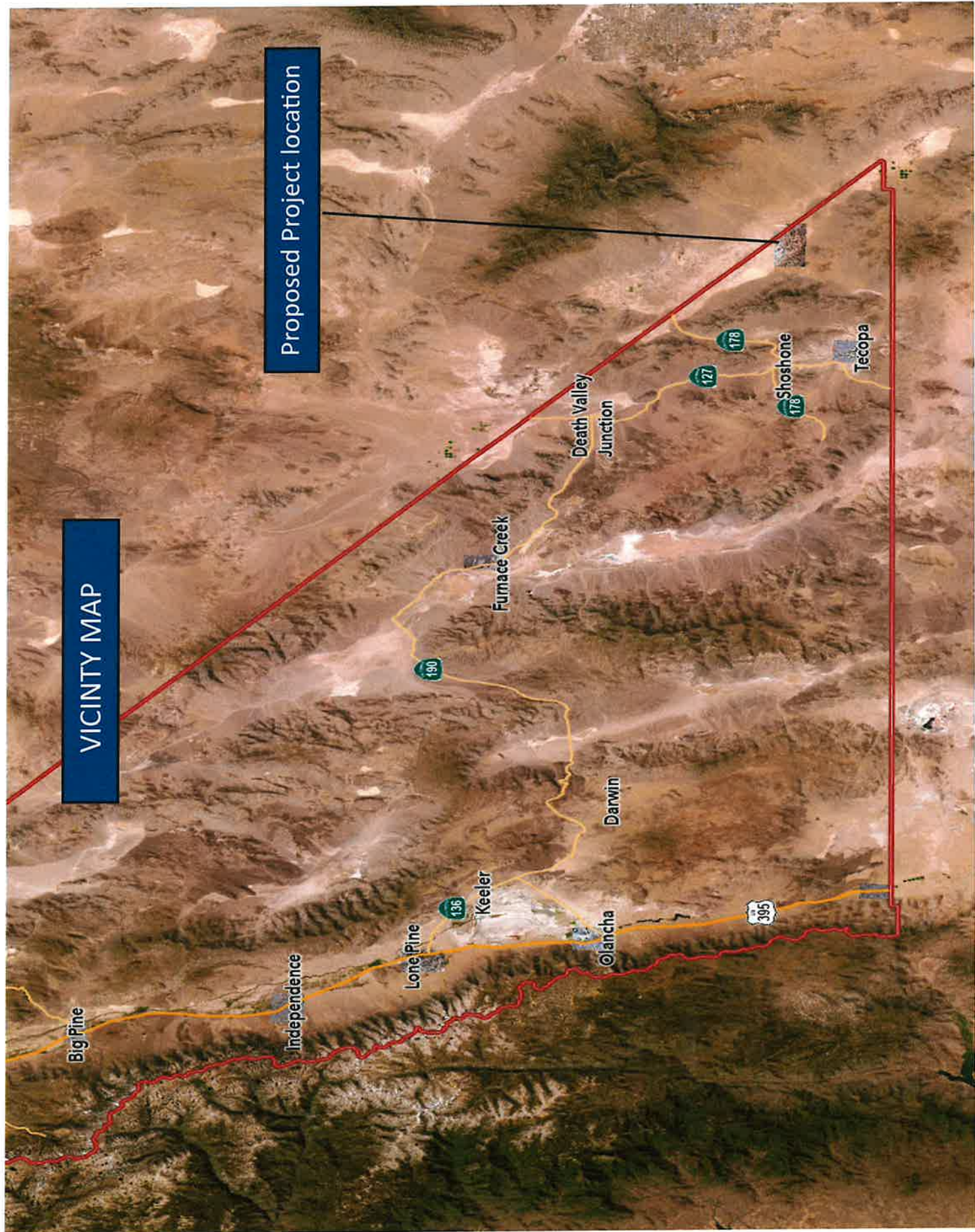
#### Attachments:

1. Vicinity Maps
2. Site Plan
3. California Department of Fish and Wildlife (CDFW) Comment Letter
4. Department of Cannabis Control (DCC) Comment Letter
5. Timbisha Shoshone Tribe Comment Letter

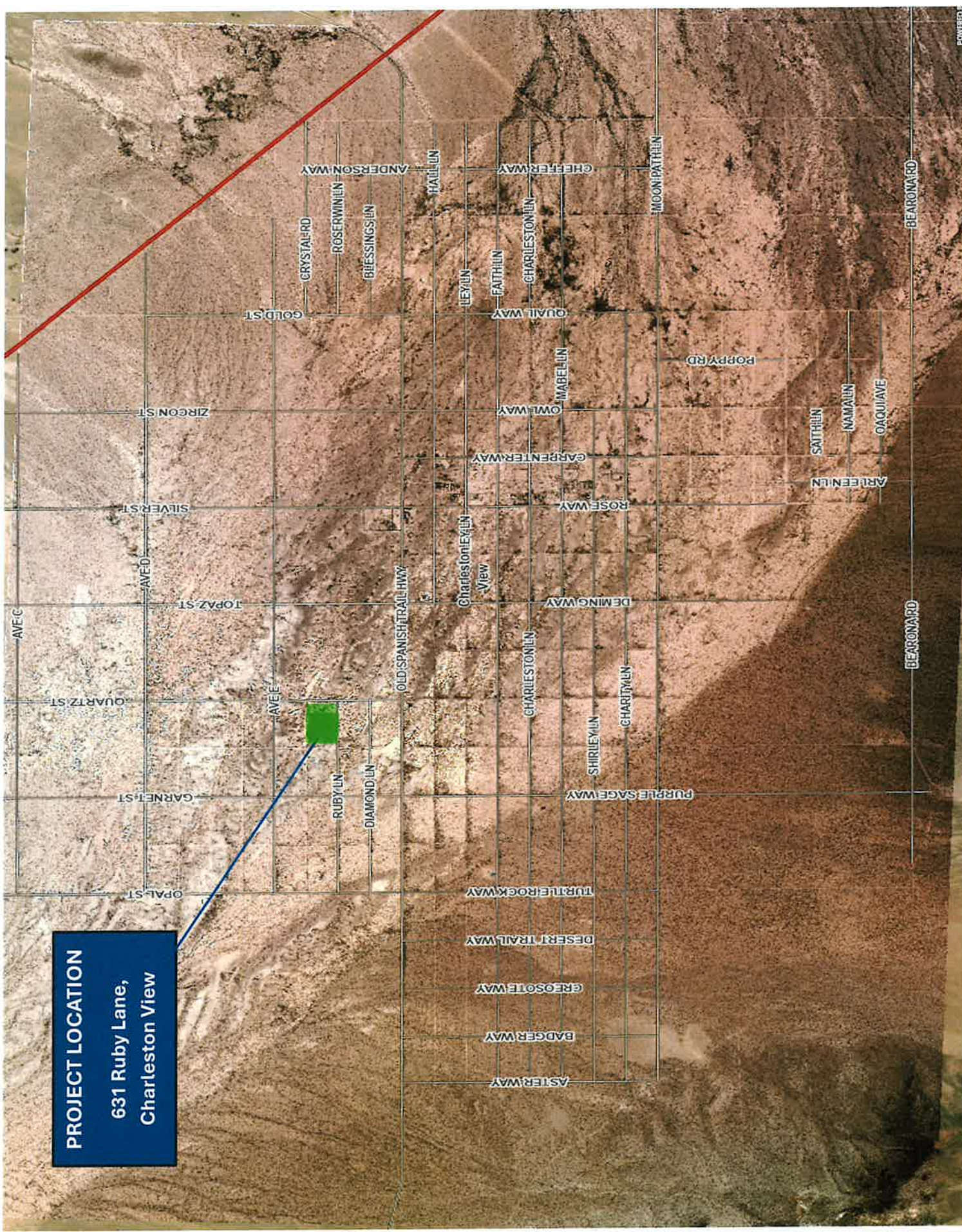


# VICINTY MAP

Proposed Project location





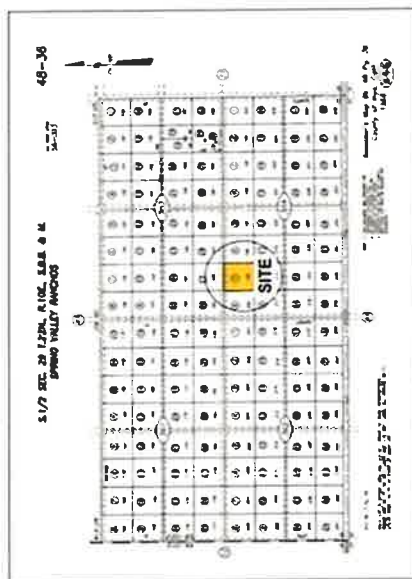


**PROJECT LOCATION**  
631 Ruby Lane,  
Charleston View



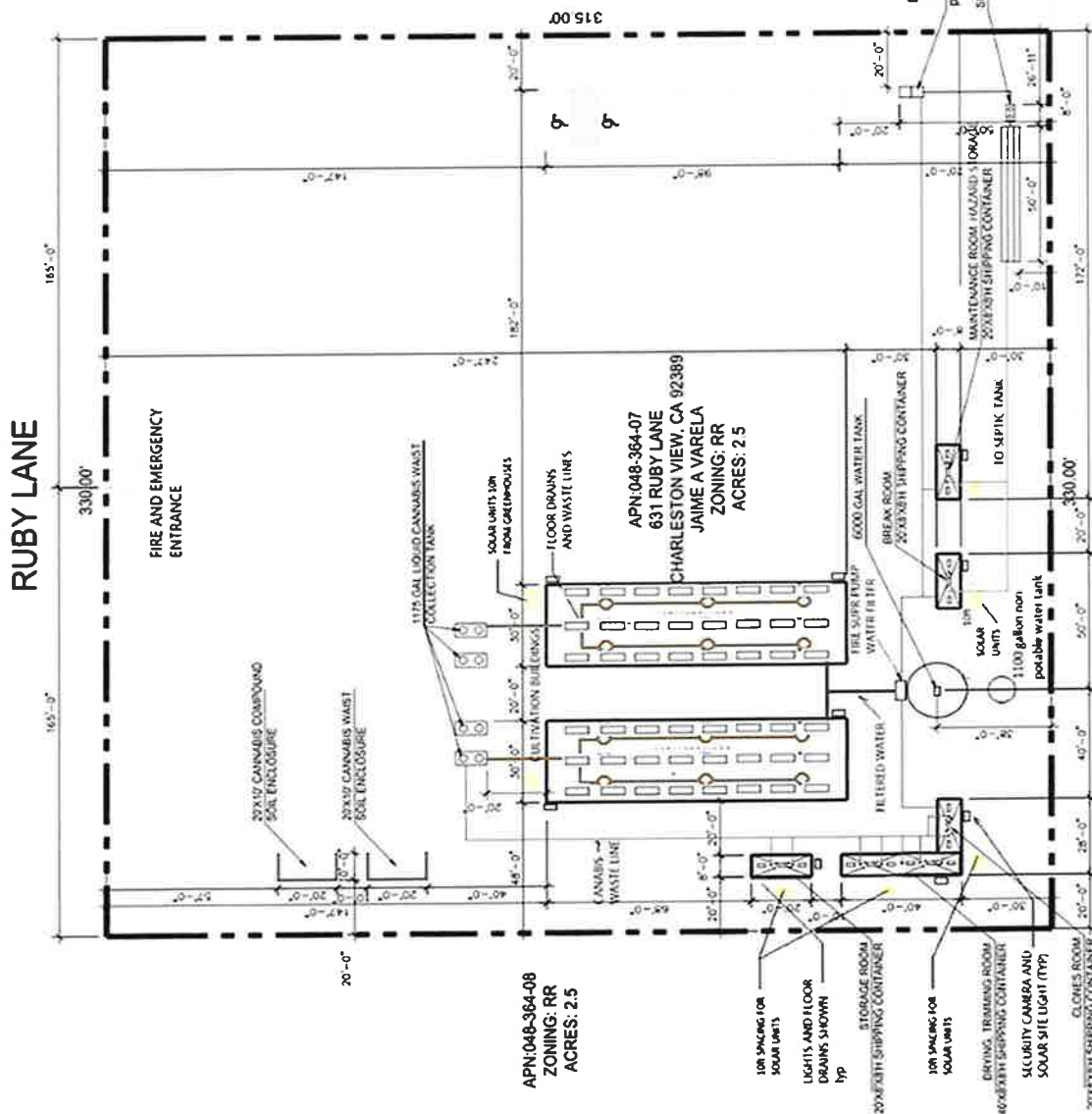


VICINITY MAP



## LOCATION MAP

APN: 048-364-08  
ZONING: RR  
ACRES: 2.5



APN:048-364-10  
ZONING: RR  
ACRES: 2.5

APN: 048-364-07 - LEON7 FARM L.L.C. CANNABIS CULTIVATION

SCALE: 1" = 20'-0"



Cynthia M Draper, Associate Planner  
Inyo County  
November 19, 2024  
Page 14



## Attachment A Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

### Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p><b>MM BIO-2:</b> Prior to any ground disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). Specifically, these reports suggest at least one site visit between February 15 and April 15 and a minimum of three surveys, at least three weeks apart, between the peak breeding season April 15 and July 15, with at least one visit after June 15. The surveys shall include 100 percent coverage of the Project site and include a minimum 500-foot buffer in adjacent habitat. A report summarizing the survey including all requirements for survey reports (page 30 of the 2012 Staff Report) shall be submitted to CDFW for review.</p> <p>If no burrowing owl, active burrowing owl burrows, or sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof are found, no further action is necessary.</p> <p>If burrowing owl, active burrowing owl burrows, or sign thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be review and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDGW, 2012) may be authorized through the incidental take permit as a minimization measure.</p> <p>Prior to Project-related activities, a qualified biologist(s) shall perform a take avoidance pre-construction survey for burrowing owl occupation in accordance with the <i>Staff Report</i></p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

Cynthia M Draper, Associate Planner  
 Inyo County  
 November 19, 2024  
 Page 15

<p>on <i>Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version). The survey shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version). If the pre-construction surveys confirm occupied burrowing owl habitat. Project activities shall be immediately halted. The qualified biologist shall notify CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval. If avoidance is not feasible, the Project Proponent shall consult with CDFW on next steps, including obtaining an Incidental Take Permit (ITP) for burrowing owl prior to the start of Project activities.</p>		
<p>MM B1O-3:          Torrey's Mormon-Tea Avoidance. The applicant shall avoid Torrey's Mormon-Tea individuals at the project site. The applicant will coordinate with a qualified biologist to ensure these individuals are avoided. The Project Applicant shall avoid any special-status plant(s) on site, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance of a special status plant is not feasible, the Project Applicant shall mitigate the loss of the plant(s) through off-site compensation including: 1) permanent protection of an existing off-site native population; 2) permanent protection of an off-site introduced population; 3) a combination of 1) and 2); or 4) mitigation banking. The ratio of acquisition to loss in most cases exceed 1:1 for any species. The ratio should be higher for rarer species, particularly for those that occupy irreplaceable habitats.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM B1O-4:          Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting bird activity is present within the work area or the Project's zone of influence (generally 100-300 feet), a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. If an active nest is</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

Cynthia M Draper, Associate Planner  
 Inyo County  
 November 19, 2024  
 Page 16

<p>encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</p>		
<p>MM BIO-9:                      A CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the survey confirms presence, the Project proponent shall submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance cannot be achieved, the Project proponent shall not undertake Project activities and Project activities shall be postponed until appropriate authorization [i.e., California Endangered Species Act (CESA) Incidental Take Permit under Fish and Game Code section 2081] is obtained.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-10:                      Prior to construction and issuance of any grading permit, Inyo County should develop a plan 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. (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.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-11:                      Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

Cynthia M Draper, Associate Planner  
Inyo County  
November 19, 2024  
Page 17

these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see DarkSky International   Protecting the night skies for <u>present</u> and future <u>generations</u> . Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.		
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**Department of  
Cannabis Control**  
CALIFORNIA

**Gavin Newsom**  
Governor

**Nicole Elliott**  
Director

November 25, 2024

Cynthia M Draper, Associate Planner  
Inyo County Planning Department  
168 N. Edwards Street  
Independence, CA 93526  
(760) 878-0265  
cdraper@inyocounty.us

Re: Initial Study/Mitigated Negative Declaration (SCH No. 2024101391) – Conditional Use  
Permit 2023-02/Leon7farms Cannabis Cultivation Project

Dear Ms. Turner:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Inyo County for the proposed Leon7farms Cannabis Cultivation Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Project, but to all future CEQA documents related to cannabis business applications in Inyo County.

DCC offers the following comments concerning the IS/MND.

**General Comments (GCs)**

***GC 1: Proposed Project Description***

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) The types of equipment anticipated for operations and maintenance activities;
- 2) Description of facility operations and maintenance, including:
  - a. The dimensions of the two greenhouses, square footage of the cultivation canopy and square footage of immature plants (if present);
  - b. The number of workers employed at the cultivation site;
  - c. Estimated number of weekly trips to and from the site for delivery of materials or supplies, shipment of products, and disposal of all waste generated by the Project;
  - d. Source of water, volume of storage tanks and any water efficiency equipment that would be used; and
  - e. Details about proposed landscaping.
- 3) The source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution or scale that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project.

### ***GC 2: Impact Analysis***

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support all impact conclusions in the checklist, including the sources of information relied upon to make conclusions.

### ***GC 3: Requirements for Mitigation Measures***

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts as a result of Proposed Project activities.

### ***GC 4: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

#### ***GC 5: Site-Specific Reports and Studies***

The IS/MND references several project-specific plans, studies, and reports, including a Biological Resources Assessment; Cultural Resources Evaluation; Consultation with the Southern Inyo Fire Protection District; Consultation with County Public Works Department; State Sustainable Groundwater Management Act Basin Prioritization Map. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

#### **Specific Comments and Recommendations**

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
1	Various	Various	General Mitigation	The IS/MND could be improved if it clarified whether the mitigation measures described will be a condition of the County/City issued CUP.
2	Various	Various	General Mitigation	The impact analysis and the impact statement for several resource topics indicate that the project would have "No impact". However, the checkbox indicates that there would be "Less than significant impact", not "No impact" The text, impact statement, and checkbox should be made consistent.
3	Various	Various	Checklist	The IS/MND could be more informative if it cited the information used to reach conclusions in each section.
4	8	4	General Mitigation	The IS/MND would be improved if it provided an analysis of potential impacts resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.
5	10	4	Introduction	The IS/MND does not list DCC as the agency responsible for issuing a state cannabis cultivation license. In addition, the IS/MND would be more informative if it provided the permit(s) or approval(s) required from each of the agencies listed.
6	10	4	Project Description	The IS/MND could be more informative if it provided the permit(s) or approval(s) required from each of the agencies required for cannabis cultivation.
7	I	7	Aesthetics	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from



Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)).
8	III & IV	8	General Mitigation	The IS/MND would be improved if it provided an analysis of how the proposed mitigation measures would reduce Air Quality and Biological Resource impacts to less than significant levels.
9	III	8	Air Quality	The analysis of air quality impacts and proposed mitigation measures would be improved if it evaluated the pollutant emissions associated with operation of the Proposed Project, disclosed the relevant air quality management district for the project site, and disclosed the air emissions significance threshold(s), against which the impacts of the project are compared.
10	III	8	Air Quality	The impact analysis and the impact statement for III (e) indicate that the project would have "No impact". However, the checkbox indicates that there would be "Less than significant impact". The text, impact statement, and checkbox should be made consistent. Update the text if a mitigation measure will be included as part of this section
11	III	8	Air Quality	The IS/MND could be improved by identifying any sensitive receptors in the vicinity of the proposed project and the distance from the cultivation area to these receptors.
12	IV	8	Biological Resources	The IS/MND could be improved by providing additional detail regarding the environmental setting for biological resources at the project site and impact conclusions regarding individual species and habitats. It appears that this detail may be included in the Biological Assessment prepared for the Proposed

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise the applicant to provide a copy of the Biological Assessment with its state application package for an annual cultivation license to DCC.
13	IV	8	Biological Resources	The IS/MND would be more informative if it listed the mitigation measures it refers to in section IV (a).
14	VIII	11	General Comment	The IS/MND would be more informative if it provided a list of the best management practices that would be employed, and an analysis of how those best management practices would reduce potential impacts to less than significant levels.
15	VIII	11	Greenhouse Gas Emissions	The IS/MND would be improved if it quantified the projected emissions of the Proposed Project from each phase of development and provided an analysis of how the projected emissions relate to a specific threshold of significance.
16	IX	12	Hazards and Hazardous Materials	The IS/MND would be improved if it clearly identified and analyzed potential impacts resulting from the routine transport, use, and disposal of any hazardous materials during operations or routine maintenance at the site. This may include disclosure and discussion of anticipated hazardous materials to be used on site, predicted risk of upset conditions, and/or nearby sensitive receptors (e.g., schools, residences).
17	IX	12	Hazards and Hazardous Materials	The IS/MND would be improved if it clearly identified and analyzed potential impacts resulting from reasonably foreseeable upset and accident conditions involving the release of any hazardous materials during operations or routine maintenance at the site.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
18	X	13	Hydrology and Water Quality	The IS/MND could be more informative if it described some of the construction stormwater management measures as well post-construction controls included in the Stormwater Management and Pesticide Management Plans.
19	X	13	Hydrology and Water Quality	The IS/MND could be improved if it noted that applicants are required to provide proof of enrollment in or exemption from the applicable SWRCB or Regional Water Quality Control Board (RWQCB) program for water quality protection. (Cal. Code Regs., tit. 4 § 15011(a)(3)), and are required to provide a final copy of proof of a lake and streambed alteration agreement issued by CDFW or written verification that an agreement is not needed. (Cal. Code Regs., tit. 4 § 15011(a)(8).)
20	X	13	Hydrology and Water Quality	The IS/MND would be improved if it provided an analysis of potential impacts resulting from agricultural runoff related to cultivation activities. The document should provide information about the volume of agricultural runoff, how runoff would be managed, and whether runoff would result in significant impacts to water quality.
21	XIX	17	Utilities and Service Systems	The IS/MND would be more informative if it included the water conservation plan for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise the applicant to provide a copy of the plan with its state application package for an annual cultivation license to DCC.
22	XXI	18	Mandatory Findings of Significance	The IS/MND would be more informative if it listed the mitigation measures it refers to in this section. The measures need not be

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				repeated in full, but at a minimum they should be listed by number.
23	N/A	19	Source List	The IS/MND would be more informative if it provided a Source List. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at [Kevin.Ponce@cannabis.ca.gov](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

**Ponce,**

**Kevin@Cannabis**

Kevin Ponce

Licensing Program Manager (Acting)

Digitally signed by Ponce,  
Kevin@Cannabis  
Date: 2024.11.25 16:09:23 -08'00'



June 9, 23

Inyo County  
Planning

JUN 14 2023

RECEIVED

Margaret Cortez,  
Tribal Chair

Carmen Armitage,  
Vice-Chair

George Gholson,  
Secretary/Treasurer

Bill Eddy,  
Council Member

Jimmy-John Thompson,  
Council Member

Thomas A Romero  
Timbisha Shoshone Tribe  
Environmental Director

Attn: Cathreen Richards  
Planning Director  
PO Drawer L,  
Independence, CA 93526

[environmental@timbisha.com](mailto:environmental@timbisha.com)  
[crichards@inyocounty.us](mailto:crichards@inyocounty.us)

**RE: Assembly Bill 52 Consultation (Per Public Resources Code 21080.3.1)**

Cathreen Richards,

The Timbisha Shoshone Tribe received a letter on June 7, 2023 regarding consultation on 048-364-07 Cannabis Cultivation. The tribe concluded there is no cultural or traditional impact.

However, please keep the tribe updated with progression of project.

If you have any questions or concerns feel to contact me.

Sincerely,

Thomas A. Romero  
Environmental Director  
Timbisha Shoshone Tribe  
[environmental@timbisha.com](mailto:environmental@timbisha.com)  
Office: 760.872.3614  
Fax: 760.690.4486

Timbisha Shoshone Tribe – 621 W. Line St., Suite #109 – Bishop CA, 93514  
Phone: 760-872-3614 Fax: 760-690-4486





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**Phone: (760) 878-0263  
E-Mail: [inyoplaning@inyocounty.us](mailto:inyoplaning@inyocounty.us)**

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

**PLANNING COMMISSION  
MEETING DATE:** April 23, 2025

**SUBJECT:** Tentative Parcel Map No. 433/ESLS-Baltazar

**EXECUTIVE SUMMARY:**

The applicant is seeking approval to subdivide a 5-acre parcel into two equal parcels of 2.5 acres each. Both proposed parcels currently do not contain any structures and there are no plans for new construction. The subdivision will not create any setback issues for any future development of dwellings or accessory structures. The property is located at 1990 Indian Springs Dr., Alabama Hills, California and both proposed parcels are zoned Rural Residential (RR-2.5), which requires a minimum lot size of 2.5-acres, and are designated for Rural Residential Medium (RRM) use in the General Plan. This project is exempt from CEQA under General Rule 15061(b)(3).

**PROJECT INFORMATION**

**Supervisory District:** 5

**Applicants:** Eastern Sierra Land Surveys

**Landowners:** David Baltazar as Trustee of the Baltazar 1990 Family Trust, dated July 20, 1990

**Community:** Alabama Hills

**A.P.N.:** 026-420-07

**Existing General Plan:** Rural Residential Medium (RRM)

**Existing Zoning:** Rural Residential (RR-2.5)

**Surrounding Land Use:** Residential single-family homes and vacant parcels

**Recommended Actions:**

- 1.) Find the proposed project Tentative Parcel Map No. 433/ESLS -Baltazar is exempt from the requirements of the California Environmental Quality under the General Rule 15061(b)(3).
- 2.) Make certain findings with respect to and approve Tentative Parcel Map No. 433/ESLS -Baltazar subject to Conditions of Approval.
- 3.) Waive street improvements and utility installations required by Inyo County Code Section 16.40.10, as permitted.

**Alternatives:**

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Danielle Visuaño

**BACKGROUND**

On January 31, 2025, a Tentative Parcel Map application was submitted to planning staff to subdivide a 5-acre parcel into two equal 2.5-acre parcels. The subdivision is requested to facilitate separate ownership opportunities (See Attachment A and Attachment B).

**STAFF ANALYSIS**

The applicant requests approval to subdivide a 5-acre parcel into two equal parcels of 2.5 acres each (See Attachment B). The property is currently undeveloped and consists of an undisturbed high desert setting. The surrounding properties are primarily single-family residences and vacant parcels with similar zoning designations. The subdivision will not change the current land use and is consistent with the surrounding development pattern.

The application for TPM 433/ESLS-Baltazar was routed to the following Inyo County departments: Treasurer Tax Collector, Assessor, Environmental Health, and Public Works along with the information being sent to the Lone Pine Fire Department. No issues were raised by any departments regarding the submitted application. However, the County's Environmental Health Department provided a comment, although not substantial, providing information that the proposed parcels meet the minimum of a half an acre for well and onsite waste water treatment system (OWTS septic), nevertheless, given the topography and geology an engineered alternative system to the typical OWTS septic, may be required once a permit is pulled and reviewed for a

septic systems on each of the proposed parcels. This information was conveyed to the owner through the applicant and the owner desires to move forward with this proposed subdivision.

**Land Use Analysis:** The proposed parcels are zoned RR and are situated within a residential area, with single-family homes on neighboring properties. The subdivision into two parcels will not change the existing land uses or permitted zoning. No new development is planned at this time. The surrounding properties are also zoned RR and Open Space with some of the RR zoned parcels being developed. The proposed subdivision is consistent with the area's residential character and density, as both the zoning and land use designations will remain the same.

**General Plan:** The Land Use Element designates both proposed parcels as RRM, intended for single-family residential neighborhoods situated near existing communities or rural residential areas. This designation permits public and quasi-public uses, along with other compatible developments. The residential density is set between 1.0 to 2.5 dwelling units per net acre. New development must be connected to a water and sewer system approved by the Inyo County Environmental Health Services Department. Alternatively, an individual well or septic system may be developed, subject to approval by the Environmental Health Services Department.

The proposed subdivision is consistent with the RRM designation because it allows single-family residential uses, and the parcels are large enough to accommodate at least one dwelling each. The subdivision complies with the General Plan as it maintains the allowed density and does not introduce any conflicting land uses.

**Zoning:** Both Parcel 1 and Parcel 2 are zoned RR, with a required minimum lot size of 2.5 acres. In accordance with Inyo County Code (ICC) Chapter 18.21, the zoning also mandates a minimum average lot width of 125 feet and sets setbacks of 50 feet for the front yard, 30 feet for the rear yard, and 20 feet for the side yards. According to the information provided in the documentation (TPM No. 433 attached), both parcels comply with these zoning requirements.

**Subdivision:** ICC Title 16 <https://ecode360.com/44464547> and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lots meet the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act. Due to the rural nature of the area, staff recommends waving the street and utility improvements required by ICC Section 16.40.010 as permitted. A condition of approval has been included to ensure that such improvements will be required as they become necessary.

**Access:** Access to both Parcel 1 and Parcel 2 is by an unpaved access road.

**Utilities and Public Services:** Both Parcel 1 and Parcel 2 currently have no utility services but are in the Los Angeles Department of Water and Power service area. For water supply, each parcel will require a well, and for sewage disposal each parcel will require an on OWTs (septic) or an engineered alternative system as determined by the Inyo County Department of Environmental Health. All required setbacks for any water supply or sewage disposal system will be required to be met as stated in the Conditions of Approval.

**Fire:** The project area is located within the Lone Pine Fire Protection District. The proposed subdivision is not expected to significantly increase the demand for fire protection services. Additionally, since the property falls within a Local Fire District, no additional fire safety findings are required in accordance with SB-1241.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project qualifies for an exemption under the General Rule (Section 15061(b)(3)), which states that CEQA applies only to activities that have the potential to cause a significant effect on the environment. Where it can be determined with certainty that there is no possibility the activity may have a significant environmental impact, the project is not subject to CEQA. This proposal is consistent with existing zoning and the General Plan designations, does not increase development density beyond what was previously evaluated, and includes no physical development. Therefore, it can be concluded that the project will not result in a significant environmental impact.

## **NOTIFICATIONS**

TPM 433/ESLS-Baltazar was noticed in the Inyo Register and sent to the property owners of property within 300-feet of the project, ten days prior to the Planning Commission Hearing. No comments have been received to date.

## **RECOMMENDATIONS – TPM 433/ESLS-Baltazar**

Staff recommends that the Planning Commission find that TPM 433/ESLS-Baltazar is CEQA exempt under General Rule 15061(b)(3); make the findings specified below; and approve TPM 433/ESLS-Baltazar subject to Conditions of Approval; and waive street improvements and utility installations required by ICC Section 16.40.010

### Recommended Findings

1. TPM 433/ESLS-Baltazar is covered by the General Rule 15061(b)(3)  
[Evidence: *the proposed TPM is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be determined with certainty that there is no possibility the activity may have a significant environmental impact, the project is not subject to CEQA. This proposal is consistent with existing zoning and the General Plan designations, does not increase development density beyond what was previously evaluated, and includes no physical development. Therefore, it can be concluded that the project will not result in a significant environmental impact.*]
2. Based on substantial evidence in the record, the Planning Commission finds that TPM 433/ESLS-Baltazar is in conformance with the Inyo County General Plan, the Inyo County Zoning Ordinance, the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

*[Evidence: The proposed Parcel 1 and Parcel 2 are consistent with the Rural Residential Medium Density (RRM) General Plan designation, as it provides for single-family residential development at a maximum of 1.0 to 2.5-dwelling units per acre. Both Parcels also meet the zoning designation of RR-2.5 parcel size and width requirement of 125-feet. The proposed lots meet the applicable requirements specified in ICC Chapter 16.16 and meet the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. ICC Section 16.40.010 has been met as street and utility improvements required by ICC Section 16.40.010 may be waived, and since no new structures are being constructed and waving them is appropriate. A condition of approval is included to require such improvements in the future if they become necessary. Conditions of Approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]*

3. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

*[Evidence: The project aligns with the residential character of the surrounding area, and while no future development is anticipated, potential development will not significantly impact public services or utilities. Parcels 1 and 2 will need to be served by private wells and sewer services approved by the Inyo County Environmental Department. With the potential of single-family homes to be constructed on both parcels, no increased demand for fire protection services is expected, as the property lies within the Lone Pine Fire Protection District. TPM 433/ESLS-Baltazar has been reviewed by relevant County departments, with no comments that would necessitate changes or additional conditions.]*

4. Based on substantial evidence in the record, the Planning Commission finds that the design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

*[Evidence: Access to Parcel 1 and Parcel 2, are already established by an unpaved road. Additional easements for water supply, sewage disposal and utilities will be required for future development. Applicant shall be required to required easements.]*

5. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

*[Evidence: As indicated by the Exemption the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly. The subdivision itself will not result in physical modifications and no changes in permitted uses are proposed.]*

6. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

*[Evidence: As indicated in the Exemption, the subdivision will not cause direct impacts. Although Parcels 1 and 2 are both undeveloped the development of single-family dwellings will not have a significant impact and will fit into the surrounding neighborhood.]*

### **Conditions of Approval**

- 1.) A Final Parcel Map, in substantial conformance with the approved Tentative Parcel Map (TPM) and in compliance with the applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act, shall be filed for recordation within two years from the date of approval by the Planning Commission. A request for a time extension, as outlined in ICC Section 16.20.110, must be submitted and approved prior to the expiration of this period.
- 2.) The applicant shall obtain the necessary permits from the Inyo County Environmental Health Department for any water supply and sewage disposal. Additionally, the applicant shall obtain the necessary permits for all utilities and services as necessary.
- 3.) The applicant shall obtain all required easements for utilities and services as necessary.
- 4.) Payment of any outstanding taxes, delinquent fees, or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to the recordation of the Final Parcel Map.
- 5.) The applicant and any successors in interest shall be responsible for the improvement or appropriate contribution toward the construction of all streets and utilities within and serving the subdivision, in accordance with applicable County standards as required in the future.
- 6.) The applicant, landowner, and/or operator shall defend, indemnify, and hold harmless Inyo County, its agents, officers, and employees from any claims, actions, or proceedings related to TPM No. 433/ESLS-Baltazar, including those resulting from the applicant's failure to comply with the conditions of approval.

#### **ATTACHMENTS:**

A – Proximity Map

B – Map

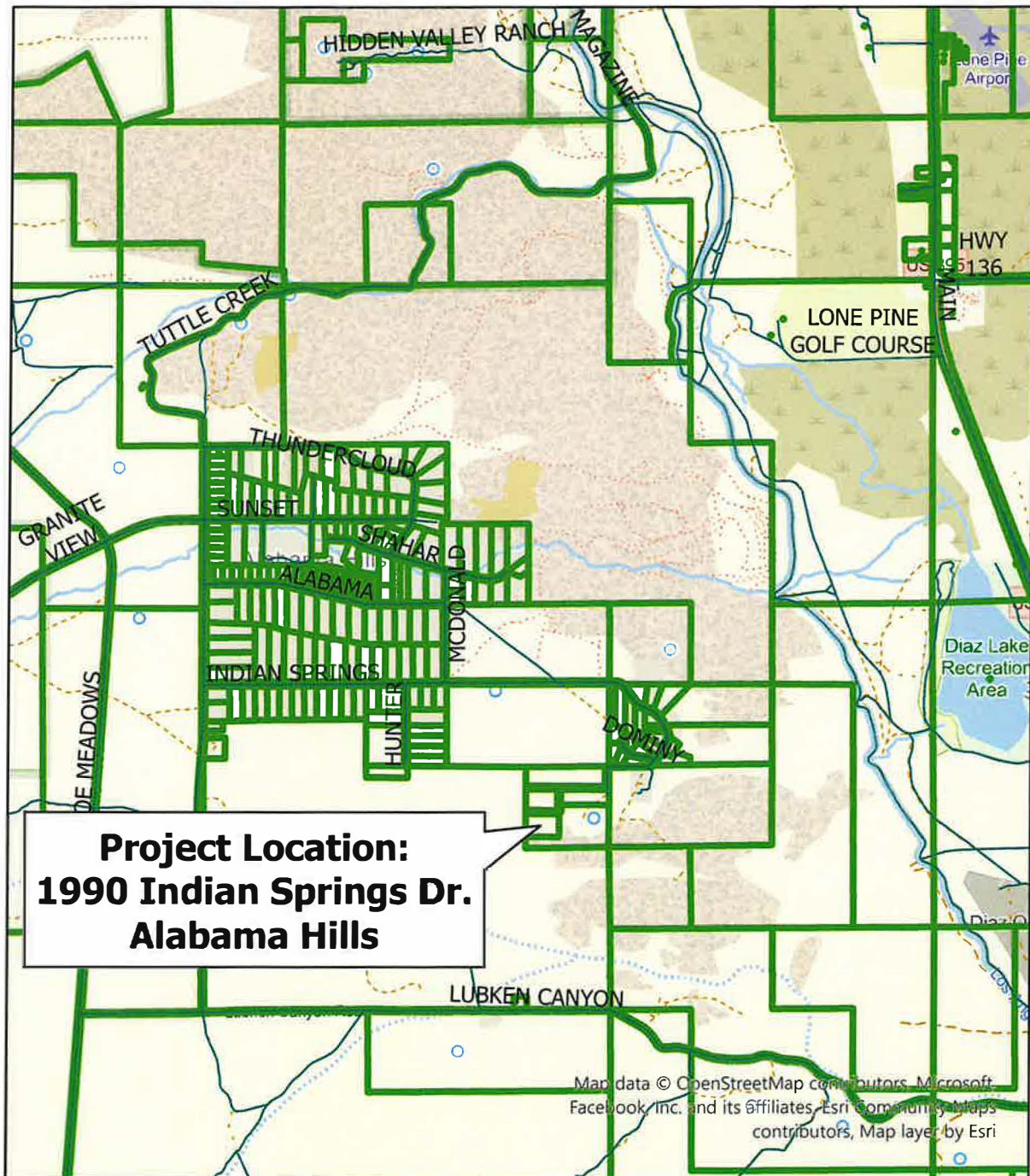
Tentative Parcel Map (TPM) No. 433



# ATTACHMENT A

## PROXIMITY MAP

APN: 026-420-07



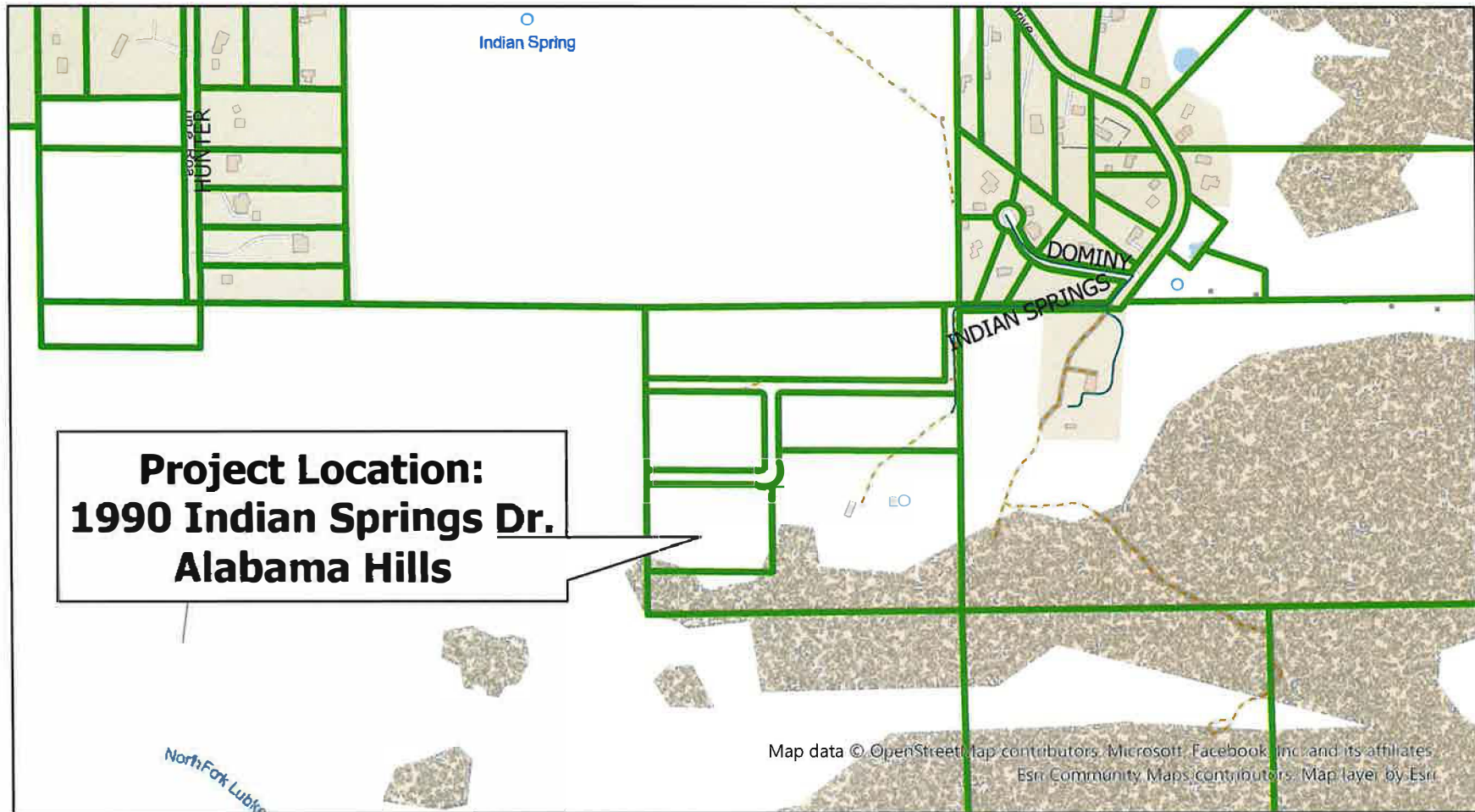
0 0.28 0.55 1.1 Miles



# ATTACHMENT B

## Vicinity Map

APN: 026-420-07



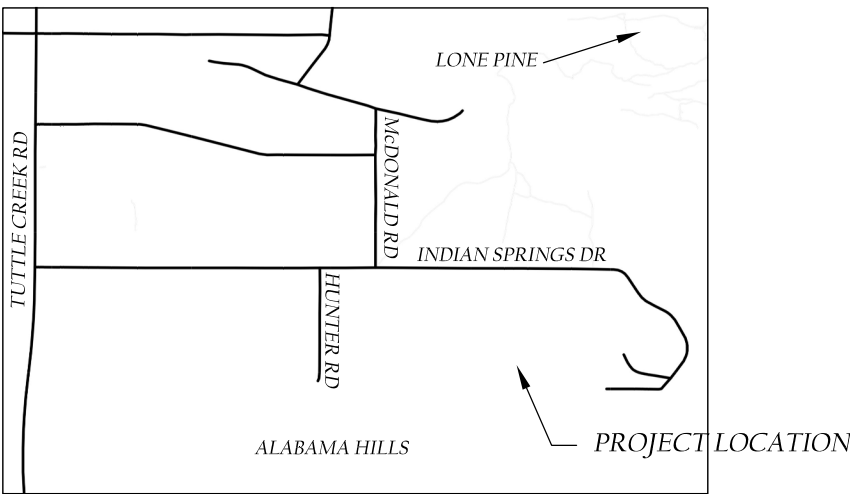
0 0.07 0.15 0.3 Miles



# TENTATIVE PARCEL MAP NO. 433

1 SHEET ONLY

BEING A SUBDIVISION OF  
PARCEL 3, PARCEL MAP NO. 318  
LOCATED IN A PORTION OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 36 EAST,  
MOUNT DIABLO BASE LINE AND MERIDIAN.



VICINITY MAP  
N.T.S.

## LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- CONTOUR (10' INTERVAL)
- FLOW LINE

## NOTE:

ALL DISTANCES SHOWN HEREON  
ARE GROUND DISTANCES. USE A  
SCALE FACTOR OF 0.99973424 TO  
OBTAIN GRID DISTANCES.

## SITE NOTES

217,412± SQ. FT., 5± AC.

## BASIS OF BEARINGS

CALIFORNIA COORDINATE SYSTEM NAD 83, ZONE 4  
(EPOCH 2010), AS DETERMINED BY OPUS SOLUTION  
AT PT 2000. A REBAR AND CAP STAMPED ESLS  
CONTROL POINT. N:2086848.89; E:6832263.2903;  
ELEV:4422.81'

## UTILITIES

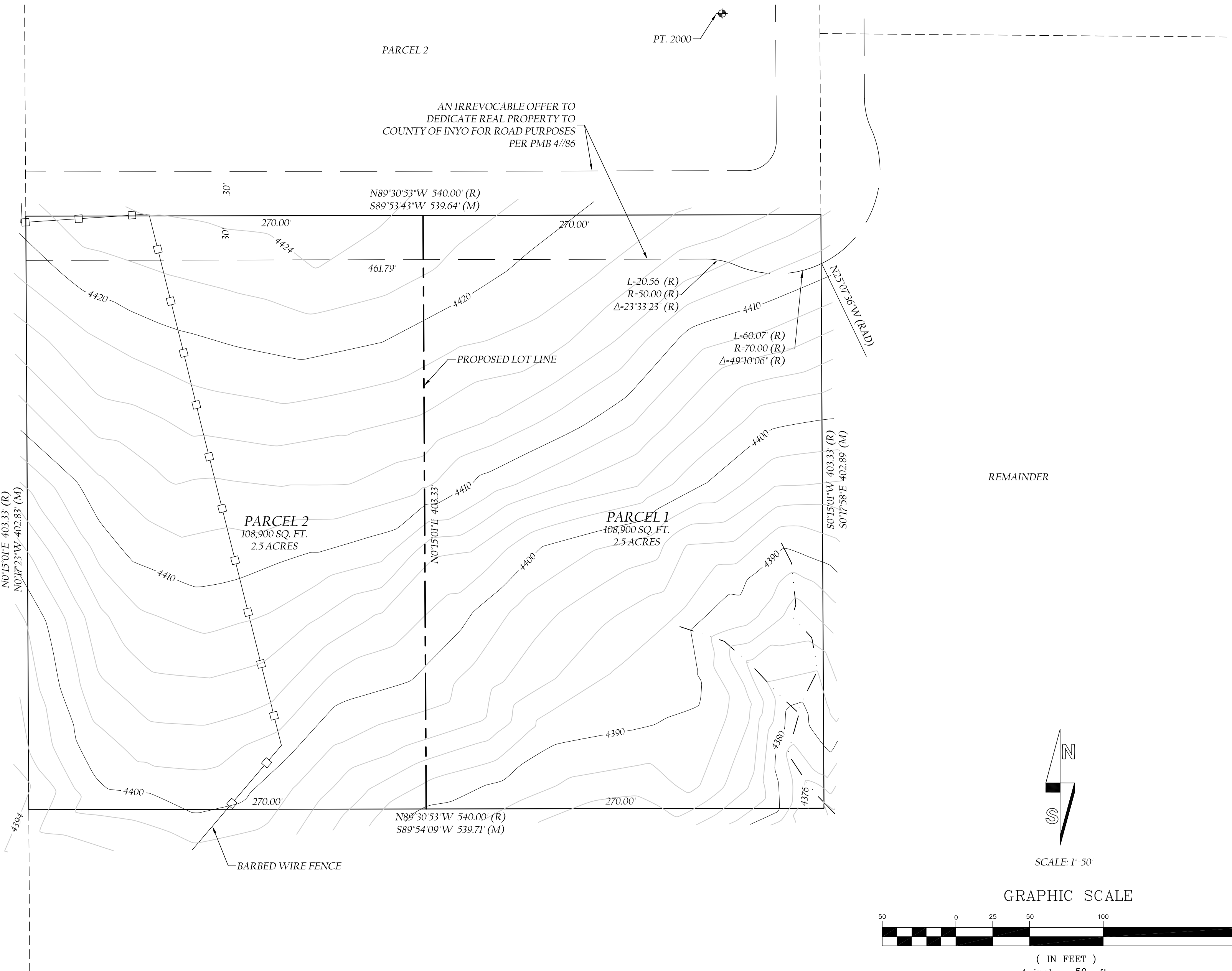
WATER SUPPLY: INDIVIDUAL WELLS  
SEWAGE DISPOSAL: INDIVIDUAL SEPTIC  
ELECTRIC: LOS ANGELES DEPT OF WATER AND POWER  
TELEPHONE: VERIZON  
FIRE PROTECTION: LONE PINE FIRE PROTECTION DISTRICT

## OWNER/SUBDIVIDER

DAVID BALTAZAR AS TRUSTEE OF THE BALTAZAR  
1990 FAMILY TRUST, DATED JULY 20, 1990  
3142 N LAMER ST  
BURBANK, CA 91604

## PREPARED BY

EASTERN SIERRA LAND SURVEYS  
19 SHANNA CIRCLE  
CROWLEY LAKE, CA 93546  
(760) 935-2580







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

**PLANNING COMMISSION MEETING DATE:** April 23, 2025

**SUBJECT:** **Violation of Conditional Use Permit (CUP) 2019-06/Grow for Gold**

**EXECUTIVE SUMMARY**

On August 28, 2019, the applicant, Grow 4 Gold, LLC (Grow 4 Gold) was approved for a CUP to operate a commercial cannabis cultivation operation located approximately 26-miles southeast of the community of Charleston View in Sandy Valley (staff report and Notice of Decision attached). The CUP was conditioned with, among other things, a requirement to conform to all applicable provisions of the Inyo County Code and State Regulations. Grow 4 Gold has failed to meet this condition with regard to the building and safety code.

**PROJECT INFORMATION.**

**Supervisory District:** 5

**Project Applicant:** Grow 4 Gold, LLC – 9171 Santiago Drive, Huntington Beach, CA 92646

**Property Owner:** Sandy Perm 3 LLC – 3993 Howard Hughes Pkwy, #140, Las Vegas, NV 891469

**Site Address:** 62 Long Road

**Community:** Sandy Valley

**A.P.N.:** 048-350-38

**General Plan:** Agricultural (A)

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

**Size of Parcel:** Approximately 164-acres

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Cannabis cultivation	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
North	Vacant/BLM	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
East	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
South	Farming/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
West	Vacant/developed/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)

**Staff Recommended Action:** **1.) Revoke the Conditional Use Permit (CUP) 2019-06/Grow 4 Gold with the Findings as provided in the staff report and Certify this action is exempt under CEQA.**

**Alternatives:**

- 1.) Do not revoke the CUP.
- 2.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:** Danielle Visuaño

**STAFF ANALYSIS**

Background and Overview

On August 28, 2019, the Planning Commission, upon the recommendation of staff, approved a CUP for the applicant, Grow 4 Gold, to operate a commercial cannabis cultivation operation in the community of Sandy Valley (see maps below). The project proposal included drying and packaging the cultivated product at the project site.

This CUP was approved with several conditions of approval, these are:

**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. CUP 2019-06/Grow 4 Gold. 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 and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

Grow 4 Gold was given information regarding the Building and Safety Department's requirements and permitting processes.

Regarding Condition #2, it mandates compliance with Title 14 of the County Building and Safety Code, which incorporates the California Building and Safety Code and prohibits cultivation within 300 feet of any lot line in Open Space (OS) designated areas. Grow 4 Gold has been repeatedly advised of these requirements. However, rather than complying with the Conditions of Approval of its CUP, the operator has constructed two greenhouses, a hoop structure, placed multiple shipping containers, and constructed other related structures without obtaining the necessary building, electrical, or plumbing permits. Although cultivation within the 300-foot OS setback ceased in the summer of 2024<sup>1</sup>, unpermitted construction and utility work continue to this present day. Additionally, throughout the use of the CUP, which was approved in 2019, Grow 4 Gold has been cultivating cannabis in violation of the CUP's conditions of approval.

Building and Safety Department staff notified the Planning Department that Grow 4 Gold failed to obtain the required permits for its cannabis operations and that existing work on the property remains unpermitted. Both departments have held multiple discussions with the operator and scheduled several site inspections. Following these interactions, Grow 4 Gold indicated it would submit the necessary permit applications but repeatedly cited engineering delays as justification for inaction. While plan submissions were attempted in 2023 and 2024, they were deemed incomplete and insufficient to address the violations.

Any failure to meet the Conditions of Approval on a landuse permit, including a CUP, puts it in violation. Grow 4 Gold has had since 2019 to become compliant with their CUP which has included numerous offers of help and discussions and descriptions of what needs to be done to become compliant. However, Grow 4 Gold has demonstrated very little effort in coming into compliance, but continue to grow cannabis while in being in violation of their CUP.

On March 19, 2024, staff issued a notice stating that the CUP would be subject to facing revocation on June 1, 2024, if the project did not comply with the Conditions of Approval, including obtaining permits for unpermitted structures and ceasing cultivation within the prohibited 300-foot setback. As of the June 1, 2024 deadline, Grow 4 Gold remained noncompliant regarding unpermitted structures but did subsequently remove the cultivation from the setback area. Despite continued efforts by staff to assist in bringing the project into compliance, no progress was made. Consequently, an in-person meeting was held on August 29, 2024, where Grow 4 Gold committed to securing

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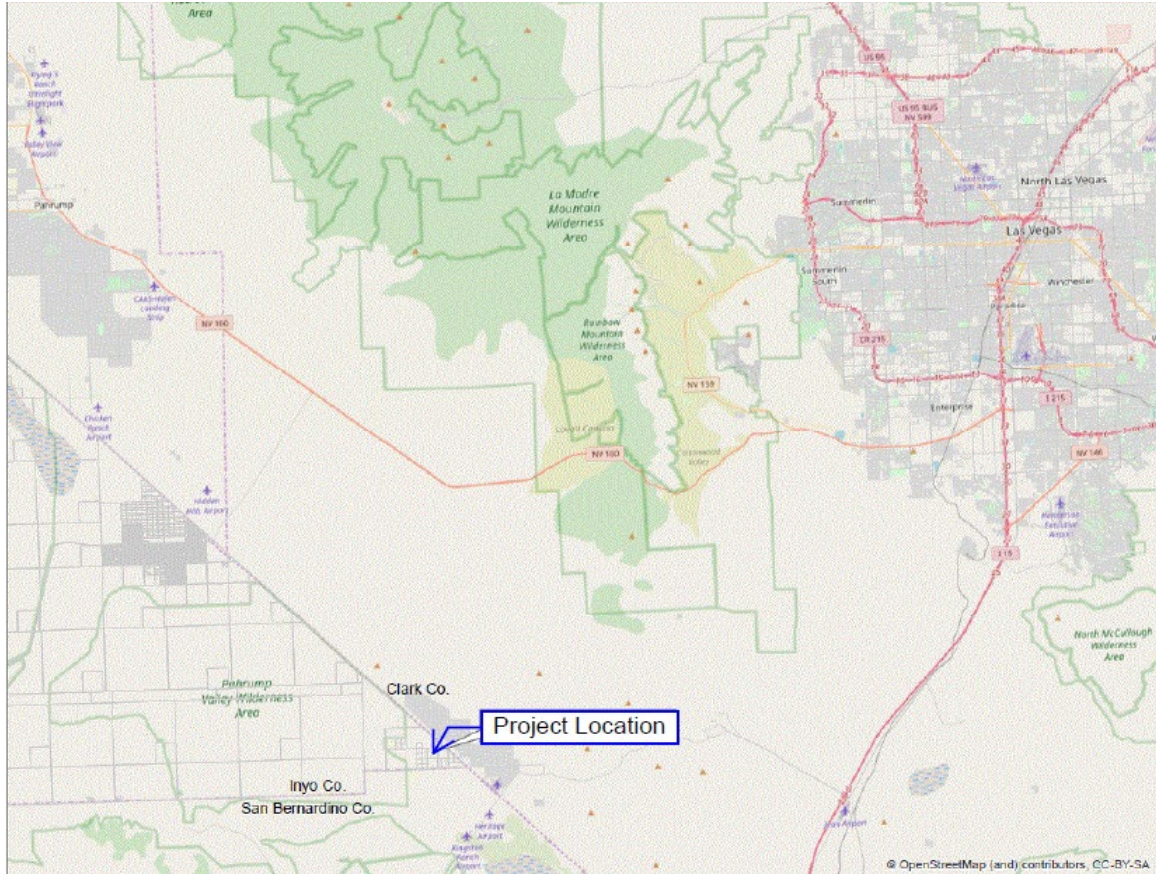
<sup>1</sup> See March 19, 2024 letter attached. Although there is no longer cultivation within 300 feet of any lot line, it is addressed in this staff report because it was discussed in the March 19, 2024 letter.



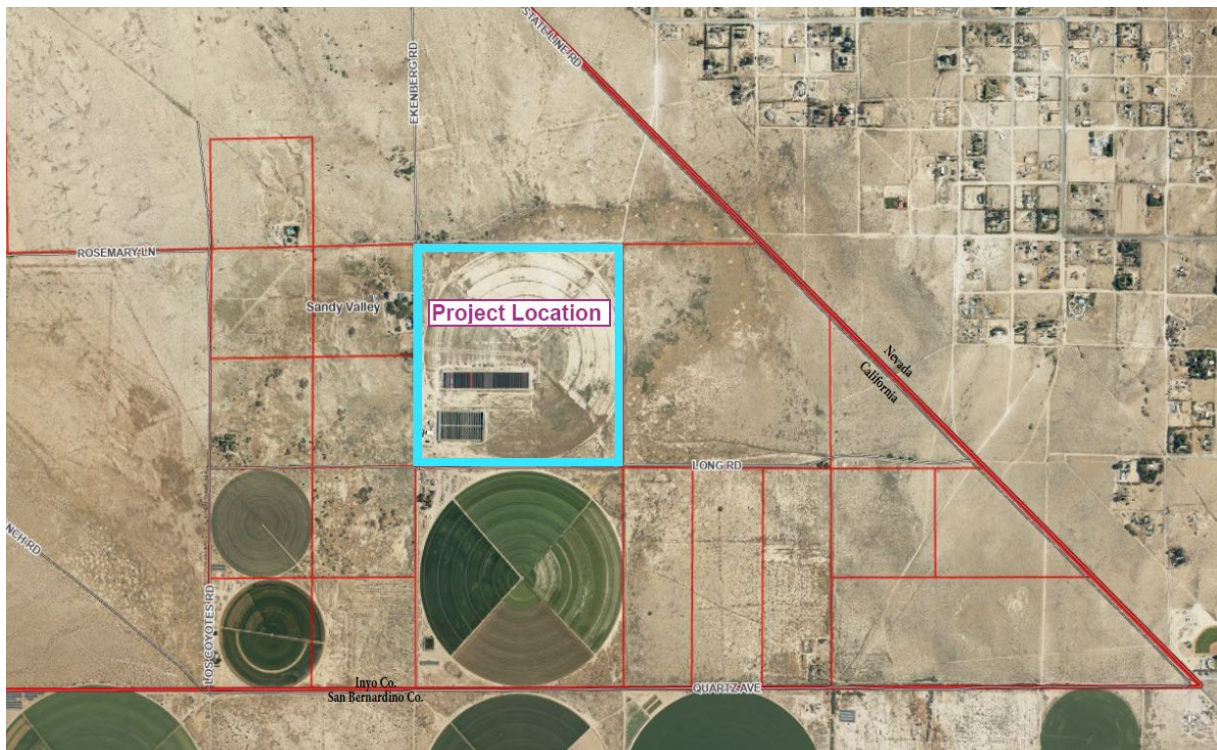
approved permits for all structures by March 1, 2025. As of today, no permits have been approved.

Given the several opportunities provided to Grow 4 Gold to come into compliance with their CUP staff is now recommending that the Planning Commission revoke the CUP. The revocation of this CUP will also likely result in Grow 4 Gold losing their County and State cannabis cultivation licenses.

### **Site Proximity Map**



### **Site Location Map**



### **RECOMMENDATION**

Planning Department staff understands the implications of this CUP revocation on Grow 4 Gold's cannabis business. However, having been non-compliant with the Conditions of Approval set forth for in the CUP for over 5-years and having been given several opportunities to come into compliance even after the August 29, 2024, meeting, staff has exhausted their means to provide any further assistance in the continuation of the cannabis operation under this CUP. Staff is now left with moving forward with the request to revoke the CUP for Grow 4 Gold. Planning and Building and Safety staff have tried during this time to help Grow 4 Gold with the permitting process to no avail; therefore, staff is recommending that the Planning Commission revoke CUP 2019-06/Grow 4 Gold.

### **Findings**

The Notice of Violation was properly served to Grow 4 Gold to the attention of Benjamin Hynes, as the owner of the property and the permit holder.

*[Evidence: Copies of the Notice were sent via certified US mail on March 5, 2025, and via email on March 4, 2025.]*

This hearing was properly noticed.

*[Evidence: Notice of the date of his hearing was provided in the Inyo Register on April 12, 2025, and mailed to property owners within 1,500-feet of the project property location before April 12, 2025 which is more than 10 days before the date of this hearing.]*

Grow 4 Gold is in violation of the Conditions of Approval required for CUP 2019-06/Grow 4 Gold.

*[Evidence: CUP 2019-06/Grow 4 Gold was approved on August 28, 2019. Grow 4 Gold has been engaged in commercial cannabis cultivation since the approval without the benefit of proper building, plumbing or electrical permits, which is required by Condition #2 of CUP 2019-06/Grow 4 Gold.]*

This action is Exempt from CEQA under 15321- Enforcement Actions by Regulatory Agencies.

#### **ATTACHMENTS**

- August 28, 2019 Staff Report
- Notice of Decision
- March 19, 2024 letter discussing impending June 1, 2024 revocation deadline
- March 3, 2025 Notice of Violation of Conditional Use Permit 2019/06/Grow 4 Gold



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

**PLANNING COMMISSION  
MEETING DATE:** August 28, 2019

**SUBJECT:** Conditional Use Permit (CUP) 2019-06/Grow 4 Gold Cannabis

### **EXECUTIVE SUMMARY**

The applicant has applied for a CUP for the cultivation of cannabis located approximately 26-miles southeast of the community of Charleston View (45 miles southeast of Pahrump, NV), in the community of Sandy Valley, in southeast Inyo County. The site is approximately 164 acres, but roughly 97 acres will be cultivated. The project also includes a 20,000 ft<sup>2</sup> processing building to dry and package the cultivated product.

### **PROJECT INFORMATION.**

**Supervisory District:** 5

**Project Applicant:** Grow 4 Gold – 9174 Santiago Drive, Huntington Beach CA, 92646

**Property Owner:** Sandy Prem 3 LLC – 3993 Howard Hughes Pkwy, # 140, Las Vegas NV 89169

**Site Address:** Long Rd

**Community:** Sandy Valley

**A.P.N.:** 048-350-38

**General Plan:** Agricultural (A)

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

**Size of Parcel:** Approximately 164-acres

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Turf farm	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
North	Vacant/BLM	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
East	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
South	developed/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
West	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)

**Staff Recommended Action:**

**1.) Approve the Conditional Use Permit (CUP) 2019-06/Grow 4 Gold 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:**

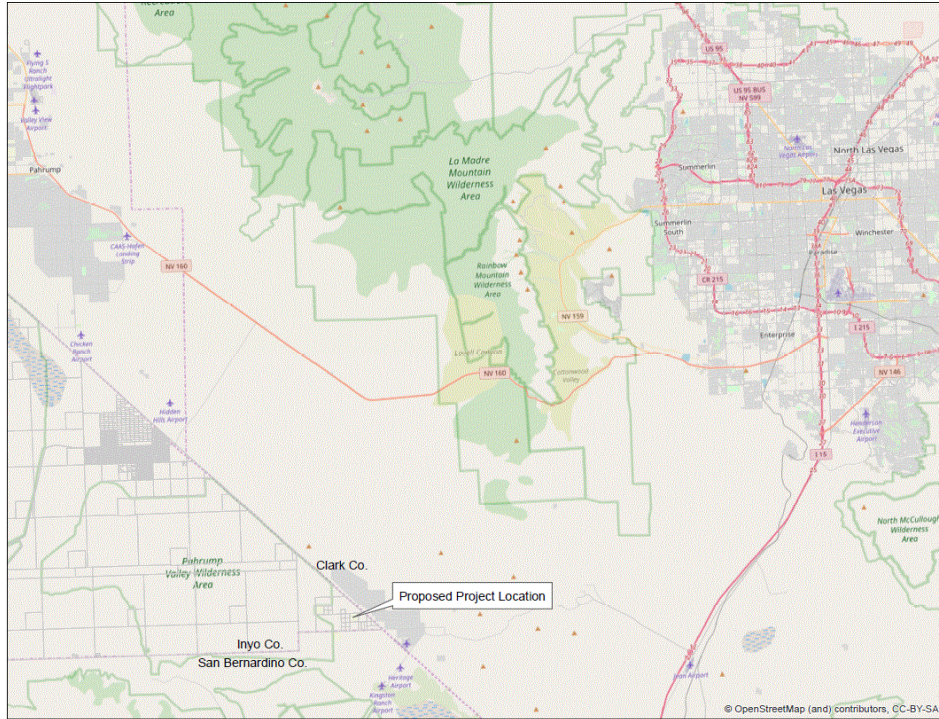
Steve Karamitros

**STAFF ANALYSIS**Background and Overview

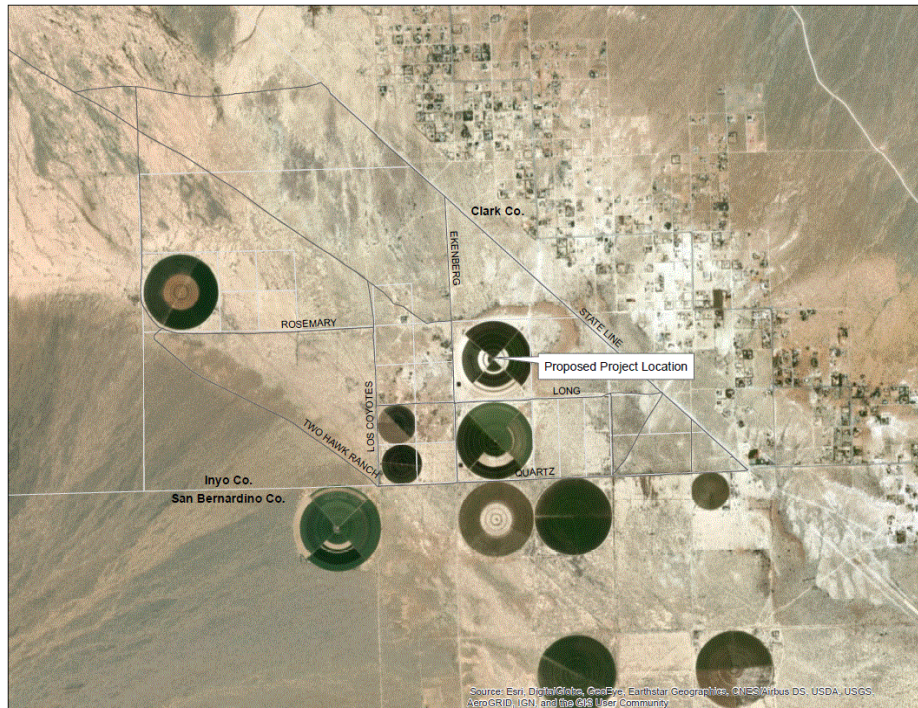
The applicant has applied for a CUP to operate a commercial cannabis cultivation farm located on Long Road, in the community of Sandy Valley. This farm will produce cannabis flowers, grown, dried and packaged at a 20,000 ft<sup>2</sup> facility on the project site. The property is zoned OS-40, which allows for cannabis cultivation with a CUP, and is located in an agricultural area of the county surrounded by other turf farms that are currently operational. The surrounding area is primarily zoned OS-40. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county exclusion areas. Please note that drying, curing, trimming, and preparation for transportation are considered allowed uses in the cannabis cultivation process.



## Site Proximity Map



## Site Location



### General Plan Consistency

The goal of this project is to allow for a cannabis cultivation & manufacturing operation. The project is consistent with the General Plan designation of Agricultural (A) as it



provides for the production of “food or fiber on a regular and sustained basis” with accompanying “agricultural processing facilities.” The (A) General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation. It is also compatible with the General Plan’s Conservation and Open Space Element’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 & cannabis based products. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.

#### Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The OS-40 zone allows for commercial cannabis cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agriculture activities to the county and is proposed to be grown in an indoor rafter building, which utilizes natural light, and employs drip irrigation.

#### **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2019-06/Grow 4 Gold is a Mitigated Negative Declaration under CEQA. This project will have incorporate several mitigation measures as conditions of approval for the issuance of a conditional use permit. Any use of lighting will adhere to Inyo County’s General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires 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 are fully shielded. In addition, the owner or his agent will be required to follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects from the cannabis crop’s VOC emissions (Terpenes). The owner or his agent shall consult with the Inyo County Environmental Health Department to manage indoor water & sewage waste for the processing facility.

Please note, the current water usage for the turf farm can be as high as 3.5 acre-feet-per-year. The projected cannabis operation is expected to be about 1 acre-foot-per-year. Thus, ground water resources will be conserved as the County benefits from a more sustainable economic opportunity.

#### **TRIBAL CONSULTATION**

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on June 5, 2019 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 Shingle Springs Band of Miwok Indians, the Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

Inyo County received a letter from the Shingle Springs Band of Miwok Indians stating that there were no known tribal resources in the project area; however, they requested that the County keep them apprised of any new developments. The Torres Martinez Desert Cahuilla Indians also replied, stating that they wished to defer all future notifications, related to this project, to Tribes that are closer to the site location.

## **NOTICING & REVIEW**

The application for CUP 2019-06/Grow 4 Gold has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register on July 16, 2019. No comments were received. Comments were received from the Lahontan Regional Water Quality Control Board, and these have been deemed appropriate and incorporated into the Conditions of Approval for the permit (see below). The public hearing for this CUP was noticed on August 10, 2019 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

## **RECOMMENDATION**

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-06/Grow 4 Gold, with the following Findings and Conditions of Approval:

## **FINDINGS**

1. The proposed Conditional Use Permit is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Agricultural (A).  
*[Evidence: The goal of this project is to allow for cultivation of an agricultural produce, cannabis, on a parcel of land with an (A) General Plan designation. The project is consistent with the (A) designation as it allows the production of “food or fiber on a regular and sustained basis” with accompanying “agricultural*

*processing facilities.” The proposed Grow 4 Gold cannabis cultivation project is an agricultural product, which is compatible with the A General Plan designation. It is also consistent with the General Plan’s Conservation and Open Space Element’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 industry than currently exists in the County.]*

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the OS-40 zone.  
*[Evidence: The OS-40 zone allows for commercial cannabis cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agriculture activities to the county and is proposed to be conducted outdoors, using drip irrigation. As stated above, drying, curing, trimming, and preparation for transportation are considered allowed uses in the cannabis cultivation process.]*
4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The General Plan’s Economic Development Element states: ‘Inyo County’s wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.’ The applicant has stated that Grow 4 Gold expects to produce cannabis flowers and products that will serve both County businesses and consumers, as well as other markets in the State. This is a sustainable model, 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 use. The cannabis cultivation is expected to replace a hemp cultivation project that will precede it (CUP 2019-09/Grow 4 Gold Hemp). This in turn is replacing a pre-existing agricultural use of the turf farm. It is related to the other agricultural activities in the area and will not cause impacts on transportation or service facilities in the vicinity as these facilities already accommodate the pick-up and delivery of turf and sod products from Sandy Valley.]*
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 for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Sandy Valley area and the proposed security plan for Grow 4 Gold was reviewed by the Sheriff's Department as a business license requirement; 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: 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 Eco Holdings LLC.]*

## **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. CUP 2019-06/Grow 4 Gold. 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 and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

### **3. Environmental Commitments under CEQA:**

- **Aesthetic:** The owner or his agent will adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires 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 are fully shielded.
- **Air Quality:** The owner or his agent will be required to follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects from the cannabis crop's VOC emissions (Terpenes).
- **Geology & Soils:** The owner or his agent shall consult with the Inyo County Environmental Health Department to manage indoor water & sewage waste for the processing facility.
- **Hydrology & Water Quality:** Pursuant to comments received from the Lahontan Regional Water Quality Control Board (letter dated July 29, 2019), the applicant shall coordinate with the regional water quality board to obtain the necessary water quality or stormwater discharge permits.



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168 North Edwards Street  
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Independence, California 93526**

**Phone: (760) 878-0263  
FAX: (760) 872-2712  
E-Mail: inyoplanning@inyocounty.us**

## **NOTICE OF DECISION**

October 3, 2019

Grow 4 Gold, LLC  
Benjamin Hynes  
9171 Santiago Drive  
Huntington Beach, CA 92646

### **SUBJECT: Approval of Conditional Use Permit #2019-06/Grow 4 Gold**

On August 28, 2019 the Inyo County Planning Commission considered the above action, following the Planning Department's review and recommendation for approval of an application received on June 23, 2019, to grow commercial cannabis in the unincorporated area of Sandy Valley CA (APN: 048-350-38), compliant with the setback requirements of the County's Commercial cannabis ordinance (18.78.360).

After deliberation, the Board of supervisors voted 4-0 to approve the project with the following Findings and Conditions of Approval:

### **FINDINGS – Conditional Use Permit**

1. The proposed Conditional Use Permit is an Initial Study with Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Negative Declaration in order to "consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review" (Inyo County Code Section 15.28.030). This document contains the necessary "project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures" (Inyo County Code Section 15.28.040).]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Agricultural (A).  
*[Evidence: The goal of this project is to allow for cultivation of an agricultural produce, cannabis, on a parcel of land with an (A) General*

*Plan designation. The project is consistent with the (A) designation as it allows the production of “food or fiber on a regular and sustained basis” with accompanying “agricultural processing facilities.” The proposed Grow 4 Gold cannabis cultivation project is an agricultural product, which is compatible with the A General Plan designation. It is also consistent with the General Plan’s Conservation and Open Space Element’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 industry than currently exists in the County.]*

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4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The General Plan’s Economic Development Element states: ‘Inyo County’s wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.’ The applicant has stated that Grow 4 Gold expects to produce cannabis flowers and products that will serve both County businesses and consumers, as well as other markets in the State. This is a sustainable model, which is desirable, as evidenced by the County’s General Plan.]*
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*the other agricultural activities in the area and will not cause impacts on transportation or service facilities in the vicinity as these facilities already accommodate the pick-up and delivery of turf and sod products from Sandy Valley.]*

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*[Evidence: The proposed conditional use permit is to allow for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Sandy Valley area and the proposed security plan for Grow 4 Gold was reviewed by the Sheriff's Department as a business license requirement; 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.]*

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*[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 Grow 4 Gold LLC.]*

#### CONDITIONS OF APPROVAL – Conditional Use Permit

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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. CUP 2019-06/Grow 4 Gold. 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 and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

- 3. Environmental Commitments under CEQA:**

- Aesthetic: The owner or his agent will adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires 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 are fully shielded.



- **Air Quality:** The owner or his agent will be required to follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects from the cannabis crop's VOC emissions (Terpenes) and fugitive dust. The applicant shall employ a fogging system, as described in section III(a) and III(e) of the final CEQA document. This system will line the perimeter of the farm with nozzles, which will turn on during the plants flowering period when system monitors detect wind speed and direction that might carry odors from the crop. In addition, the applicant shall consult with the Great Basin Unified Air Pollution Control District regarding a possible Conservation Management Practice Plan for this "outdoor" operation.
- **Geology & Soils:** The owner or his agent shall consult with the Inyo County Environmental Health Department and use portable toilets to manage sewage waste; the portable toilets will be hauled away weekly to a company contracted RV dump station, to dispose of sewage. Once the processing facility has been constructed in a later project phase, indoor bathrooms will replace portable toilets. The applicant shall consult the Inyo County Environmental Health Department during the building process to make sure the septic system is compliant with County code. The applicant shall consult the Inyo County Environmental Health Department during the building process to make sure all pesticide and fertilizer use, storage and disposal conform with the County's requirements.
- **Hydrology & Water Quality:** To manage dust and erosion, the applicant shall apply for a Stormwater Pollution Prevention Plan (S.W.P.P.P) as indicated in section VI(b) and IX(c) of the final CEQA document. The current well may be used for agricultural purposes; however, the applicant will work with the Inyo County Environmental Health Department when constructing a well for domestic use (processing facility).

If there are any questions regarding the above information, please contact the Planning office at (760) 878-0268.

Respectfully,



Steve Karamitros, Inyo County Planning Department



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**168 North Edwards Street**  
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March 19, 2024

TO: Tim Zamora  
Benjamin Hynes  
Rutt Presirut

FROM: Danielle Visuaño, Cathreen Richards, Tyson Sparrow

SENT via email to: [tim@timzamora.com](mailto:tim@timzamora.com), [timzamora@gmail.com](mailto:timzamora@gmail.com), [benjaminhynes@gmail.com](mailto:benjaminhynes@gmail.com),  
[rutt@valtusre.com](mailto:rutt@valtusre.com)

RE: CUP 2019-06/Grow 4 Gold (Cannabis)

This letter is being sent in response to the various phone calls and emails received by the Planning Department in regard to the above listed conditional use permit (CUP). Most of these conversations are in regard to commercial cannabis cultivation, the required 300 foot setback, possession of other cannabis licenses, and your request to maintain an existing hoop structure within the 300 foot setback for processing.

**Cannabis Cultivation**

The above CUP is strictly for the commercial cultivation of cannabis. Commercial cannabis activity is defined under 18.06.181 as:

any commercial business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the county, whether or not carried on for gain or profit.

The commercial cannabis activities under your CUP meet this definition and are clearly stated in your CUP on:

- Pages 1 - detailing the project activities approved under SUBJECT: Approval of Conditional Use Permit #2019-06/Grow 4 Gold.
- Page 1 – Findings paragraph 2
- Page 3 - Findings paragraph 6
- Page 3 - Findings paragraph 7

Your activities further meet the definition of a permit classification for cultivation as provided in 18.06.182(A):

Cultivation permit for commercial activity involving activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

Further, the submitted application for the CUP was only for commercial cultivation of cannabis and for no other activities that would require being addressed in this CUP. Commercial cannabis cultivation is the only cannabis related objective approved under your CUP.

### **300 Foot Setback**

Under the Open Space zoning for the parcel associated with this CUP, the land use allowed for with your CUP is listed under 18.12.040(N):

Commercial cannabis cultivation, which shall be three hundred feet from all parcel lot lines, and shall comply with otherwise applicable yard requirements.

The 300 foot setback provision is also provided as a condition under your CUP on:

- Page 1 – stating the project will be “compliant with the setback requirements for the County’s Commercial cannabis ordinance.”
- Page 2 – Findings paragraph 3.

### **CUP Scope of Approval**

The CUP clearly and expressly states the permit is only for commercial cannabis cultivation and is to meet the 300 foot setbacks. As discussed above your CUP is only for commercial cannabis cultivation and as such shall meet the Open Space zoning conditional use requirement of having a 300 foot setback from all parcel lines.

### **Additional Uses Not Approved Under the CUP**

In the discussions that have been going on through various phone calls with various Planning staff, additional land uses have been brought up by the applicant and the contractor all of which are not covered under the CUP.

### ***Manufacturing License***

There has been discussion of the applicant possessing a manufacturing license. In contact with the Agricultural Department, Planning has determined the applicant does not possess a current manufacturing license. At one time the applicant may have possessed such a license but it was not renewed. This license was not raised or applied for in the application associated under this CUP. It may also be that this license is associated with another project on another parcel.

According to 5.40.050(B):

A separate commercial cannabis business license shall be required for each premises where commercial cannabis activity is carried on, at, or out of, regardless of ownership.

As such, even if the license was active, if it was for another parcel it cannot be utilized on the parcel associated with this CUP. Further, there is no evidence in the application for this CUP or the CUP itself of any manufacturing license. Any manufacturing license, whether current or one to be applied for, will need to be an amendment to this CUP or a separate CUP altogether.

### ***Micro-Business***

There has also been discussion of the applicant possessing a micro-business license. There is no evidence of this license. Even if such license exists, it is not associated, nor was it applied for, under this CUP.

### ***Hoop Structure Use***

Currently there is a hoop structure within the 300 foot setback on the west side of the parcel. The applicant insists the hoop structure is to be utilized for processing as they state process/manufacturing is not cultivation. As discussed above, commercial cannabis cultivation clearly includes processing under 18.06.181, and there is no manufacturing allowed under this CUP. No such commercial cannabis activities can be conducted in the hoop structure as it exists in the 300 foot setback.

Further, currently the hoop structure is not permitted as it was constructed without a building permit from Building and Safety. As you are aware, compliance with all local zoning regulations and building codes is a fundamental requirement for the approval and maintenance of a CUP. Under 18.03.100 it states:

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as specifically provided in this title and allowed in the district in which such building, structure or land is located. ... Every department, official and employee of the county having the authority to issue any permit or license required by law shall comply with the provisions of this title. Any license or permit issued in conflict with the provisions of this title shall be void and of no effect.

Since the hoop structure located in the 300 foot setback is not permitted it is not only noncompliant with the requirements of the CUP it is also noncompliant with the zoning code.

### ***Cultivation Structure***

In review of the plans of the cultivation structure it has also been determined this structure is also within the 300 foot setback requirement of the CUP. As stated above, cultivation cannot take place within the 300 foot setback. In addition to the hoop structure not being compliant with the CUP and zoning code, the cultivation structure is also noncompliant with the CUP and in violation of the zoning code.

### **Notice of Impending CUP Revocation**

The presence of unpermitted and noncompliant structures contravenes the terms and conditions outlined in the CUP approval process. As a result, we are informing you that the Planning Department will commence the process for revoking your Conditional Use Permit 2019-06/Grow 4 Gold if the following matters are not resolved/completed by the end of the day June 1, 2024:

- The hoop structure is relocated to inside the building envelope outside the 300 foot setback.
- The hoop structure is permitted by Building and Safety.
- The cultivation structure is adjusted to permanently prevent cultivation within the 300 foot setback.
- Any other structures that are not permitted are rectified and approved by Building and Safety.

Any of the above listed action not completed by June 1, 2024 will result in the commencement of the revocation of your CUP. All relevant actions will be verified with Building and Safety.

Please let me know if you have any questions on the above information.

Respectfully,

Danielle Visuaño  
Inyo County Planning Associate Planner

Cathreen Richards,  
Inyo County Planning Director

Tyson Sparrow  
Technical Building and Safety Official



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

Phone: (760) 878-0263  
FAX: (760) 872-2712  
E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

Grow 4 Gold LLC  
Benjamin Hynes  
9171 Santiago Drive  
Huntington Beach, CA 92646

**SENT via:** USPS and email to [benjaminhynes@gmail.com](mailto:benjaminhynes@gmail.com)

**NOTICE IS HEREBY GIVEN**  
**VIOLATION OF CONDITIONAL USE PERMIT 2019-06/Grow 4 Gold**

March 4, 2025

Mr. Hynes:

This is a formal Notice of Violation of Conditional Use Permit (CUP) 2019-06/Grow 4 Gold.

The CUP was approved by the Inyo County Planning Commission on August 28, 2019 for property located in Sandy Valley, CA with the Assessor Parcel Number 048-350-38. The approval included conditions 1-3, which you must comply with when conducting activities under the CUP. Condition #2 of the CUP states:

**2. Compliance with County Code**

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

This condition requires compliance with Title 14 of the Inyo County Code, which in turn mandates compliance with the California Building Code. Currently, development on the property intended for the use provided by the CUP has been constructed without the required building, electrical or plumbing permits.

On March 19, 2024 the Planning Department sent you a letter providing a list of matters that were required to be resolved/completed by the end of the day June 1, 2024. Your firm failed to resolve/complete any of the identified matters listed in the March 19, 2024 letter.

On August 29, 2024, the Planning Department met with your firm and the Building and Safety Department where it was discussed and decided that your firm would provide the required plans and seek the required permit approvals for all applicable development by March 1, 2025. To date, there has not been one permit approved for this project. Therefore, the Planning Department is seeking to revoke your CUP due to noncompliance with Condition #2.

A hearing date with the Inyo County Planning Commission, regarding this violation and the possible revocation of CUP 2019-06/Grow 4 Gold, has been set for April 23, 2025 at 10 am.

If you have any questions related the hearing, please contact Planning at (760) 878-0263.



Cathreen Richards  
Planning Director

cc: Will Wadelton, Fifth District Supervisor; Aaron Cassell, Fifth District Commissioner;  
County Counsel, Christian Milovich

4



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

**Phone:** (760) 878-0263  
(760) 872-2706  
**FAX:** (760) 878-0382  
**E-Mail:** [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

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**AGENDA ITEM NO**

**8 (Action Item – Public Hearing)**

**PLANNING COMMISSION**

**MEETING DATE:**

**April 23, 2025**

**SUBJECT:**

**Zone Text Amendment (ZTA) No. 2024-03/Inyo County-Animal Maintenance**

**EXECUTIVE SUMMARY**

Staff is reintroducing this item that was originally presented to the Planning Commission on July 24, 2024. It includes an updated (reduced) proposed ordinance to update Section 18.78.310 – Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040 (J) - Open Space, of the Inyo County Code to:

- identify prohibited nuisances;
- add stream buffer language; and,
- include a requirement for kennels in the open space zone to obtain a Conditional Use Permit (CUP).

The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3). Subsequent CUPs for kennels will require project specific CEQA evaluations.

**PROJECT INFORMATION**

**Supervisory District:** County-wide

**Applicants:** Inyo County

**Landowners:** Multiple  
**Address/**

**Community:** County-wide

**A.P.N.:** County-wide

**Existing General Plan:** N/A

**Existing Zoning:** N/A



**Surrounding Land Use:**

N/A

**Recommended Action:**

**Adopt the attached Resolution, recommending that the Board of Supervisors:**

- 1.) Find the proposed project exempt from the requirements of the California Environmental Quality Act.**
- 2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA-2024-03/ Animal Maintenance.**

**Alternatives:**

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Cathreen Richards

## **BACKGROUND**

Recent code enforcement cases have reflected an increase in the number of complaints pertaining to animals maintained on private property within the unincorporated area of the County. Staff have had a difficult time dealing with these cases due to the lack of specific regulations in the current Animal Maintenance section of Title 18 of the County Code. This is especially prevalent regarding the number of animals allowed on a property and the unspecified nuisances they can cause. The lack of specific regulations has also negatively impacted the animals. Many of the complaints that county staff have received do not rise to the level of criminal animal abuse, which would allow Animal Control to seize the animals, but do contain information suggesting that animals are being kept irresponsibly and in substandard conditions. These nuisances include animal hoarding, unclean and unsanitary conditions, and a proliferation of barking. All of these situations can produce, at the very least, unpleasant conditions for both surrounding neighbors and the animals themselves.

## **ANALYSIS**

In reaction to the uptick in animal keeping complaints, staff from the Sheriff's Office representing Animal Control, County Counsel, Code Enforcement, Building and Safety, Environmental Health and Planning met on several occasions and discussed the various cases of unsatisfactory animal keeping in the County and came to the conclusion that some updates to the County code addressing potential nuisances created by animals are

needed. Planning staff then held meetings with Animal Control staff, the Farm Advisor, County Counsel and Planning Commissioner Peek, representing youth agriculture programs, to work on various ideas to improve animal maintenance in the County while preserving the ability to keep animals for youth agriculture programs, commercial raising for sale, large agriculture operations, and personal enjoyment.

Staff's review of the County's Animal Maintenance Section of the Zoning Code found that it is insufficient regarding possible nuisances produced by incompatible animal/people interface, lacks language that supports safe and healthy conditions for animals and does not provide language prohibiting specific nuisances. Code enforcement staff are experiencing more complaints with respect to the nuisances caused by poor animal keeping as well as complaints related to animals living in egregious conditions.

Inyo County is rural and has had a resource-based economy throughout its history. With this is a proud tradition of ranching and equestrian activities as well as an openness to allowing people to keep animals on their property with little interference. Staff are not attempting to change this time-honored tradition, however, feels there needs to be a better balance in animal keeping with a more careful stance on animal welfare and the nuisances that can be created due to poor animal maintenance. To achieve this, staff have prepared a draft ordinance, to include:

- Language addressing nuisances that can be created by animals. This includes noise, smell and behavior issues.
- A requirement for all kennels to obtain a conditional use permit. Currently kennels are only allowed in the Rural Residential and Open Space zones. Conditional Use Permits are required in Rural Residential but not Open Space. Staff is proposing they be required in both.
- A requirement that structures and shelters including cages, pens and corrals used for animal keeping must be located no closer than five-feet from a property line, and unless impeding stock water access, within ten-feet of a stream if the area is vegetated and thirty-feet if not vegetated. This is being proposed due to a California Water Resources Board finding regarding the condition of Bishop Creek. The recommended buffers should help keep animal waste from the creek as well as other water ways in the county.
- Language clarifying that small livestock or farm animals are allowed in residential zones if part of a youth agricultural program. This is currently unclear in the code and staff does not want the code to impede these programs.

Enforcing these regulations would be pursuant to Inyo County Code Title 22 and be treated like any other code violation.

## **FINDINGS & PROCEDURAL COMPLIANCE**

General Plan Consistency:

The approval of ZTA 2024-03 is consistent with the Inyo County General Plan as it does not change the allowed numbers or density of allowed animals and will help to keep the

level of possible nuisance conflicts between animals and people to a minimum by identifying certain conditions as nuisances.

**Zoning Ordinance Consistency:**

ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify possible nuisance conflicts between animals and people to a minimum and will add a requirement for a conditional use permit for kennels in the open space zone, which will be consistent with the requirement in the rural residential zone and help enforcement staff address poor animal keeping conditions that are becoming all too common.

**ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) 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. Since this is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to the Maintenance of Animals to provide clarity of nuisances potentially created by animals and will require conditional use permits for kennels. This will not cause a significant effect on the environment. Subsequent conditional use permits for kennels will require project specific CEQA review.

**NOTICING:**

This project was noticed in the Inyo Register on April 12, 2025 meeting the ten-day requirement. No comments have been received to date.

**RECOMMENDATIONS:**

Staff recommends the Planning Commission adopt the attached resolution recommending the Board of Supervisors consider ZTA 2024-03, make certain findings, and adopt the proposed ordinance updating Section 18.78.310 – Maintenance of Animals; and Subsections 18.12.20 (D) and 18.12.040 (J) Open Space, of the Inyo County Code.

Recommended Findings: – in making its recommendation today the Planning Commission is asked to make the following, specified findings:

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3) [Evidence: *ZTA 2024-03 is consistent with the Inyo County General Plan Since this is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to the Maintenance of Animals to provide clarity of nuisances potentially created by animals and will require conditional use permits for kennels. This will not cause a significant effect on the environment. Subsequent conditional use permits for kennels will require project specific CEQA review*].

2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.

[Evidence: of ZTA 2024-03 is consistent with the Inyo County General Plan as it does not change the allowed numbers or density of allowed animals and will help to keep the level of possible nuisance conflicts between animals and people to a minimum by identifying certain conditions as nuisances].

3. Based on substantial evidence in the record, the proposed Zoning Ordinance to amend 18.78.310 - Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040 (1) Open Space, of the Inyo County Code is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify possible nuisance conflicts between animals and people to a minimum and will add a requirement for a conditional use permit for kennels in the open space zone, which will be consistent with the requirement in the rural residential zone].

#### ATTACHMENTS

- A. Resolution
- B. Draft proposed ordinance
- C. Strike out and unlined changes to Maintenance of Animals

Attachment  
Resolution

## **RESOLUTION NO. 2025-02**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKE CERTAIN FINDINGS WITH RESPECT TO AND APPROVE ZONE TEXT AMENDMENT NO. 2024-03 INYO COUNTY**

**WHEREAS**, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

**WHEREAS**, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) 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. Since this is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to Animal Maintenance and subsections 18.12.020(D) and 18.12.040(J) pertaining to permitted and unpermitted uses in the Open Space zoning designation to provide clarity and additional nuisance regulations for an already allowed use, it will not cause a significant effect on the environment; and

**WHEREAS**, the Inyo County Planning Commission held a duly noticed public hearing on April 23, 2025, to review and consider a request for approval of Zone Text Amendment No. 2024-03, and considered the staff report for the project and all oral and written comments regarding the proposal; and

**WHEREAS**, ICC Section 18.03.020 states in part that it is necessary for the zoning ordinance to be consistent with the General Plan; and

**WHEREAS**, the approval of ZTA 2024-03 is consistent with the Inyo County General Plan as Plan as it does not change the allowed numbers or density of allowed animals and will help to keep the level of possible nuisance conflicts between animals and people to a minimum by identifying certain conditions as nuisances; and

**WHEREAS**, ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify possible nuisance conflicts between animals and people to a minimum and will add a requirement for a conditional use permit for kennels in the open space zone, which will be consistent with the requirement in the rural residential zone.

**THEREFORE, BE IT HEREBY RESOLVED**, that based on all of the written and oral comments and input received at the April 23, 2025, public hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

### **RECOMMENDED FINDINGS**

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3) Pursuant to the California Environmental Quality Act (CEQA), 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 is a proposal to update Section 18.78.310 and subsections 18.12.020(D) and 18.12.040(J) of the Inyo County Code pertaining to Animal Maintenance to provide clarity and additional nuisance regulations for an already allowed use, which will not produce significant effects to the environment.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Inyo County General Plan as it does not change the allowed numbers or density of allowed animals and will help to keep the level of possible nuisance conflicts between animals and people to a minimum by identifying certain conditions as nuisances.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify possible nuisance conflicts between animals and people to a minimum and will add a requirement for a conditional use permit for kennels in the open space zone, which will be consistent with the requirement in the rural residential zone and help enforcement staff address poor animal keeping conditions that are becoming all too common.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors take the following actions:

### **RECOMMENDED ACTIONS**

1. Adopted the proposed ordinance amending certain specified sections of Title 18 of the Inyo County Code related to Animal Maintenance based on all the information in the public record and on the recommendation of the Planning Commission.
2. Make all required findings as presented by staff.



**PASSED AND ADOPTED** this 23rd day of April, 2025, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Todd Vogel, Chair  
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By \_\_\_\_\_  
Sally Faircloth, Secretary of the Commission

Attachment  
Draft Proposed Ordinance

**AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS AMENDING  
SECTION 18.78.310 OF THE INYO COUNTY CODE PERTAINING TO THE  
MAINTENANCE OF ANIMALS AND AMENDING SUBSECTIONS  
18.12.020 (D) AND 18.12.040 (J) PERTAINING TO ZONING  
REQUIREMENTS FOR ANIMAL MAINTENANCE**

**WHEREAS**, Title 18 of the Inyo County Code (ICC) sets forth zoning requirements within the unincorporated area of the County; and

**WHEREAS**, section 18.78.310 of the ICC pertains to the maintenance of animals in certain residential zoning designations within the unincorporated area of the County; and

**WHEREAS**, sections 18.12.020 and 18.12.040 of the ICC pertain to principal permitted uses and conditional uses in the Open Space zoning designation within the unincorporated area of the County; and

**WHEREAS**, recent Inyo County Code Enforcement cases have shown an increase in nuisances and reports of maltreatment with respect to the keeping of animals on private property throughout the County; and

**WHEREAS**, county staff have had a difficult time addressing these nuisances due to the lack of specific regulations addressing adverse conditions for animals in the current Animal Maintenance section of the code, the absence of which ultimately negatively impacts animals; and

**WHEREAS**, many of the complaints that county staff have received do not rise to the level of criminal animal abuse, which would allow Animal Control to seize the animals, but do contain information suggesting that animals are being kept in irresponsible, substandard conditions; and

**WHEREAS**, these nuisances have manifested due to animal hoarding, unclean and unsanitary conditions, and a proliferation of barking; and produce, at the very least, unpleasant conditions for both surrounding neighbors and the animals themselves; and

**WHEREAS**, staff from the Sheriff's Office representing Animal Control, County Counsel, Code Enforcement, Building and Safety, Environmental Health and Planning met on several occasions and discussed the various cases of unsatisfactory animal keeping in the county; and

**WHEREAS**, staff from the Sheriff's Office representing animal control, County Counsel, Planning, the Farm Advisor, and a Planning Commissioner, representing youth agriculture programs, worked on various ideas to update the code to address these issues; and

**WHEREAS**, to address these ongoing issues, staff now proposes to amend ICC Section 18.78.310 pertaining to Animal Maintenance and ICC subsections 18.12.020 (D) and 18.12.040 (J) pertaining to the Open Space Zone to provide additional regulation regarding the keeping of animals in the county; and

**WHEREAS**, the Inyo County Planning Commission held a duly noticed public hearing to consider the proposal to update the Animal Maintenance Section and the Open Space District of the County Zoning Code with regard to consistency with the Inyo County Zoning Code, General

Plan, and the California Environmental Quality Act, and concurred with staff recommendations, and approved a resolution recommending approval by the Board of Supervisors; and

**WHEREAS**, the adoption of this ordinance is Exempt pursuant to CEQA Guidelines 15061(b)(3) the General Rule.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO ORDAINS AS FOLLOWS:**

**SECTION I.** All recitals above are incorporated herein as findings.

**SECTION II.** Section 18.78.310 of the Inyo County Code is amended in its entirety to read as follows:

- A. The maintenance of animals in the one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of less than one-half acre are permitted as an accessory use subject to the following conditions:
1. Domestic pets such as dogs and cats are permitted.
  2. No animals of any kind shall be bred, raised, maintained or slaughtered for any commercial purpose.
  3. No large livestock or large farm animals, such as horses, mules, donkeys, cattle, shall be bred, raised, maintained or slaughtered for any purpose.
  4. Small livestock or small farm animals such as pigs, goats, sheep, pigeons, poultry and rabbits may be bred, raised or maintained for domestic, educational purposes, or youth agriculture programs, subject to the following restrictions:
    - a. Pigs, goats, sheep and similar animals shall not exceed two in number;
    - b. Pigeons, poultry, rabbits and similar animals shall not exceed twenty-five in number;
    - c. No structure or shelter for animals shall be located closer than five feet to any property line;
    - d. Maximum height of any structure or shelter for animals shall be fifteen feet.
  5. The breeding, raising, maintenance of animals allowed by subsection A of this section shall comply with all other state and county requirements and ordinances.

- B. The maintenance of animals in the one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of one-half acre or more, and in all other zones regardless of lot size, shall be permitted as an accessory use so long as such use complies with all other state and county requirements and ordinances.
- C. No structure or shelter including cages, pens and corrals for animals shall be located closer than five feet to any property line, and unless impeding stock water, access within ten feet of a stream if the area is vegetated, or thirty feet of a stream if it is not vegetated.
- D. No owner of any animal shall do any of the following:
  - 1. Allow an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, biting, barking, howling or making other noises.
  - 2. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons.
  - 3. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety and welfare.

**SECTION III.** Subsection 18.12.020(D) of the Inyo County Code is amended in its entirety to read as follows:

Animal Hospitals except when the property is adjacent to or abuts residential zoned property.

**SECTION IV.** Subsection 18.12.040(J) is amended in its entirety to read as follows:

All kennels, and animal hospitals (when parcel is adjacent to residential zoned property).

**SECTION V.** Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to

whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

**SECTION VI.**        Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

**PASSED AND ADOPTED** this XXXX by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:     Nate Greenberg  
                 Clerk to the Board

By: \_\_\_\_\_  
      Darcy Ellis, Assistant

## Attachment

Strike out and unlined changes to Maintenance of Animals



**§ 18.78.310. Maintenance of animals.**

- A. The maintenance of animals in the one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of less than one-half acre are permitted as an accessory use subject to the following conditions:
1. Domestic pets such as dogs and cats are permitted.
  2. No animals of any kind shall be bred, raised, maintained or slaughtered for any commercial purpose.
  3. No large livestock or large farm animals, such as horses, mules, donkeys, cattle, shall be bred, raised, maintained or slaughtered for any purpose.
  4. Small livestock or small farm animals such as pigs, goats, sheep, pigeons, poultry and rabbits may be bred, raised or maintained for domestic, ~~or~~ educational purposes, or youth agriculture programs, subject to the following restrictions:
    - a. Pigs, goats, sheep and similar animals shall not exceed two in number;
    - b. Pigeons, poultry, rabbits and similar animals shall not exceed twenty-five in number;
    - c. No structure or shelter for animals shall be located closer than five feet to any property line;
    - d. Maximum height of any structure or shelter for animals shall be fifteen feet.
  5. The breeding, raising, maintenance of animals allowed by subsection A of this section shall comply with all other state and county requirements and ordinances.
- B. The maintenance of animals in the one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of one-half acre or more, and in all other zones regardless of lot size, shall be permitted as an accessory use so long as such use complies with all other state and county requirements and ordinances.
- C. No structure or shelter including cages, pens and corrals for animals shall be located closer than five feet to any property line, and unless impeding stock water, access within ten feet of a stream if the area is vegetated, or thirty feet of a stream if it is not vegetated.
- D. No owner of any animal shall do any of the following:
1. Allow an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, biting, barking, howling or making other noises.
  2. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons.
  3. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety and welfare.

#### **18.12.020 – Principal Permitted Uses of the OS Zone:**

The following are the principal permitted uses of the OS zone:

- A. Single-family dwelling, including the use of a mobile home;
- B. Farms and ranches for orchards, vineyards, field and truck crops, nurseries, greenhouses, vegetables, flower gardening and other enterprises carried on in the general field of agriculture, including agricultural activities directly related to the farm or such as the repair and maintenance of farm and ranch equipment operated on the property; farm and ranch vehicles used on the property; and vehicles used to haul farm and ranch products produced on the property;
- C. Livestock ranches for raising, grazing, breeding, boarding or small animals except as otherwise provided for under Section 18.12.040;
- D. Animal hospitals ~~or kennels~~, except when the property is adjacent or abuts residential zoned property;
- E. Wildlife refuges; hunting and fishing preserves;
- F. Wilderness areas and wilderness uses. (Ord. 943 § 4, 1994)

#### **18.12.040 – Conditional Uses.**

The following are the conditional uses of the OS zone

- A. Public stables, roping arenas, riding academies, parks, campgrounds, private recreational clubs, pack stations, lodges, resorts, and other recreational activities involving development or large assemblages of people;
- B. Feed lot, dairies or commercial ranches for the raising of poultry, pigs, goats or rabbits when any of the foregoing are located on property adjacent to residential zoned property;
- C. Public and quasi-public buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses;
- D. Golf course;
- E. Farm labor or camp;
- F. Cemeteries, crematories, mausoleums and columbariums;
- G. Airports, landing fields and airstrips;
- H. Public and commercial refuse disposal sites;
- I. Mining and processing of natural resources, including borrow pits, subject to the provisions of the California Surface Mining Act;
- J. All kennels and animal hospitals (when parcel is adjacent to residential zoned property);
- K. Agriculturally oriented services, including those uses of land devoted to the provision of

buying, selling, processing, storing, packaging and otherwise directly serving functions associated with the production of local agricultural products, and including the operation, storage and maintenance of equipment and implements, and motor vehicles and trailers primarily used to transport local agricultural products and livestock. Manufacturing other than the primary cleaning, sorting, packaging or conversion of local agricultural products is prohibited;

- L. Second dwelling units, subject to the requirements and procedures set forth or referred to in Section 18.78.340;
- M. Informational kiosks and off-site directional signs complying with the provisions of Chapter 18.75 and subject to the provisions of Section 18.12.050.
- N. Commercial cannabis cultivation, which shall be three hundred feet from all parcel lot lines, and shall comply with otherwise applicable yard requirements.
- O. Non-volatile cannabis manufacturing pursuant to commercial cannabis license classification 6.
- P. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.
- Q. Hemp Cultivation. Industrial hemp cultivation shall be subject to odor, noise, pollen escape and visual resource mitigation requirements and shall be three hundred feet from all parcel lot lines.