

AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS AMENDING SECTION 21.20.020 OF THE INYO COUNTY CODE PERTAINING TO RENEWABLE ENERGY IMPACT DETERMINATIONS AND RENEWABLE ENERGY PERMITS WITH REGARD TO DEVELOPMENT STANDARDS

WHEREAS, Title 21 of the Inyo County Code (ICC) sets forth requirements within the unincorporated area of the County with respect to renewable energy development; and

WHEREAS, section 21.20.020 of the ICC pertains to the development standards and procedures applicable to renewable energy facilities within the unincorporated area of the County; and

WHEREAS, section 21.20.020 allows for the Planning Commission and/or the Board of Supervisors to impose such development standards and procedures as are deemed appropriate for a renewable energy project in lieu of imposing the standards and procedures set forth in Title 18 (Zoning); and

WHEREAS, section 21.20.020 lists those development standards and procedures which may be modified in conjunction with the approval of a Renewable Energy Permit (REP) or Renewable Energy Development Agreement (REDA). That list includes: permitted uses and accessory uses; distance between buildings; height, density and intensity; light and glare; noise; and wireless communications facilities directly related to the facility; and

WHEREAS, to address uncertainty regarding this language, staff has recommended that section 21.20.020 be amended to eliminate the listing of specific development standards and procedures subject to modification for a renewable energy project and instead simply state that the development standards and procedures set forth in Title 18 may be modified as necessary for renewable energy projects and, if not modified, that the standards and procedures in Title 18 apply; and

WHEREAS, the Inyo County Planning Commission held a duly noticed public hearing on September 23, 2026 to consider the proposal to update Section 21.20.020 Minimum Requirements for Renewable Energy Impact Determinations and Renewable Energy Permits – Design Standards of the Inyo County 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 21.20.020 of the Inyo County Code is superseded and replaced in its entirety with the following:

“In lieu of imposing the standards and procedures set forth in Title 18 concerning development standards and procedures with regard to renewable energy development agreements, the county board of supervisors shall incorporate, and with regard to renewable energy permits, the county planning commission shall impose, such standards as are deemed appropriate and may incorporate or impose such other development standards, procedures and mitigation measures as are deemed necessary. Except as modified pursuant to the preceding sentence, any facility for which a renewable energy development agreement or a renewable energy permit is required shall, to the extent allowed by law, be governed by the standards and/or

procedures in Title 18.

SECTION III. 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 October 27, 2026, by the following vote of the Inyo County Board of

Supervisors: AYES:

NOES: ABSTAIN: ABSENT:

Chairperson

ATTEST:

Clerk to the Board

By: _____ Darcy Ellis, Assistant