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

PLANNING COMMISSION

MEETING DATE: September 23, 2026

SUBJECT: Zone Text Amendment 2026-01

EXECUTIVE SUMMARY

Section 21.20.020 of the Inyo County Code (ICC) provides that development standards and procedures which deviate from those set by Title 18 (Zoning) may be applied to renewable energy projects as necessary or appropriate to the specific project. Section 21.20.020 lists various types of development standards, including noise, glare, building height, density, distance between buildings, types of uses, and others for which a deviation may be made. During its review of the Bonanza Peak Solar project, staff became aware that the list of standards in Section 21.20.020 is vague and possibly under-inclusive. Specifically, it is not clear whether the list includes setbacks among the standards from which a deviation may be made. To clean up the ambiguity for the Bonanza Peak Project, as well as for any future renewable energy project which may be proposed, staff is recommending that the County approve a Zone Text Amendment (ZTA) #2026-01, to update Section 21.20.020 to remove the vague and under-inclusive list of development standards and leave in place the remaining language which provides generally that the Board of Supervisors and/or the Planning Commission may impose such standards as are necessary or appropriate with regard to renewable energy development agreements and renewable energy permits in lieu of the design standards of the underlying zoning.

PROJECT INFORMATION

Supervisory District: 5

Recommended Action: 1) Conduct a public hearing and approve a resolution recommending the Board of Supervisors approve ZTA 2026-01 and adopt an Ordinance amending Section 21.20.020 of the Inyo County Code with the findings and conditions as presented in the staff report; and

Certify that it is an Exemption pursuant to CEQA.

Alternatives:

- 1.) Do not recommend that the Board of Supervisors adopt ZTA 2026-01.
- 2.) Continue the item to a future date and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cynthia Draper, Associate Planner

BACKGROUND and ANALYSIS

During review of the Bonanza Peak Solar project, staff identified the need to amend Section 21.20.020 of the Inyo County Code to eliminate ambiguity as to the types of development standards from which a deviation may be made with respect to renewable energy projects. Specifically, it was not clear whether setbacks were one of the development standards that may be established for renewable energy projects in lieu of the standards provided by the underlying zoning in Title 18. Staff also identified that similar issues could arise in the context of future proposed renewable energy projects.

Section 21.20.020 currently provides:

In lieu of imposing the standards and procedures set forth in Title 18 concerning: (1) permitted, conditional, and/or accessory uses related to a facility and its accessory uses and structures; (2) distance between buildings; (3) height, density and intensity; (4) light and glare; (5) noise; and (6) wireless communications facilities directly related to the facility, 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 standards and mitigation measures as are deemed necessary. Except for those exceptions specified in 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.

This language, as currently drafted, is unclear whether “distance between buildings” or “density and intensity” refer to or include building setbacks. The establishment of different setbacks from those otherwise required in the OS zone for application to interior lots has been proposed as a part of the Bonanza Peak Solar project. That project is a proposed 500-megawatt (MW) photovoltaic solar energy facility in the Charleston View Solar Energy Development Area (SEDA). The property upon which the Project is proposed is subdivided into 192 separate parcels. The Open Space zone generally requires a 50-foot setback from property lines. Applying the Title 18 setback to each individual parcel within one renewable energy project could result in a 100-foot gap where two adjoining parcels meet,

even though both parcels are being developed as part of the same project. This could result in large gaps throughout the project area and inefficient use of the land. Accordingly, that project proposes different setback requirements for interior lot lines, which is a part of the project description upon which environmental review was conducted.

Amending Section 21.20.020 would clarify, with respect to the Bonanza project, that setbacks may be established where necessary or appropriate with respect to a renewable energy project and also enable the Board or Planning Commission in the future to consider and potentially make necessary or appropriate deviations with respect to other currently unknown future renewable energy projects.

If the proposed amendment to Section 21.20.020 is approved, that section would read as follows:

In lieu of imposing the standards and procedures set forth in Title 18, 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 standards 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.

The Bonanza Peak Solar project is not before your Commission but will be brought to the Board of Supervisors for consideration and possible approval through entry into two renewable energy development agreements (REDAs) in accordance with procedures required by ICC Section 21.08.100. Copies of the proposed REDAs are included as an attachment to this staff report for reference only.

FINDINGS

General Plan Consistency

ZTA 2026-01 is consistent with the County General Plan and its goals and objectives to support renewable energy development. The proposed amendment would eliminate ambiguity as to which standards may be established through a REDA or renewable energy permit (REP) in lieu of the requirements of the underlying zoning. The amendment would not change or increase the amount of solar energy development allowed by the General Plan, which is determined by General Plan Policy MER-2.3 and illustrated in Table 3.1 of the Renewable Energy General Plan Amendment.

Zoning Ordinance Consistency

The proposed amendment is consistent with the County's existing regulations for renewable energy development. Section 21.20.020 currently allows development standards to be established through a REDA or REP in lieu of those provided in Title 18, including distance between buildings; height, density and intensity; light and glare; noise; and wireless communication facilities directly related to a renewable energy facility. The proposed amendment would remove uncertainty as to what this list includes and specify

that, where necessary or appropriate, development standards may be established through a REDA or an REP that deviate from the underlying zoning.

Noticing

The Planning Commission Hearing for ZTA 2026-01 was advertised in the Inyo Register on September 1, 2026 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments as of the date of this hearing.

ENVIRONMENTAL REVIEW

ZTA 2026-01 is Exempt from the California Environmental Quality Act under 15061 the Commonsense Exemption 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 request to allow for the Board of Supervisors and/or the Planning Commission to establish design standards that can be imposed, in lieu of the design standards provided by the underlying zoning will have not have significant effects on the environment as it does not allow for additional or different types of renewable energy development. In those circumstances where it is utilized in the design of a specific renewable energy project, environmental review will be (and, in the case of the Bonanza Peak Solar project, has been) analyzed as part of that project. The amendment allows for clarity and flexibility beyond what is already found in Title 18 Zoning.

RECOMMENDATION

Conduct a public hearing and approve a resolution (attached) recommending that the Board of Supervisors approve ZTA 2026-01 and adopt an ordinance (draft attached) updating Section 21.20.020 of the Inyo County Code to eliminate the specific listing of development standards that may be established for renewable energy development agreements and renewable energy permits in lieu of the standards of the underlying zoning; and find that ZTA 2026-01 is exempt from CEQA pursuant to Section 15061(b)(3).

ATTACHEMNTS

- Planning Commission Resolution
- Draft Board Ordinance