

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 (Chair)
Third District
Fourth District (Vice Chair)
Fifth District

Inyo County Planning Commission
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STAFF

Cathreen Richards
Danielle Visuaño
Ryan Standridge
Cynthia Draper
Sally Faircloth
Michael Errante
David Fraser
Christian Milovich

Planning Director
Senior Planner
Associate Planner
Associate Planner
Project Coordinator
Public Works Director
Interim 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).

September 23, 2026

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 January 28, 2026, Planning Commission Meeting.
5. **APPROVAL OF MINUTES** – Approval of minutes from the July 22, 2026, Planning Commission Meeting.
6. **BONANZA PEAK SOLAR PROJECT – Renewable Energy Development Agreements (REDAs) 2026-01 and 2026-02 – Informational Presentation and Public Comment**
 The Bonanza Peak Solar Project is located in Charleston View, Inyo County. The County is considering Renewable Energy Development Agreements (REDAs) for the project pursuant to California Government Code section 65867. The REDAs provide for the construction and operation of a 500 MW photovoltaic solar facility on 2,400 acres of private land within the Charleston View Solar Energy Development Area of Inyo County for a period of 50 years. The REDAs also provide for payment by the Developer of \$2.5 million for the construction and equipping of a fire station in Charleston View by the Southern Inyo Fire Protection District and the preparation of environmental documentation for the Charleston View Community Plan.
7. **ZONE TEXT AMENDMENT (ZTA) 2026-01-** The Inyo County Planning Department is proposing an amendment to Section 21.20.020 of the Inyo County Code regarding development standards for renewable energy projects. The proposed amendment would remove the existing list of specific development standards and clarify that the Board of Supervisors and/or Planning Commission may establish project-specific development standards, including setbacks, as necessary or appropriate for Renewable Energy Development Agreements and Renewable Energy Permits, in lieu of the development standards established by Title 18 (Zoning) of the Inyo County Code. ZTA 2026-01 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense Exemption”.
8. **COMMISSIONERS’ REPORTS/COMMENTS**
9. **PLANNING DIRECTOR’S REPORT**
10. **ADJORN**

Action
Item /
Public
Hearing

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF JANUARY 28, 2026 MEETING

COMMISSIONERS:

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

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

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STAFF:

CATHREEN RICHARDS
CHRISTIAN MILOVICH
RYAN STANDRIDGE
DANIELLE VISUANO
CYNTHIA DRAPER
SALLY FAIRCLOTH
DENELLE CARRINGTON
MIKE ERRANTE

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

The Inyo County Planning Commission met in regular session on Wednesday, January 28, 2026. Commissioner Vogel opened the meeting at 10:04 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 10:04 a.m.

ITEM 2: **ROLL CALL** - Commissioners, Todd Vogel, Callie Peek, Kate Morley, Howard Lehwald and Aaron Cassell were present.

Staff present: Cathreen Richards, Planning Director, Ryan Standridge, Associate Planner, and Sally Faircloth, Project Coordinator.

Christian Milovich, Assistant County Counsel present via teleconference.

Staff absent: Denelle Carrington, Acting 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.

Chair Vogel opened Public Comment Period at 10:04 a.m.

Chair Vogel asked if there was anyone in the audience wishing to make a public comment.

No comments were made.

Chair Vogel closed Public Comment Period at 10:04 a.m.

ITEM 4: NOMINATION & ELECTION OF CHAIRPERSON (Action Item) – The Commission will accept nominations for Chairperson for 2026 and hold an election.

Commissioner Vogel nominated Commissioner Kate Morley.

Commissioner Callie Peek made a second to Commissioner Vogel's nomination.

All commissioners approved by general consent.

Commissioner Morley accepted the Chair nomination.

ITEM 5: NOMINATION & ELECTION OF VICE CHAIRPERSON (Action Item) – The Commission will accept nominations for Vice-Chairperson for 2026 and hold election.

Chair Kate Morley nominated Commissioner Callie Peek.

Commissioner Vogel made a second to Chair Morley's nomination.

Commissioner Peek accepted the Vice-Chair nomination

All commissioners approved by general consent.

ITEM 6: APPROVAL OF MINUTES – Approval of minutes from the December 03, 2025, Planning Commission Meeting.

During consideration of the minutes, Commissioner Lehwald noted that the 5th District Commissioner Aaron Cassell was not listed on the agenda.

MOTION: Commissioner Vogel made the motion to approve the minutes. The motion was seconded by Vice Chair Peek.

Hearing no objections, the minutes of the December 03, 2025, meeting were approved at 10:08 a.m.

ITEM 7: GENERAL PLAN AMENDMENT NO. 2025-06/ ENVIRONMENTAL JUSTICE ELEMENT – Staff has prepared an Environmental Justice Element for proposed adoption into the county General Plan. Although not mandatory for Inyo County, the State's Department of Housing and Community Development has required Inyo County to adopt an Environmental Justice Element in order to certify the 6th Cycle Housing Element previously adopted by the Board of Supervisors in 2023. The Environmental Justice Element addresses the eight required topics which are: Air Quality, Food Access, Public Health, Safe & Sanitary Housing, Public Facilities, Recreation, Civic Engagement and Prioritizing Improvements & Programs. For the most part, these topics are independently addressed in the various required General Plan elements but are incorporated by reference in this standalone Environmental Justice Element for better reference. This project is exempt from CEQA under General Rule 15061(b)(3).

At 10:10 a.m., Cathreen Richards, Planning Director, presented the staff report and accompanying slideshow for the project. During the presentation, she provided an overview of the Environmental Justice Element and outlined the structure of the plan.

Upon completion of the presentation, Ms. Richards recommended that the Commission approve the project.

Commissioner Cassell inquired whether the items discussed were already incorporated into the General Plan, to which Ms. Richards confirmed they were.

Commissioner Cassell asked whether most of the items discussed were already included in the General Plan and whether only a few new items, including food-related items, were being added. Ms. Richards confirmed that the majority were existing policies, clarified that the update was not limited to food-related items, noted that approximately nine to ten new goals and policies were introduced, and explained that the update primarily reorganizes existing content into a new element.

Commissioner Cassell expressed satisfaction with Ms. Richards' explanation.

Commissioner Cassell asked whether the update was required by the State.

Ms. Richards confirmed that it was necessary to secure approval of the Housing Element by the Department of Housing and Community Development, noting that the State requires jurisdiction to meet specific checklist requirements.

Commissioner Cassell inquired whether the update would result in new costs or fees for communities, particularly related to building materials and housing requirements.

Ms. Richards responded that it would not, explaining that such requirements are governed by the building code and that the General Plan does not supersede or alter those regulations.

Chair Morley asked whether any components of the element would be particularly challenging to implement or if the County is generally well positioned under its existing framework.

Ms. Richards responded that the element primarily consists of goals, policies, and potential implementation measures, and noted that most of the actions are already being carried out by the County.

Commissioner Cassell asked Ms. Richards to confirm her statement that no disadvantaged communities had been identified in the County and inquired whether that determination included the reservations.

Ms. Richards indicated that she did not believe reservations were included but clarified that she was not certain.

Commissioner Cassell expressed satisfaction with Ms. Richards' response.

Commissioner Lehwald noted that tribal consideration is one of the identified focus areas and referenced the County's ongoing outreach to tribal communities.

Ms. Richards confirmed that staff conducted multiple meetings with the Bishop Paiute Tribe at their request, incorporated their input particularly regarding food resources and considered their comments in the element.

The Commission posed various questions, all of which were answered satisfactorily by Ms. Richards.

Chair Morley asked if there were any additional questions from the Commission and thanked Ms. Richards for the presentation.

Chair Morley opened and closed the Public Comment Period at 10:23 a.m.

No comments were made.

Chair Morley opened discussion with the Commissioners at 10:23 a.m.

Following the closure of public comment, the Commission discussed the item. One Commissioner noted the item appeared redundant; however, the Commission proceeded with discussion prior to taking action.

Commissioner Cassell inquired about the consequences of noncompliance.

Ms. Richards explained that noncompliance with the Housing Element could result in the loss of access to State grant funding, which may have significant impacts on the County.

MOTION: Commissioner Vogel made a motion to adopt Resolution No. 2026-01 recommending the Board of Supervisors certify the Environmental Justice Element is exempt from CEQA and make findings one through four with respect to and approve General Plan Amendment No. 2025-06/Environmental Justice Element.

Commissioner Peek seconded the motion.

Chair Morley asked for a roll call.

Project Coordinator, Sally Faircloth, proceeded with roll call for the vote.

Commissioner Lehwald – No
Chair Morley – Yes
Commissioner Peek – Yes
Commissioner Vogel – Yes
Commissioner Cassell – Yes

The motion passed, 4-1, at 10:27 a.m.

ITEM 8: VARIANCE # 2025-05/BRADFORD - The applicant requests approval of a Variance to allow the construction of a 6-foot-high hog-wire fence within the front yard and street-side yard of a corner lot located at 2581 N. Round Valley Road. The request is intended to address Mule Deer intrusion associated with the property's location adjacent to large open DWP land and seasonal deer migration areas. The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, Class 3.

Chair Morley introduced Agenda Item No. 8, Variance No. 2025-5/Bradford, noting it as an action item with a public hearing. She outlined the process, indicating the item would begin with a staff report, followed by Commission questions and public comment, noted that she had received one speaker card for public comment, and advised that additional speaker cards were available for those wishing to address the Commission.

Prior Ms. Draper presenting the staff report, County Counsel Christian Milovich requested that Associate Planner Cynthia Draper provide electronic copies of materials not previously received. Ms. Draper confirmed she would email the documents and offered hard copies of public comments and presentation materials to the Commission for ease of reference.

Associate Planner Cynthia Draper advised the Commission that, although the materials were included in their packets, she had additional copies of the public comments and her PowerPoint presentation and could distribute them to the Commission to assist with review.

Chair Morley clarified that two public comments had been received via email and confirmed that the copies being distributed were the same as those previously provided to the Commission.

Cynthia Draper, Associate Planner, presented the staff report accompanied by a slideshow.

Chair Morley asked Ms. Draper to clarify whether a fence post was already present in the referenced photograph.

Ms. Draper clarified that the fence post holes had already been dug and then work was stopped once they realized that the fence could not be built.

Chair Morley was satisfied with the response given by Ms. Draper.

Ms. Draper continued her presentation by showing pictures of the area in question.

While reviewing the slide presentation, Commissioner Vogel asked Ms. Draper whether the fence shown in the background of the photograph had an approved variance.

Ms. Draper responded that the fence does not have a variance.

Commissioner Lehwald requested clarification on the response, asking whether the answer was yes or no.

Ms. Draper clarified that the neighboring fence, which exceeds the allowable height limit, does not have a variance.

County Counsel, Christian Milovich, asked Ms. Draper to identify the mature trees referenced as obstructing the area.

Ms. Draper responded that additional photographs would be presented to further illustrate and address that point.

Commissioner Vogel stated he was unclear on the issue and asked whether the concern was related to the location of the property line.

Ms. Draper explained that, based on information provided by the applicant, the property line extends to the street; however, a public comment disputed that claim. She noted that the exact property line could not be verified but confirmed that the measured distance from the fence line to the edge of the dirt area is 18 feet.

County Counsel, Ms. Milovich, asked whether the setback is measured from the fence line or the property line.

Ms. Draper responded that, for purposes of the variance, she evaluated the setback from the fence line to the edge of the pavement along Valley Road.

Planning Director, Ms. Richards, clarified that setbacks are generally measured from the structure or fence to the property line, depending on what is being evaluated.

County Counsel Christy confirmed that, in this case, the setback is measured from the fence to the property line.

Commissioner Peek asked whether side setbacks are determined by lot size or zoning.

Ms. Draper explained that setbacks are established by zoning requirements, noting that for Rural Residential zoning the standards are 50 feet front, 30 feet rear, and 20 feet side. She added that the applicant is requesting a variance to allow a six-foot fence due to hardship related to existing fruit trees and vegetation.

Commissioner Lehwald asked whether there were any issues with the rear setback.

Ms. Draper explained that a six-foot fence is generally allowed; however, because the property is a corner lot, it is subject to more restrictive standards. She noted that, under code, the allowable height in the front and street-side yard areas is limited to three and a half feet, and the applicant is requesting a variance to allow a six-foot fence along those sides.

Multiple Commissioners asked questions regarding setbacks, property lines, fence heights, and potential neighboring concerns.

All of which were addressed by Ms. Draper during her presentation.

County Counsel, Ms. Milovich, advised that if the Commission is inclined to approve the variance based in part on the see-through nature of the fence, that consideration should be clearly stated in the motion and reflected in the findings. She noted that if the material is not a factor in the decision, it need not be included. She further advised that if the fence material is part of the Commission's reasoning for approving the variance, it should be clearly identified in the findings supporting the decision.

Commissioner Vogel asked how to reconcile the opposing public comment made by Mr. Falzon, which stated that the required findings could not be made, with staff's position that the findings could be supported.

Ms. Draper stated that she disagreed with Mr. Falzon's comment, noting that his characterization that all landscaping is new and was installed prior to seeking the variance does not align with her understanding of the site conditions. She explained that she has personally observed existing mature trees on the property, acknowledged that some new landscaping has been added, and noted that the applicant appeared to be unaware that a variance was required.

Ms. Draper stated that, in her view, Mr. Bradford did not intentionally create the situation to justify a variance, noting that it was not a preplanned effort to install landscaping and then seek protection, but rather a misunderstanding of the requirements.

Chair Morley opened Public Comment Period at 11:09 a.m.

Chair Morley noted that a public comment card had been received prior to the meeting from Mr. Ed Falzon and recognized him to come forward to provide public comment.

Commissioner Vogel inquired as to the correct pronunciation of Mr. Falzon's last name for the record.

Mr. Falzon identified himself as the adjacent property owner to the south and stated that he owns the dirt roadway near the applicant's corner lot. He reported observing fence post holes near the front of the property and contended that the property line is approximately 16 feet from the roadway, not 18 feet as indicated.

Mr. Falzon stated that if the fence is constructed along the property line, the setback would be approximately 16 feet. He expressed concern that the proposed six-foot perimeter fence would be excessive for a corner lot at a high-speed residential intersection and could create safety hazards by obstructing sight visibility. He further noted that six-foot hedges are not restricted under the proposal and could compound visibility concerns within the residential neighborhood.

Mr. Falzon described the area as an active residential neighborhood with pedestrians, cyclists, and other routine activity, noting that the applicant's property is located at a busy intersection with frequent vehicle traffic, some exceeding the posted 40 mph speed limit. He expressed concern that a six-foot fence could create unsafe sight-line conditions and set a precedent for similar requests. Mr. Falzon stated that he did not believe the required findings for the variance could be made and requested that the Commission deny or continue the item to address potential safety concerns.

Mr. Falzon concluded his comments and invited any questions from the Commission.

Commissioner Vogel asked Mr. Falzon to confirm the speed limit approaching 40 acres from the South out North down the road.

Mr. Falzon responded that it is 40 miles per hour.

Commissioner Lehwald asked Mr. Falzon whether he had discussed with the neighboring property owner who also has a six-foot fence on a corner lot the potential visibility concerns associated with that fence.

Mr. Falzon stated that while he is friends with the neighboring property owner, Frank Stewart, his primary concern is sight distance and vehicle stopping distance for traffic traveling southbound. He noted that the existing fence may obstruct visibility for drivers exiting Ocean View but indicated that concern would be for those residents to address. He added that he does not believe six-foot fences in front yard areas are appropriate for the community, particularly on corner lots, except in limited circumstances.

Commissioner Cassell asked Mr. Falzon whether his primary concern was the fence itself or the potential for hedges and shrubbery to grow within the line of sight and further obstruct visibility.

Mr. Falzon responded that his concerns include both the fence and potential vegetation, emphasizing that reduced sight distance for southbound vehicles, particularly those exceeding the speed limit, could create safety risks for family, residents, tenants, wildlife, and others entering Round Valley Road, noting that obstruction within the 50-foot visibility area would eliminate an important margin of safety.

Commissioner Cassell acknowledged Mr. Falzon's concern, noting that if brushes and bushes grew over the allowable height it could impede visibility. However, that particular corner currently appears relatively visible, particularly if a hog wire fence is installed.

Mr. Falzon stated that he also had discussions with David, Mr. Bradford, over several afternoons regarding methods to keep the deer out. He also stated that David mentioned the use of railroad ties for fence posts.

Commissioner Cassell asked Mr. Falzon if there was a stop sign at the intersection.

Mr. Falzon confirmed that there is a stop sign at Ocean View.

Commissioner Peek asked Mr. Falzon to confirm that the photograph presented by staff showed his driveway and a front white fence and inquired whether that fence complies with the three-and-a-half-foot height requirement.

Mr. Falzon responded to Commissioner Peek that his fence height is four feet.

Chair Morley noted that the public hearing remained open and asked if there were any additional speakers. Seeing none, she closed the public comment period and indicated that staff had an additional comment.

At this time, Chair Morley called upon staff, Ms. Draper, to speak. Ms. Draper clarified that, although the use of railroad ties had been discussed previously, she confirmed with both the fence contractor and the applicant, David, that both railroad ties and pressure-treated six-by-six posts are no longer being considered. She further explained that height restrictions under the zoning code apply to both fencing and shrubbery, and that if vegetation were to exceed allowable limits, a variance would be required. Ms. Draper noted that the applicant has been advised of these requirements.

Chair Morley asked for clarification on the location of the stop sign on Ocean View.

Mr. Falzon confirmed that the stop sign is located on Ocean View on the right-hand side.

Chair Morley clarified that the stop sign is on the right-hand side when traveling on Ocean View toward Round Valley Road.

Multiple Commissioners asked questions regarding traffic conditions, including whether a stop sign exists at the intersection of Ocean View and Round Valley Road, and driver behavior in the area.

Ms. Draper clarified that she was not aware of any stop signs at that location and, based on her site review, determined that the proposed fence is set back sufficiently from the intersection such that it would not impact visibility or sight distance.

Chair Morley closed the public hearing and opened discussion with the Commissioners at 11:17 a.m.

Most Commissioners generally expressed support for the project, noting that the proposed fence, particularly with its setback from the roadway, would not create a visibility or safety concern. Some Commissioners indicated that even a solid fence would not significantly impact sight distance, while others emphasized that the applicant appeared to be taking a reasonable and respectful approach with a see-through design.

Commissioner Lehwald stated that the existing County code is sufficient, noting that a graduated fence consistent with current height standards would adequately address both visibility and wildlife concerns. He reiterated that deer movement would not be significantly affected by fence height and expressed concern that approving a taller, partially see-through fence could lead to similar variance requests in the future, emphasizing the need for consistent application of the code.

County Counsel, Christian Milovich, advised that the Commission's responsibility is to evaluate each variance request by applying the required findings to the specific facts of the project. She clarified that each application must be considered on its own merits and, therefore, approval would not establish a precedent.

MOTION: Chair Vogel moved to approve the Variance 2025-05/Bradford with the findings 1 thru 7 and conditions 1 and 2 as provided in the staff report plus a condition that it must be made of materials so as to be see through other than the supporting posts so much of it as depicted in the staff report and certify that it is exempt under California Environmental Quality Act (CEQA).

The motion was seconded by Commissioner Cassell.

Chair Morley asked for a roll call.

Project Coordinator, Sally Faircloth, proceeded with roll call for the vote.

Chair Morley – Yes

Commissioner Peek – Yes

Commissioner Vogel – Yes

Commissioner Cassell – Yes

Commissioner Lehwald – No

The motion passed, 4-1, at 11:24 a.m.

Prior to the presentation of Item 9, Chair Morley called for a brief recess. Immediately before the recess, Commissioner Vogel requested recusal from consideration of the item due to a conflict under the Brown Act.

A brief recess was called at 11:25 a.m.

The meeting was reconvened at 11:42 a.m.

ITEM 9: REVOCATION OF HOSTED SHORT-TERM RENTAL (HSTR) PERMIT 2024-03/FOROUDI - On June 13, 2024, the applicants, David and Pasha Foroudi and Natalie Jauregui, were approved for a HSTR to operate a short-term rental located at 2660 Highland Drive in the community of West Bishop. All HSTR permits are subject to the Short-term Rental General Requirements Section 18.73.030 of the Inyo County Code. David and Pasha Foroudi and Natalie Jauregui have failed to meet these requirements by failing to have a host on site during rentals, advertising as a whole-house rental, and not updating owner or host contact information, and therefore, staff is recommending the revocation of HSTR permit 2024-03/Foroudi. This action is Exempt from the California Environmental Quality Act under 15321- Enforcement Actions by Regulatory Agencies.

At 11:42 a.m., Chair Morley opened the public hearing for revocation of Hosted Short-Term Rental Permit No. 2024-03/Foroudi and outlined the purpose of the hearing, noting it was being conducted pursuant to Inyo County Code.

She stated that, subsequent to the prior hearing, it was determined that Chair Todd Vogel owned property within 500 feet of the subject property and was unaware of the potential conflict at the time. Following this determination, the Commission vacated its findings and orders from the August 27, 2025, hearing, and this matter was scheduled for a new hearing. Chair Vogel has recused himself and was not present in the chambers.

Chair Morley reviewed the hearing procedures, including the order of presentation, the burden of proof resting with the Planning Director, and that the Commission's decision would be based on the evidence presented and applicable law. She noted that formal rules of evidence do not apply, though irrelevant or duplicated evidence may be excluded.

Chair Morley instructed that all written materials be submitted through the Clerk for distribution and inclusion in the record, reiterating that all evidence must be properly submitted for consideration as part of the new hearing proceedings. She further outlined that the Commission would receive evidence and testimony from all parties to ensure each has the opportunity to be heard and present their case. She also noted that all witnesses would be sworn in prior to providing testimony.

A member of the audience asked for clarification as to whether this requirement applies to all exhibits, including hard copies and mailed materials.

Chair Morley confirmed that it does.

County Counsel Stacey Simon clarified that any materials not included in the agenda packet must be provided to the Clerk to ensure proper distribution and also recommended that introductions be conducted.

County Counsel, Stacey Simon, introduced herself as legal counsel to the Commission, explaining that the Commissioners are community members serving in a volunteer capacity.

Introductions continued with Clerk to the Commission Sally Faircloth; Cathreen Richards, Planning Director; Tehauna Forbes, Code Enforcement; and Cynthia Draper, Associate Planner. The applicant and property owner, David Foroudi, introduced himself. His son, Arash Foroudi, then introduced himself, stating that he serves as a technical advisor and provides administrative support for the short-term rental, and may speak on his father's behalf during the hearing due to a recent medical condition.

At 11:51 a.m., Chair Morley and County Counsel Stacey Simon discussed exhibit handling and the need for hard copies and directed the Clerk to make copies for the Commission, requiring her to briefly step out.

At 11:58 a.m., upon the clerk's return, Chair Morley inquired about quorum requirements and potential scheduling conflicts.

County Counsel, Stacey Simon, confirmed that three of the five commissioners constitute a quorum, allowing the Commission to continue conducting business.

Ms. Simon also clarified that the current proceeding is a new hearing and that any materials from the prior hearing must be resubmitted to be considered. She noted that the applicant may request to submit audio from the prior hearing into evidence, subject to relevance.

Mr. David Foroudi requested use of the original audio recording from the prior hearing, citing clarity concerns and potential discrepancies between the audio, written minutes and staff report.

County Counsel Stacey Simon advised that the applicant may summarize the audio for the record and request playback if necessary.

Chair Morley then directed that all parties be sworn in and clarified that the focus of the hearing is to determine whether the short-term rental has been or is being operated in violation of its permit conditions, emphasizing that all testimony and evidence must be relevant to that issue.

Clerk, Sally Faircloth, administered the oath to Cathreen Richards (Planning Director) Tehauna Forbes (Code Enforcement Inspector) David Foroudi (Applicant), and Arash Foroudi (Applicant's Son).

Chair Morley noted that all witnesses had been sworn in and directed the hearing to proceed with the Department's presentation of witnesses and evidence.

Planning Director, Cathreen Richards presented the staff report, including background on the permit approval, applicable code requirements, and alleged violations.

Ms. Richards recommended revocation of the permit based on the identified violations.

Chair Morley asked Ms. Richards if there were any additional witnesses or evidence to be presented at that time.

Ms. Richards stated that she had no additional witnesses or evidence to present.

Chair Morley advised that the permit holder, Mr. David Foroudi, may review the evidence presented and question any witnesses on behalf of the Department, noting that the Planning Director would be available for questioning at that time.

Ms. Stacey Simon clarified that the materials submitted in the agenda packet by Ms. Richards constitute evidence the department is offering for the record. Chair Morley stated that these materials were identified as Exhibits 1 through 5 and confirmed that all parties had received copies.

Mr. David Foroudi questioned statements in the staff report, including issues related to mailing address, change of address and communication with County departments.

Chair Morley interjected to clarify that the applicant may either review the evidence presented by the department or question the current witness.

Mr. David Foroudi proceeded with questioning and again raised the addressing issue, directing attention to an envelope included in the materials as part of his inquiry.

Chair Morley stated that the referenced item was not part of the evidence submitted by the Planning Director and directed the applicant to limit questions to the evidence presented or to questioning the current witness.

Mr. David Foroudi requested that the envelope be reviewed as part of the discussion.

Chair Morley clarified that the envelope was not submitted by staff and was not included in Exhibits 1 through 5.

Upon further discussion, Ms. Simon noted that the applicant appeared to be moving into his own case presentation.

Chair Morley confirmed that the applicant could proceed to the next phase if he chose but clarified that this was his opportunity to question the Planning Director or review the evidence submitted.

Ms. Stacey Simon asked whether the applicant wished to proceed with presenting his case or continue questioning the witness.

At this time, Mr. Arash Foroudi added that the basis of the hearing stemmed from a prior conversation involving the Planning Director and others and inquired when that discussion could be addressed as part of the proceedings.

Chair Morley emphasized adherence to the hearing procedures, stating that the applicant's review should be limited to the evidence submitted by the Planning Director, identified as Exhibits 1 through 5, or to questioning the current witness.

Mr. David Foroudi then referenced statements made by the Planning Director and indicated he wished to ask questions.

Chair Morley directed that any questions of the witness be made at that time, or the Commission would proceed to the next phase of the hearing.

Ms. Stacey Simon indicated that Mr. David Foroudi appeared to be presenting his case at that point.

Mr. David Foroudi stated he wanted to proceed with questioning, disputing statements in the staff report regarding a change of address and asserting that he had not submitted a formal change.

Planning Director, Cathreen Richards, responded that no formal address update had been provided to the Planning Department as required under County Code.

Discussion followed regarding Mr. David Foroudi's understanding that updates made through other County departments would be shared across departments.

Further discussion occurred between Planning Director Cathreen Richards and Mr. David Foroudi regarding the address issue.

Mr. Arash Foroudi, on behalf of Mr. David Foroudi, asked Ms. Richards whether she was aware that the property owners resided in the state of Oregon.

Ms. Richards responded that she was not aware.

Ms. Stacey Simon advised that the Commission's role is to consider the evidence and make a determination based on the facts and law, and that back-and-forth exchanges between parties should be minimized, with questioning focused on the witness.

Ms. Stacey Simon clarified that the question presented was whether Ms. Richards was aware that Mr. Foroudi resided in Oregon, to which Ms. Richards responded that she was not.

Mr. David Foroudi continued questioning, again referencing the address issue.

Chair Morley inquired whether the applicant had additional questions for the Planning Director.

Ms. Simon provided procedural guidance regarding the timing of questions, noting they may be asked during questioning or reserved, but must relate to the evidence submitted by the department.

Mr. Arash Foroudi indicated agreement to proceed with presentation of their case.

Chair Morley transitioned the hearing to the applicant's presentation.

At 12:53 p.m., David Foroudi presented documentation, including correspondence, tax records, and mailed materials, asserting that no formal change of address had occurred, the County had prior knowledge of his mailing address, and any discrepancy related to address records was administrative in nature.

The following exhibits were entered into the record:

- Exhibit A – copy of an addressed envelope to North Bend address
- Exhibit B – email copy noting change of address
- Exhibit C – Short Term 2025 statement
- Exhibit D – Annual County Secure Tax document
- Exhibit E – Hosted Short Term Application Packet

Discussion continued between the applicants, staff, and Commissioners regarding address requirements.

Chair Morley sought clarification on whether the applicant understood that the Assessor's Office and Planning Department are separate County departments.

Mr. Arash Foroudi stated that the application did not provide a clear distinction between property and mailing address, noting that this may create confusion for out-of-town property owners. He asserted that his parents' residence in Oregon was known at the time of application and maintained that the address issue stemmed from this lack of clarity rather than a failure to update information.

Ms. Simon confirmed that the applicant's submission was identified as Exhibit E, the application packet for the Hosted Short-Term Rental permit.

Commissioner Lehwald clarified that a hosted short-term rental requires the host to be physically present during rental activity and emphasized that this requirement is central to permit compliance.

Discussion continued once again between the applicant, staff, and Commissioners regarding address requirements.

Discussion acknowledged that this requirement is distinct from administrative matters such as address records.

Chair Morley intervened to refocus the discussion, stating that the matter before the Commission is the alleged violation of the hosted short-term rental permit. She directed the applicant to address the allegation and present evidence or testimony supporting their position that the permit terms had not been violated.

Mr. David Foroudi stated that he intended to address each alleged violation individually and sought to clarify the address issue, asserting that no change of address had occurred since 2018 and disputing the allegation of failure to notify.

At this time, Mr. David Foroudi addressed Commissioner Cassell as to what documents would be needed to demonstrate that no change of address had occurred since 2018.

Commissioner Cassell responded that the Planning Department relies on the address provided on the original application for official correspondence, noting that the Bishop address was listed rather than the applicant's mailing address. He stated that information outside of the application is secondary, and that any confusion stemmed from how the application was completed.

Arash Foroudi further addressed perceived inconsistencies in application requirements and County communication.

Commissioners asked clarifying questions regarding departmental roles, application details, and compliance expectations.

Commissioner Cassell acknowledged the discussion regarding the address discrepancy and shifted focus to whether the hosted short-term rental was being operated in compliance with permit requirements.

Mr. David Foroudi agreed to move on from the address issue and stated that, during a prior meeting with Ms. Richards in 2024, he indicated a preference for a non-hosted permit, as the property is not his primary residence and is used intermittently for family and vacation purposes.

Mr. David Foroudi stated that the property was purchased as a vacation home and not as an income-producing rental. He described prior discussions with Ms. Richards regarding a moratorium on both hosted and non-hosted short-term rentals, noting he was advised to monitor the County website for updates. He further stated that the moratorium on hosted rentals was lifted prior to submitting his application and referenced a subsequent meeting with County staff regarding the matter.

He further stated that he was advised to monitor the County website for updates regarding the moratorium on short-term rentals and noted that the hosted rental moratorium was lifted prior to submitting his application. He referenced a subsequent meeting with County staff and others regarding the matter. He further stated that he would not be present at the property and that maintaining a full-time host would not be financially feasible.

In addition, he stated that based on prior discussions with the Planning Director, Supervisor Scott Marcellin, and David Stottlemire, he understood that inspections would occur only in response to valid complaints, such as parking or noise issues. He indicated that this understanding was based on prior verbal discussions, which he asserted could be verified by the audio record. He further stated that, based on this understanding, he believed compliance could be maintained through on-site measures, including monitoring parking to ensure guests did not park on the street.

Commissioner Cassell responded to Mr. David Foroudi that the Code requires a hosted short-term rental to have the owner or a designated host present at the property, and sought confirmation that a host must be available if the owner is not present.

Mr. Arash Foroudi stated that the situation represented an impasse, noting that the permit had been granted and that they had operated in good faith based on prior discussions with Ms. Richards.

Mr. Arash Foroudi stated that, from the applicant's perspective, the permit was granted based on prior discussions with Planning staff and that they operated in good faith, accordingly, characterizing the situation as a miscommunication and noting concerns regarding allegations of noncompliance. He further stated that, following communication with Code Enforcement Officer Tehauna Tiffany (Forbes) and clarification of the requirements, short-term rental operations were discontinued in good faith, including cancellation of existing bookings.

Mr. Arash Foroudi asked whether the Commission would consider modifying the permit to allow unhosted or longer-term use, while retaining the ability to operate as a hosted rental if applicable, noting his understanding that rentals exceeding 31 days are permitted without a host.

Chair Morley responded to Mr. Arash Foroudi by stating that renting in excess of 31 days is not considered a short-term rental.

Mr. Arash Foroudi went on to state that rentals exceeding 31 days are permitted without a host and noted that the property had previously been used for longer-term stays. He explained that the hosted permit provided flexibility to accommodate shorter stays and expressed concern that revocation would remove that flexibility, particularly given the applicant's reliance on prior discussions with Planning staff.

Commissioner Cassell asked whether the applicant intended to implement a host as required under the permit.

Mr. David Foroudi stated that they would not provide a host in instances where guests preferred privacy.

Commissioner Cassell acknowledged the applicant's position but stated that the Commission must determine whether the permit terms have been violated and emphasized that compliance with the hosted requirement is necessary to continue operating under the permit.

Mr. David Foroudi stated that operating the rental as a hosted use would not be viable and would likely result in no bookings based on prior experience.

Further discussion took place among the applicants, Planning Director Cathreen Richards, and Commissioner Cassell regarding clarification of the moratorium and provisions related to non-hosted rentals.

Ms. Richards clarified that there is no current moratorium and that non-hosted short-term rentals are no longer permitted, except for previously approved permits that are grandfathered.

Mr. David Foroudi questioned the level of involvement by the Commission and Planning Director in prior discussions related to the short-term rentals.

Commissioner Peek stated that the Board of Supervisors made the policy decisions regarding the permit, which are above the Commission's authority.

As discussion continued, Chair Morley redirected the discussion to the matter at hand.

Chair Morley stated she had a few questions for Mr. David Foroudi and clarified that the Commission's role was to determine whether a violation of the permit had occurred and, if so, whether revocation was warranted. She referenced the Planning Department's report indicating that on June 18, 2025, Code Enforcement staff contacted occupants at the property who stated no host was present.

Mr. David Foroudi confirmed that no host was present at that time.

Chair Morley referenced a follow-up call confirming the rental was not hosted despite permit requirements.

Mr. David Foroudi confirmed and stated this occurred with the Planning Director's knowledge.

Chair Morley referenced a subsequent violation which occurred ten days later, following notice to cease non-compliant activity.

Mr. David Foroudi confirmed and stated that future reservations were canceled in response.

Chair Morley asked whether the applicant(s) read and understood the permit terms at the time of signing.

Mr. David Foroudi stated that he understood the permit terms but did not agree that a violation had occurred.

Mr. Arash Foroudi expressed concern that the applicant's actions were being characterized negatively.

Chair Morley clarified that the Commission's focus was solely on determining whether a violation occurred and whether revocation of the permit was warranted.

Discussion continued between the applicants and Chair Morley.

At this time, County Counsel, Ms. Stacey Simon, interjected to provide legal clarification that, under California law, reliance on staff statements does not override applicable code requirements. She noted that the doctrine of estoppel where a party relies on another's statements to their detriment rarely applies against a government agency and emphasized that individuals remain responsible for complying with applicable laws.

Mr. Arash Foroudi acknowledged the legal clarification and stated that violations occurred due to a miscommunication. He further stated that noncompliant operations were discontinued and expressed the applicant's intent to retain the permit and comply with hosted requirements moving forward.

Further discussions took place among Commissioner Cassell, Planning Director Cathreen Richards, Code Enforcement Inspector Tehauna Forbes, and Mr. David Foroudi, regarding advertisements, cease and desist notices, and how the rental was being advertised.

Ms. Stacey Simon noted that, while the issue was not relevant to the decision, the Planning Director disputed having made the representation attributed to her.

Ms. Richards stated that her comments had been misinterpreted and were not intended to suggest that noncompliant operation was permissible, noting that violations could result in enforcement and that hosted permit requirements apply.

Commissioner Cassell asked Mr. David Foroudi whether the applicant intended to provide a host at the property if the permit was retained.

Mr. David Foroudi responded that he could attempt to provide a host but did not give a definitive commitment. He then stated that he could attempt to provide a host, including advertising the rental as hosted and notifying prospective guests; however, he could not guarantee host availability.

Commissioner Cassell asked Ms. Richards whether a host must reside within the home or could be located elsewhere on the property.

Ms. Richards clarified that the host must be on the property, but not necessarily within the primary residence and that an ADU would be acceptable.

Commissioner Peek asked whether a neighboring property would satisfy the host requirement.

Ms. Richards clarified that the host must be on the subject property and that a neighboring property would not qualify.

Further discussion took place between Mr. David Foroudi and Commissioner Cassell regarding the applicant's property managers, as Mr. Foroudi stated that multiple managers resided adjacent to the property and could make themselves available.

Commissioner Cassell stated that without a definitive commitment to host, there remains a possibility of future noncompliance with the permit.

Mr. Arash Foroudi stated that the situation resulted from miscommunication among the parties and expressed the applicant's intent to retain the permit, comply with applicable regulations moving forward, and remain in good standing with the County.

Commissioner Lehwald questioned the rationale for continuing the case in light of acknowledged violations and potential adverse outcomes, noting Mr. Foroudi would be returning at a later time with potential plans to reside at the property.

Chair Morley directed the discussion back to the alleged violation, stated that the proceeding had moved to the stage where the permit holder may present evidence, witnesses, and questions, and indicated a recess would be taken.

A brief recess was called at 1:34 p.m.

The meeting was reconvened at 1:40 p.m.

Chair Morley reconvened the hearing, noted the time, and stated that the proceeding had resumed at the permit holder's presentation stage, noting that additional evidence remained to be introduced.

Ms. Stacey Simon confirmed with the Chair and parties that additional materials would be reviewed and referenced documents. Additional materials submitted by Mr. David Foroudi were entered into evidence as Exhibits F through K:

- Exhibit F – unsecured tax bill
- Exhibit G – March 26, 2025, phone log with Danielle Visuano (Planning Staff)
- Exhibit H – Letter of written Decision (revoked from 1st hearing)
- Exhibit I – hotel occupant transient tax return documents
- Exhibit J – testimony document regarding Supervisor Scott Marcellin
- Exhibit K – Audio transcription piece from Planning Commission Meeting held on August 27, 2025

Mr. David Foroudi asked a question of Ms. Richards regarding the County's decision making procedure.

Planning Director, Cathreen Richards, explained that the hosted requirement was developed through public workshops and meetings, and that the Board of Supervisors ultimately decided to require a host on-site based on that input. She stated that the requirement is intended to promote responsible behavior, allow for immediate response to issues, and minimize impacts to surrounding neighbors.

Commissioner Peek stated that the guidelines were developed from community workshops and reflect requests made by residents, which were subsequently presented to and adopted by the Board of Supervisors.

Following extended discussion between Mr. David Foroudi and Ms. Richards, Commissioner Peek stated that the Commission is to determine whether a permit violation occurred.

Code Enforcement Inspector, Tehauna Forbes, stood to provide comment and stated that, in her line of work, decisions must be based on the application and written record rather than verbal discussions.

Mr. Arash Foroudi acknowledged understanding the requirements for hosted operation and asked the Commission to consider allowing the applicant to retain the permit with flexibility to operate in compliance moving forward, noting the property serves as a source of income and that corrective actions, including canceling reservations, had been taken.

Mr. David Foroudi directed the Commission to review tax-related exhibits and stated that revenues decreased significantly after short-term rental operations were discontinued, noting minimal to no revenue thereafter. He further stated that the property had previously been used for longer-term rentals prior to obtaining the short-term rental permit.

Commissioner Cassel expressed empathy but emphasized that the Commission must determine compliance with permit requirements.

Mr. David Foroudi concluded his presentation of evidence and testimony. He further stated that commissioners should recuse themselves if they hold personal opinions that may affect their ability to remain impartial.

Ms. Simon noted for the record the applicant's statement alleging bias by the Commission and stated that the objection was noted.

Mr. Arash Foroudi, in his closing statement, stated that the situation resulted from miscommunication, that the applicant operated in good faith, and expressed a desire to retain the permit and comply moving forward, requesting leniency in the Commission's decision.

Mr. David Foroudi requested to add one final comment to his closing argument and asked the Commission to consider the impact of its decision, urging commissioners to take into account the circumstances from his perspective as a property owner.

As the Department's final closing argument, Code Enforcement Inspector Tehauna Forbes stated that the applicant was directed to cease operations in June 2025 and advised of potential penalties; however, rental activity continued into August 2025. She noted that a cease and desist notice was issued on June 23, 2025, and requested that the Commission take action to revoke the permit.

Planning Director Cathreen Richards stated that she stands by the findings and recommendations outlined in the staff report and had no additional comments.

Chair Morley confirmed that the Commission had received all evidence and testimony and prepared to move the hearing forward in accordance with the established procedures.

At 2: 30 p.m., Chair Morley opened and closed the public hearing and opened discussion with the Commissioners.

Commissioner Cassel noted apparent confusion regarding permit requirements and acknowledged concerns about miscommunication; however, he was not persuaded that the applicant would comply with the hosted requirement and concluded that a violation had occurred under the standards set by the Board of Supervisors.

Commissioner Peek acknowledged the potential financial impact on the applicant but emphasized that the Commission must apply the rules established by the community and adopted by the Board of Supervisors, stating she was not convinced the applicant would comply with the hosted rental requirements.

Chair Morley stated that violations had occurred and were ongoing, with insufficient corrective action taken after notification. She emphasized the need for consistent application of rules among all permit holders and, based on the seriousness of the violations and staff recommendation, concluded that revocation was appropriate.

Commissioner Lehwald stated that, although cases are reviewed individually, decisions must be based on the facts and applicable law, not personal views. He emphasized that, absent mitigating factors, the rules established by the Board of Supervisors must be applied and indicated he was prepared to vote.

Chair Morley called for a motion following the conclusion of discussion.

MOTION: Commissioner Peek moved to follow the staff's recommendation of revoking hosted short-term rental permit, HSTR 2024-03/Foroudi, with the findings that they are provided in the staff report, that are explained very thoroughly what the reasons for revoking the permit, and certify this action is exempt under CEQA.

Before a second to the motion was requested, County Counsel, Stacey Simon, stated for the record that a written order summarizing the Commission's sentiments would be prepared and distributed within 30 days following the hearing.

The motion was seconded by Chair Morley.

Prior to the roll call vote, Chair Morley clarified that a "yes" vote would support revocation of the permit, while a "no" vote would allow the permit to remain in effect, and then requested a roll call vote.

Project Coordinator, Sally Faircloth, proceeded with roll call for the vote.

Commissioner Lehwald – Yes

Chair Morley – Yes

Commissioner Cassell – Yes

Vice Chair Peek – Yes

The motion passed unanimously, at 2:45 p.m., 4-0, with Commissioner Vogel recused.

Chair Morley announced that, based on the outcome of the vote, Short Term Rental Permit No. 2024-03/Foroudi was revoked.

County Counsel, Stacey Simon, advised that the written decision would be issued within 30 days and would include information regarding the appeal period, which she stated is believed to be 10 days from the date of the written decision to file an appeal with the Board of Supervisors.

Chair Morley announced that Action Item No. 9 concluded the final action item on the agenda and that the meeting would proceed to Commissioner Reports and the Planning Director's Report. She also stated that Commissioner Vogel could return following conclusion of Item No. 9.

COMMISSIONERS' REPORT/COMMENTS

There were no reports or comments.

DIRECTOR'S REPORT

Ms. Richards stated the next meeting will be held on February 25th, 2026.

Ms. Richards informed the Commission that an application had been submitted by Crystal Geyser for a proposed second plant in Olancha. She stated that the environmental review process would soon begin and announced two upcoming scoping meetings scheduled from 6:00 p.m. to 7:30 p.m.: one in Olancha on February 10, 2026, and another in Lone Pine at Statham Hall on February 11, 2026. Ms. Richards noted that additional information could be provided to interested Commissioners.

ADJOURNMENT

Commissioner Peek moved to adjourn the meeting.

Commissioner Cassell seconded the motion.

Chair Morley adjourned the meeting at 2:48 p.m.

Prepared by:
Sally Faircloth
Planning Department

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF JULY 22, 2026 MEETING

COMMISSIONERS:

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

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

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MIKE ERRANTE

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

The Inyo County Planning Commission met in regular session on Wednesday, July 22, 2026. Commissioner Morley opened the meeting at 10:00 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 10:00 a.m.

ITEM 2: **ROLL CALL** - Commissioners Callie Peek, Kate Morley and Todd Vogel were present.

Staff present: Cathreen Richards, Planning Director, Sally Faircloth, Project Coordinator and Christian Milovich, Assistant County Counsel.

Staff absent: David Fraser, Interim 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.

Chair Morley opened Public Comment Period at 10:04 a.m.

Chair Morley asked if there was anyone in the audience wishing to make a public comment.

No comments were made.

Chair Morley closed Public Comment Period at 10:04 a.m.

ITEM 4: Approval of Minutes from the January 28, 2026 Planning Commission Meeting-

Commissioner Vogel moved to postpone approval of the January 28, 2026 Planning Commission meeting minutes to the next Planning Commission meeting. Commissioner Peek seconded the motion. The motion carried 3-0, with two Commissioners absent.

ITEM 5: Approval of minutes from the April 22, 2026, Planning Commission Meeting

Commissioner Peek noted a typographical error on page 2 of the minutes.

Commissioner Vogel moved to approve the April 22, 2026 Planning Commission meeting minutes with the correction. Commissioner Peek seconded the motion. The motion carried 3-0, with two Commissioners absent.

ITEM 6: VARIANCE 2025-04/GREENLEAF- The applicant is requesting approval of a Variance to allow her existing non-conforming front yard fence and front yard hedges, located at 2716 Carol Lane in Bishop, to exceed the maximum permitted height of 3.5 feet (42 inches), pursuant to Inyo County Code Section 18.78.180. Both the fence and hedges, which are currently in place, stand approximately 6 feet tall. The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Class 1. In addition, denial of the variance is exempt pursuant to CEQA Guidelines Section 15270.

Cathreen Richards, Planning Director, presented the item. The Commissioners asked questions regarding the fence height ordinance and the photographs of the surrounding neighborhood included in the presentation. Ms. Richards responded to the Commissioners' questions.

Chair Morley opened the public hearing.

A member of the public asked for clarification regarding the height of a neighboring fence on a corner lot. Staff responded to the question.

The applicant, Susan Greenleaf, spoke regarding her disagreement with the County's fence height regulations and explained why she believed she should be allowed to retain the existing fence and hedge heights.

A member of the public spoke in opposition to granting the variance, expressing concern that approval could set a precedent, and stated that he appreciated the County's code enforcement process. Chair Morley clarified that each variance request is considered individually and that approval of one variance does not establish a precedent for another.

Tehauna Forbes, Code Enforcement, stated that the applicant was aware of the fence height requirements prior to constructing the fence.

Assistant County Counsel Christian Milovich clarified that the Commission's decision should be based on the required variance findings rather than whether the fence was knowingly constructed out of compliance.

Chair Morley closed the public hearing.

The Commissioners discussed the project and the seven required findings for approval of a variance. Assistant County Counsel Milovich provided additional clarification regarding the variance findings.

Commissioner Vogel moved to deny Variance 2025-04/Greenleaf. Commissioner Peek seconded the motion. The motion carried 3-0, with two Commissioners absent.

Chair Morley called for a break at 11:50 a.m. The meeting reconvened at 11:59 a.m.

ITEM 7: TENTATIVE PARCEL MAP 434 and ZONE RECLASSIFICATION 2025-05/FORTNEY BIGGS –

Cathreen Richards, Planning Director, presented the item. The Commissioners asked questions regarding the project, and Ms. Richards responded.

Chair Morley opened the public hearing.

The applicant spoke regarding the project. The Commissioners had no questions for the applicant.

Chair Morley closed the public hearing.

Commissioner Vogel moved to approve Tentative Parcel Map 434 and Zone Reclassification 2025-05/Fortney Biggs. Commissioner Peek seconded the motion. The motion carried 3-0, with two Commissioners absent.

ITEM 8: ZONE TEXT AMENDMENT 2026-01/INYO COUNTY – RESIDENTIAL INFILL
Staff has prepared a proposed ordinance amending multiple sections of Title 18 (Zoning) of the Inyo County Code to address housing constraints identified through the County's REAP 2.0-funded infill housing work program and related 6th Cycle Housing Element implementation efforts. The amendments focus on aligning zoning provisions with applicable General Plan density ranges, reducing certain residential setback constraints, clarifying and expanding the treatment of accessory dwelling units (ADUs), revising accessory building standards, and providing limited parking flexibility where site-specific conditions support reduced demand. The project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) Commonsense Exemption.

Cathreen Richards, Planning Director, introduced Jenna Chilingirian of Precision Civil Engineering, who gave a presentation on the proposed Zone Text Amendment.

Commissioner Peek moved to recommend approval of Zone Text Amendment 2026-01/Inyo County-Residential Infill. Commissioner Vogel seconded the motion. The motion carried 3-0, with two Commissioners absent.

ITEM 9. COMMISSIONERS' REPORT/COMMENTS

No reports or comments were provided by the Commissioners.

ITEM 10. DIRECTOR'S REPORT

Director Richards provided an update on Variance 2025-05/Bradford, stating that the Planning Commission's approval had been appealed to the Board of Supervisors and that the Board upheld the Planning Commission's decision.

Director Richards also reported that the revocation of HSTR 2024-03/Foroudi had been appealed to the Board of Supervisors and that the Board upheld the Planning Commission's decision to revoke the permit.

Director Richards stated that a Planning Commission meeting would be needed in August.

ADJOURNMENT

Commissioner Peek moved to adjourn the meeting. Commissioner Vogel seconded the motion. The motion carried 3-0, with two Commissioners absent.

Chair Morley adjourned the meeting at 12:30 p.m.

Prepared by:
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AGENDA ITEM NO.:

6 (Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

September 23, 2026

SUBJECT:

**Informational Presentation and Public
Comment Opportunity Regarding Renewa-
ble Energy Development Agreements 2026-
01 and 2026-2/Bonanza Peak Solar**

EXECUTIVE SUMMARY

The applicant has applied to the Board of Supervisors for two Renewable Energy Development Agreements (REDAs) for a renewable energy solar photovoltaic project to be located on 192 private parcels owned by the Wiley Trust, Section 20 LLC and the Mary McMonigle Trust, in the community of Charleston View, within the Charleston View Solar Energy Development Area (SEDA). The REDAs would allow the applicant to construct a 500-megawatt (MW) photovoltaic solar facility that uses 734,000 fixed tilt or single axis tracker solar panels. The project encompasses approximately 2,400-acres of undeveloped, vacant, open space with some disturbance from roads, abandoned vehicles, and miscellaneous junk piles. The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and an Addendum to the Programmatic Environmental Impact Report (PEIR) for the County's Renewable Energy General Plan Amendment (REGPA), has been prepared (the "Environmental Documents"). Under the Inyo County Code, approval of the REDAs is within the sole authority of the Board of Supervisors. *The Planning Commission's role is to hold a public hearing on the REDAs in advance of consideration and a public hearing by the Board.*

PROJECT INFORMATION

Supervisory District:

5

Recommended Action:

1) Conduct a public hearing and direct staff to provide comments received, or a summary thereof, to the Board of Supervisors for consideration in conjunction with its decision on the REDAs.

Alternatives:

Continue the item to a future date and provide specific direction to staff regarding additional information and analysis needed.

BACKGROUND AND PROCEDURE

Government Code sections 65864 through 65869.5 and Title 20 of the Inyo County Code authorize the Board of Supervisors to enter into agreements with property owners/developers governing the use and development of property (development agreements or DAs). In general, development agreements function as development approvals, often taking the place of a use permit or other type of land use approval. By utilizing a DA, the local jurisdiction may obtain public benefits that would not be available under traditional permitting systems, while exercising flexibility in accomplishing the goals set forth in the County General Plan. In exchange, DAs provide certainty to developers regarding the rules that will apply to their project by freezing (or “vesting”) the development regulations that are in place at the time the project is approved. Accordingly, existing rules apply to the project and (with certain exceptions for health and safety, taxes and similar matters) there are no changes or surprises.

Section 21.08.100 of the County Code addresses the use of DAs in the context of renewable energy projects (renewable energy development agreements or REDAs) and provides that REDAs shall be processed in the same manner as a development agreement under Title 20, except that the Board of Supervisors is the approval authority and county agency under CEQA, while the Planning Commission’s role is limited to holding a public hearing at which input may be provided on the project. Accordingly, this hearing provides an additional opportunity for members of the public to review and comment on the project, with any input provided to be forwarded to the Board of Supervisors. The Board will also conduct a public hearing in conjunction with its consideration of the project.

PROJECT OVERVIEW

The applicant has applied for two REDAs, each covering a different geographic region of the property, to construct a 500 MW photovoltaic solar energy facility on 192 parcels, privately owned by the Wiley Trust, Section 20 LLC and the Mary McMonigle Trust, in the community of Charleston View (vicinity map attached). Attachments to each of the DAs (Exhibits A and B) describe and depict the geographic area covered by each REDA, Exhibit C sets forth the terms and conditions of approval and Exhibit D lists the current development standards applicable to the Project. Environmental review assesses the whole of the Project and is not limited to the impacts of only one of the two geographic Project regions. The Project would include the following primary components in Inyo County:

- Main solar energy generation area, which includes 734,000 solar panels.
- Power conversion systems including inverters and medium voltage transformers

- Medium voltage underground electrical collection system from the Power Conversion Stations (PCS) to the input of the main power transformer that will be located at the substation facility
- High voltage substation
- Gen-tie line
- Operation and maintenance (O&M) facilities
- Power plant control and monitoring system and communications networks
- Site security and fencing
- Perimeter and interior access roads.

An approximately 9-mile long 230 kilovolt (kV) generation tie-in line (gen-tie line) would be located on land managed by the Bureau of Land Management (BLM) in Nye and Clark Counties, Nevada. The Project would connect to the existing Gridliance 230 kV transmission line at the Trout Canyon substation. An approximate 0.5-mile section of the gen-tie line will be located on the project site with the rest of the 8.5-miles located on the BLM land in Nye County Nevada (Plan of Development attached). One of the REDAs covers what is referred to as “Region I” of the Project, which encompasses approximately 80% of the land area utilized for the Project and all Project infrastructure (e.g., substation, O&M facilities, etc.). The second REDA covers the remaining 20% of the land area to be developed with solar panels (“Region II”).

The Project site is located on land that is designated by the County’s General Plan as a Solar Energy Development Area (SEDA). More specifically, the Eastern Solar Energy Group – Charleston View SEDA (map attached). The Charleston View SEDA can be characterized as undeveloped, vacant, open space with some disturbance from roads, abandoned vehicles, and miscellaneous junk piles. The northeast side of it borders the State of Nevada and all of the surrounding Charleston View area is undeveloped land with scattered residential development, ad hoc RV living areas, and miscellaneous storage/junk sites throughout.

The developer, through the two REDAs would provide 2.5-million dollars in community benefits for Charleston View. These benefits will be paid to the County as each REDA is implemented at Project initiation. REDA 2026-01 will provide 2-million dollars for a firehouse and the purchase of equipment to fill it. These funds would be held by Inyo County until such time as the Southern Inyo Fire Protection District is prepared to approve and move forward with firehouse development. The County and the District will enter into an agreement governing the disbursement of funds to pay or reimburse the costs. REDA 2026-02 provides \$500,000 to the County to fund a CEQA compliant Environmental Impact Report to finalize the Charleston View Community Plan and to provide local road signs. Any funds left over will go into an account held by the county for firehouse and fire equipment maintenance. The REDAs also contain provisions regarding default and termination, refunds in the event the Project is not permitted, litigation and indemnification and other issues as set forth in the attached REDAs.

The Project is consistent with Inyo County Code Section 21.16 “General Provisions for Renewable Energy Development”, which aims to “support and encourage the responsible

development of its solar and wind resources to generate and transmit clean, renewable electric energy while protecting the health, safety and welfare of its citizens and its environment, including its public trust resources” (21.04.030). The REDAs include the provision that if they should be terminated or portions struck down by a court (which do not include Exhibit C), then Exhibit C will remain in effect and serve as a Renewable Energy Permit for the Project, without the DAs, provided that the developer meets certain requirements, including payment of the community contributions for the construction and equipping of a fire station in Charleston View and completion of environmental review of the Charleston View Community Plan.

The REDAs provide for a 50-year Project lifetime commencing when building and grading permits are granted by the County, or six months following approval of the REDAs, whichever occurs first.

As described in the materials accompanying the item also on today’s agenda “Zone Text Amendment 2026-01”, staff is also recommending a Zone Text Amendment (ZTA) to update Section 21.20.020 of the Inyo County Code (ICC). The need for this ZTA was identified as a result of the Bonanza Solar Project. Specifically, Section 21.20.020 allows the Board or the Planning Commission to apply development standards or procedures to renewable energy projects that differ from those set forth in Title 18 of the ICC where appropriate and includes a list of the types of deviations which may be made. While that list includes deviations for noise, glare, height, building density, type of use, and other standards, it does not specifically mention setbacks, and it is not clear whether “building density” or “distance between buildings” includes setbacks. As described in the materials accompanying the ZTA item, the Project includes a deviation from Title 18’s setback requirements within the OS Zone due to the existence of multiple “interior” lots which, if not built out fully in order to allow for lot setbacks, would result in the Project being less efficient and producing less power. No setback deviation is required for the perimeter of the Project.

STAFF ANALYSIS

The following information will be provided to the Board of Supervisors in support of its determination on the REDAs, and pursuant to CEQA:

FINDINGS

General Plan Consistency

In March of 2013 the County Board of Supervisors approved a Renewable Energy General Plan Amendment (REGPA) that established General Plan Policies and land use designations for several types of on-site use or commercial sales and export use types, of renewable energy solar photovoltaic facilities. These include:

- Utility Scale Renewable Energy Solar Facility (more than 20 megawatts)
A renewable energy solar facility that produces more than 20 megawatts (MW) of electricity for off-site use, consumption and/or sale, including all equipment and accessory structures related to the facility, including but not limited to PV panels, mounting posts, substations, electrical infrastructure, transmission lines, operations

and maintenance buildings, appurtenant energy storage facilities and other accessory structures.

- **Commercial Scale Renewable Energy Solar Facility (20 megawatts or less)**
A renewable energy solar facility that produces 20 MW or less of electricity for off-site use, consumption and/or sale.
- **Community Scale Renewable Energy Solar Facility (36 acres or less)**
A renewable energy solar facility that uses renewable solar resources to generate energy for specific community's use and located near the community it serves.
- **Small Scale Renewable Energy Solar Facility**
A facility that uses renewable solar resources to generate energy for on-site use such as roof-top or ground mounted PV panels.

Policy LU 1.17 Utility Scale

The Bonanza Peak Solar Project proposal falls into the Utility Scale Renewable Energy Solar Facility category. It will generate 500MW of electricity on approximately 2,400-acres. Potential social, economic, visual and environmental impacts from the project have been avoided, minimized, and mitigated to an acceptable level pursuant to CEQA as found in the Addendum to the PEIR prepared for the County's REGPA and as such is compliant with the County General Plan, which requires that all impacts be mitigated to an acceptable level.

Other General Plan policies were developed for renewable solar energy projects in the REGPA and the Project is also consistent with these General Plan policies as follows:

- **Policy Gov-2.3: Public Involvement:** The County shall provide the opportunity for the public to engage in the planning process at the onset of any renewable energy solar facility project and for all other large or potentially controversial projects applied for in the County.
The County provided an opportunity for early public involvement by holding presentations regarding the proposed project on October 9, 2024, at St. Therese Mission Catholic Church in Charleston View. Subsequent public meetings and presentations were held on December 3, 2024, and November 4, 2025. The presentations provided information about the proposed project and gave community members an opportunity to ask questions, provide comments, and discuss the project with County representatives.
- **Policy GOV-2.4:** The County shall require that renewable energy solar facility developers notify local residents and/or landowners by direct mailings or other appropriate means announcing projects at the time an application is submitted.
Bonanza Peak Solar conducted public outreach beginning in April 2024, when outreach letters introducing the proposed project were mailed directly to local residents and property owners. The applicant continued its outreach efforts throughout the project review process by participating in multiple public meetings and

community outreach events. Additional outreach included presentations and discussions before the Inyo County Board of Supervisors on October 9, 2024, and December 3, 2024. Outreach continued in 2025, including a November 4 Board of Supervisors meeting in Tecopa and a November 4 community meeting in Charleston View held in coordination with the Southern Inyo Fire Protection District (SIFPD). In July 2026, Bonanza Peak Solar conducted an additional community outreach Open House in Charleston View to provide project information, answer questions, receive community input, and discuss issues of concern to local residents. These outreach efforts provided residents and property owners with multiple opportunities throughout the planning process to receive information regarding the proposed project, ask questions, and provide comments. Copies of outreach materials and documentation of these efforts are included as attachments to the staff report.

- Between the outreach efforts by the county and the applicant several changes to the project have been made. The applicant began with a proposal to include Battery Energy Storage System (BESS) with the project. This would allow for excess energy produced during the day to be stored on site for discharge during peak demand and night times. During several of the first public outreach meetings community members and the Southern Inyo Fire Protection District (SIFPD) had serious concerns and many comments about the dangers of having battery storage since the batteries are lithium and if they were to catch on fire, lithium fires burn very hot and cannot be put out. Based on these concerns and comments the applicant ultimately left the BESS out of the project.

At later public outreach meetings, concerns about groundwater depletion in the area were passionately discussed. Community members are very concerned about the initial amount of water that will be used during construction. During the approximate 18-months of construction 1,085 AF will be used. Once building is completed 0.1 AF of water will be used for the rest of the life of the project annually. In response to this concern the developer has proposed a voluntary ground water monitoring program (VGMP) during construction. This will allow the residents of the Charleston View community to have their wells monitored during project construction. Provisions for remedy if ground water levels drop below preconstruction levels will also be included. The development of this plan in detail is included as a condition of approval.

- Policy LU-1.20: The County does not support new transmission in or through Inyo County above what is necessary for the megawatt cap placed on each Solar Development Group.
Transmission for the Bonanza Peak project will only convey the 500MW of electricity that will be generated by the project.
- Policy LU-1.21: The County does not support renewable energy solar development projects other than those that use PV technologies.

The Bonanza peak project is a solar photovoltaic electric generation facility.

- Policy ED-4.4: Offset the Cost to the County for Service Provision. Renewable energy solar facility development shall be required to provide the means to offset the costs to the County, including but not limited to, the cost of infrastructure improvements and County services, and lost economic development potential. Economic impacts from renewable energy solar facility development identified by the County shall be mitigated or offset.

Memos were sent out to the departments of: Agriculture, Road, Building and Safety, Environmental Health, Water, Health and Human Services, Information Services, Solid Waste, Public Works, Southern Inyo Fire Protection District (SIFPD) and Inyo County Sheriff requesting information regarding possible additional costs for county services resulting from the project. The sheriff stated they have limited resources in the Charleston View area and suggested that Bonanza Peak includes a security plan as part of the project, which is included as a condition of approval. No other additional costs were identified.

- Policy ED-4.5: Employ and Train Local Labor. The County shall encourage renewable energy solar facility developers to employ the local labor force, during development and for long-term facility maintenance and provide educational and training opportunities, as practicable.

Bonanza Peak Solar will ensure that the contractors they hire to construct the project announce job opportunities to the local community.

- Policy ED-4.6: Compensation to Local Communities. The County shall encourage renewable solar energy developers to provide compensation in the form of reduced rates for communities impacted by development.

Utility-Scale Solar electricity is generated by independent developers who sell it directly to major utilities through long-term power purchase agreements. This wholesale power is then transmitted across the grid to serve residential and commercial customers and cannot be sold directly or given directly to consumers. Therefore, this is a policy that cannot be met. Bonanza Peak Solar is instead providing 2.5 million dollars as part of the REDAs prepared for the project to be used to construct a firehouse and purchase the equipment to fill it, as well as to fund a CEQA compliant Environmental Impact Report to finalize the Charleston View Community Plan and provide local road signs. Any funds left over will go into an account held by the county for firehouse and fire equipment maintenance. By providing this level of compensation to the community of Charleston View the project is in substantial conformance with ED-4.6.

- Policy ED-4.7: Provide Transient Housing. The County shall encourage renewable solar energy developers to help provide transient housing during the construction of solar energy facilities to minimize impacts to tourist accommodations.

Most of the workforce for the Bonanza Peak project will come from Pahrump and Las Vegas Nevada as well as from the local area. No transient worker housing will be required for the project as most of the workers will be from nearby and will

commute into the project site from their homes or in housing provided by the construction contractor outside of Charleston View. The project is being conditioned with no transient housing or camping without prior discretionary approval since the project's housing needs are covered without it and due to Charleston View not having the infrastructure to provide it.

- Policy AG-1.3: Conversion of Agricultural Land. Discourage conversions of productive agricultural lands for urban development and encourage avoidance of the use of productive agricultural lands for renewable energy solar facility development.

No agriculture land will be affected by the Bonanza Peak project as there is none in the area.

- Policy CUL-1.6: Protect Cultural Resources. The County shall require renewable energy solar facility developers recognize the Old Spanish Trail as a cultural resource and ensure that it and its immediate surroundings in the Charleston View SEDA are preserved and protected.

The Bonanza Peak project will not affect the Old Spanish Trail cultural resource. It was specifically reviewed for the Addendum to the PEIR prepared for the REGPA and it was found that the Old Spanish Trail Highway is not located within the proposed project footprint, nor will the project affect the area surrounding it. (historical resources report attached).

- Goal MER-2: Avoid, Minimize, Mitigate. Ensure that renewable energy solar facility development is conducted appropriately to avoid, minimize, or mitigate the impacts from such development on the social, economic, visual, and environmental resources of the County.

The Bonanza Peak Solar project has been prepared pursuant to the PEIR created for the REGPA and an Addendum thereto which reviewed and analyzed potential impacts to social, economic, visual, and environmental resources. All were found to have less than significant impacts with mitigations (Addendum attached).

- Policy MER-2.1: Encourage Small Scale. The County shall continue to encourage small scale renewable energy solar facilities, such as roof-top and ground mounted solar; commercial scale; and community scale renewable energy solar facilities that serve specific communities.

County Planning and Building and Safety staff continue to encourage small scale solar development by expediting the non-discretionary permitting process as much as possible.

- Policy MER-2.2: Solar Energy Development Areas (SEDA). The County shall maintain a Land Use Diagram of areas where utility scale and commercial scale solar facilities may be appropriate (SEDA Map).

SEDA maps can be found within the REGPA which is posted on the planning department webpage

- Policy MER-2.3: SEDA Land Inventory. As illustrated on Table 3-1, of the REGPA (link) the total acreage that may be developed for utility and commercial scale renewable energy solar facilities within each SEDA is capped; and, the amount of megawatts that may be generated within each Solar Energy Group is capped (small scale and community scale solar energy facilities are excluded from the caps).

The Charleston View SEDA allows for up to 500MW and 2,400-acres. The project has been prepared and submitted to meet the maximum SEDA allowances for the Charleston View SEDA. This project effectively uses all of the allowed amounts of megawatts and acreage and will take away any further possibility of solar energy development in Charleston View as well as Sandy Valley because the Eastern Solar Energy Group, which both are in, is capped at 500MW.

- Policy MER-2.6: Avoid, Minimize, or Mitigate Impacts. The County shall work with renewable energy solar developers and other agencies to avoid, minimize, or mitigate impacts to the social, economic, visual, and environmental resources of the County from renewable energy solar facility development.

The Bonanza Peak Solar project has been prepared pursuant to the PEIR created for the REGPA and an Addendum thereto which reviewed and analyzed potential impacts to social, economic, visual, and environmental resources. All were found to have less than significant impacts with mitigations.

- Policy MER-2.7: Dust Control. The County shall work with renewable energy solar developers to ensure that dust creation during the construction and operations of a renewable energy solar facility are avoided to the extent practicable.

Bonanza peak Solar will follow all construction best practices including watering to control dust during construction This is included as a condition of approval.

- Policy MER-2.8: Reclamation Planning. The County shall work with renewable energy solar facility developers to provide and implement a reclamation plan to return the site of each project to pre-project conditions or another appropriate state (i.e., native, reuse, etc.). The reclamation plan shall include financial assurances, such as bonding, for the cost of decommissioning, reclaiming and re-vegetating (if required) each renewable energy solar facility including removal of all equipment and accessory structures related to the facility, including but not limited to PV panels, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, appurtenant energy storage facilities and other accessory structures.

Bonanza Peak Solar has submitted a reclamation plan and will submit prior to the issuance of building/grading permits, financial assurances to be carried out at the end of the life of the project that meet the requirements of MER-2.8 including: a detailed strategy for removing all solar panels and appurtenant structures and to bring the project area back into the open space character as found prior to the project; financial assurance mechanism corresponding to the reclamation plan that covers all implementation costs at current prices; annual inspections of the project site; updates to the decommissioning plan that are found necessary based on the annual inspections, with corresponding updates to financial assurances

based on the current Consumer Price Index; and that annual project site inspection costs related to staff time and travel will be paid annually at the time of inspection by the owner/developer.

- Policy MER-2.9: Renewable Energy Solar Facility Development along the Los Angeles Aqueduct. The County shall encourage the use of land over and along the Los Angeles Aqueduct for renewable energy solar facility development. These areas may not be included in the SEDA, but are subject to the Western Solar Energy Group cap on the total megawatts that may be produced with the Western Solar Energy Group.

N/A. The Project is not located along the Los Angeles Aqueduct.

- Policy MER-2.10: Protect Vegetation. The County shall require that renewable energy solar facility developers use mowing and/or other methods that do not include ground scraping during the construction and/or operation of solar facility developments (access roads and infrastructure are excluded from this requirement). *The Bonanza Peak Solar project does not include grading beyond that required for buildings; interior project roads (access and service roads); temporary construction facilities (laydown, staging and storage areas); and, gen-tie transmission structures (light grading). All of the area dedicated to the solar arrays will be mowed and post holes will be augured for the construction of the solar panel posts. No vegetation scraping or grading is included. This is included as a condition of approval for the project.*

- Policy WR-3.5: Sustainable Renewable Energy Solar Development. The County shall require renewable energy solar facility development to incorporate measures to minimize water consumption and use of potable water and encourage the use of reclaimed water and/or practices that do not require water during construction, the life of the facility, and during reclamation.

A hydrology report was prepared for the project and water use will follow the recommendations found within it including: (list) these are also included as conditions of approval for the project.

- Policy WR-3.6: Sustainable Water Practices. Renewable energy solar facility development proposed in the Laws and Sandy Valley SEDAs shall be required to show that the proposed project will be water sustainable.

N/A, the Project is not within the Laws or Sandy Valley SEDAs.

- Policy WR-3.7: Charleston View. Projects proposed in Charleston View shall be water sustainable and shall require project applicants to purchase and retire water rights along the same flow path for the water that will be used for the project (construction and maintenance) at a minimum of a 1 to 1 ratio.

The owner/developer shall prepare and execute deed restrictions on the Kingston View mitigation parcels with Assessor Parcel Numbers: 048-120-09, 048-170-02, 048-170-56, 048-190-02, 048-170-51 and 048-170-47, which totals 1,880 acres.

The deed restrictions shall disallow the use or export of groundwater from these parcels in perpetuity, with the exception for water being used onsite for projects strictly related to the environmental mitigation being conducted.

Based on the current zoning and general plan designations on the Kingston View mitigation parcels, 47, 40-acre residential lots, or 1,880-acres of land could be used for residential or agricultural projects. The Project proposes the use of 1,085 AF for the 18-months of construction and 4.85AF for the remaining 48.5-years the project is in use. This is a grand total of approximately 1,090 AF over the 50-year life of the project. The full potential of 47 residential lots, with 2 units each, one single family and one accessory dwelling unit would result in 94 households. According to UC Agriculture and Natural Resources, the average California household uses between 0.5 and 1 AF per year. At the lower end (0.5AF), in 50-years if the 1,880-acres were developed to the maximum allowed residential units (94) based on state law, county zoning and general plan a total of 25 AF of water would be used annually, for a total of 1,250 AF over the 50-year life of the Project, and continuing thereafter. If the land was used for agriculture in the general area it would likely be alfalfa farms. Based on a report from UC Davis, water use for alfalfa is from 2.5-6.5 AF depending on the climate, per year. The Charleston View area would likely be at the higher end due to its dry climate. Even at the low end of 2.5 AF per year, however, this would be about 4,700 AF per year, for a total of 235,000 over the 50-year life of the Project. In these examples of the current by right uses of the mitigation property, residential use would be 160 AF higher than the solar project and agriculture/alfalfa farming at a 214 to 1 ratio. Even though the developer cannot buy and retire 1 to 1 water rights as policy WR-3.7 is written, since there is not surface water available for sale in the same flow path as the project within California, the restriction on groundwater use on the mitigation parcels, except for environmental mitigation, has the effect of retiring more water than would be used by the Project (i.e., more than a 1 to 1 ration). It is therefore in substantial conformance with WR-3.7. This is included as a condition of approval for the project.

- Policy VIS-1.8: Renewable Energy Solar Development, Light and Glare, Night Skies. The County shall encourage siting, orientation and screening to avoid, minimize or mitigate significant changes to the visual environment from renewable energy solar facility development during construction and operations including avoiding or minimizing light and glare, and impacts inconsistent with Death Valley National Park's International Night Skies designation.

The proposed solar panels for the Bonanza Peak project are designed to have anti-glare properties. All lighting included on the project site will be subject to the county's outdoor light ordinance. This is included as a condition of approval for the project.

- Policy VIS-1.9: Economic Impacts from lost Visual Resources. The County shall balance renewable energy solar facility development opportunities with the potential loss of tourist based economic opportunities from impacts to visual resources.

N/A. The community of Charleston View currently has very little in the way of tourist-based commercial activities. There is one unpermitted off-road vehicle rental business and many unpermitted short-term rentals in Charleston View. Most travelers in Charleston View are traveling through it to get to Las Vegas, Death Valley and the Dumont Dunes off-road vehicle area. Visual resources affecting through travelers would be to the surrounding mountains. As part of the CEQA review of the Project visual simulations were prepared to evaluate the views from various locations along the Old Spanish Trail Highway (the route through Charleston View) and found that the Project would not degrade the existing character or quality of public views of the site or surroundings.

- Policy VIS-1.10: Old Spanish Trail Highway. Provide for setbacks, siting, orientation, screening and buffers, on a project-by-project basis, to avoid impacts to views of the Old Spanish Trail Highway located in the Charleston View SEDA. *The project will not affect the views of or to the Old Spanish Trail Highway, therefore, these provisions are not necessary.*

Zoning Ordinance Consistency

The Bonanza Peak Solar project is consistent with Title 18 of ICC Zoning, with the modification of internal lot setbacks as authorized and necessary for renewable solar energy facilities, which are allowed in any zoning district as long as the project area is included in a General Plan SEDA overlay, and as previously discussed the project is completely within the Charleston View SEDA. The project is also compliant with Title 21 Renewable Energy Development of the ICC as a reclamation plan that meets the requirements of 21.20.030 has been submitted and conditions of approval require that financial assurances meeting the requirements of 21.20.040 will be provided prior to the issuance of building permits; it is consistent with the County's General Plan; and, there is substantial evidence in the record to support a finding that through the imposition of mitigation measures, the approval of a reclamation plan, the receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the Project, the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded.

ENVIRONMENTAL REVIEW

Addendum to PEIR SCH 2014061039 prepared for the REGPA

An Addendum (attached) pursuant to CEQA Guidelines 15164 has been prepared for the project as none of the circumstances listed in CEQA Guidelines Section 15152 requiring the preparation of a subsequent EIR are present, and the proposed project is consistent with the general plan and zoning of the County; therefore, an Initial Study tiering off of the REGPA EIR was prepared. Furthermore, the County as the Lead Agency under CEQA has determined that the proposed project does not trigger the need for supplemental or subsequent review under Section 15162 of CEQA Guidelines, and the Addendum consists of all required project specific surveys and studies and is fully responsive to the Mitigation, Monitoring and Reporting Program (MMRP) established by the PEIR.

Tribal Consultation

Tribal consultation pursuant to AB52 is not required for Addendums. County staff did, however, send Tribal consultation invitations to the Tribes on its AB52 contact list and the Pahrump Vally Paiute Tribe in Pahrump Nevada. These Tribes included: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of the Mission Indians Toret Martinez Desert Cahuilla Indians and Kern Valley Indian Community.

One Tribe, the Twenty-Nine Palms Band of Mission Indians, requested consultation. Staff made four attempts to schedule consultation with the Tribe, on January 21, February 7, March 31, and April 9, 2025; however, the Tribe did not respond to these follow-up efforts and consultation did not occur. No other Tribes responded to the County's outreach.

CONDITIONS OF APPROVAL

1. Hold Harmless

The owner/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 DAs 2026-01 and 2026-02/Bonanza Peak Solar. The County reserves the right to prepare its own defense.

2. Project Term

The Renewable Energy Development Agreements allow for a 50-year project life-time commencing with issuance of building permits from Inyo County or six months after project approval, whichever occurs first.

3. Compliance with County Code

The owner/developer shall conform to all applicable provisions of the Inyo County General Plan, County Code and State regulations, including the California Building and Health and Safety Codes including CUPA (Certified Unified Program Agency) Failure to comply may result in the termination REDAs 2026-01 and/or 2026-02/Bonanza Peak Solar.

4. Compliance with other Affected Agencies

Prior to issuance of grading or building permits, the owner/developer shall obtain all required permits and approvals from applicable agencies, including but not limited to Great Basin Unified Air Pollution Control District, Lahontan Regional Water Quality Control Board, the Bureau of Land Management; US Fish and Wildlife; and the California Department of Fish and Wildlife.

5. Compliance with the PEIR and CEQA Addendum Including all PEIR MMRP Requirements

The project shall comply with all mitigation measures identified in the Addendum in compliance with the PEIR MMRP requirements. Failure to comply may result in

the suspension or termination of REDA 2026-01 and/or REDA 2026-02/Bonanza Peak Solar.

6. Point of Sales and Delivery

All purchases related to the construction of Bonanza Peak Solar shall be purchased and delivered to the project site located in Charleston View, Inyo County, California.

7. Water Rights

The owner/developer shall prepare deed restrictions on the Kingston View mitigation parcels with Assessor Parcel Numbers: 048-120-09, 048-170-02, 048-170-56, 048-190-02, 048-170-51 and 048-170-47 that disallow the use of groundwater on these parcels in perpetuity, except for water used for projects related to the mitigation being conducted to meet the requirements of General Plan Policy WR-3.7.

8. Water Access to Proposed Firehouse

The owner/developer shall work with the property owners to secure parcel APN 048-512-28 for the development of a firehouse and an access easement from a parcel nearby for water supply to parcel APN 048-512-28 in perpetuity. Any future development of the firehouse or appurtenant structures will require project specific CEQA review.

9. Groundwater Water Monitoring and Contingency Plan

The owner/developer shall provide a voluntary groundwater monitoring plan that adequately monitors any participating residential well within a half-mile radius of the project production wells during the construction phase. The plan shall be prepared by a CA-licensed hydrogeologist. Participation will be voluntary and is not a requirement by the County. Any well owner participating in the program will be provided with the water level data in their well in real time (if present) and on a monthly basis and shall agree to hold the County harmless. The groundwater management plan shall include the following at a minimum:

- Description of measurement equipment to be employed
- Routine monitoring (Daily for the first week, then weekly for week 2-4, then monthly or as determined to be necessary after that for the duration of construction) to capture well data
- Participants will be provided with copies of the weekly and monthly reporting documentation that will also be provided to the County
- A contingency plan with multiple recovery means and methods if water levels in participant wells drop below a threshold, based on pre-construction trends.

The hydrogeologist shall provide weekly and monthly monitoring reports to participating well owners and Inyo County during the construction phase that involve

groundwater withdraw. At the conclusion of the VGMP, the owner/developer shall submit a complete monitoring log with data and hydrographs in a summarized conclusion of the results.

Prior to the issuance of building permits, the VGMP shall be provided to the County for review and approval. The VGMP shall be effective during the construction phase in which groundwater is in high usage.

10. Transient Housing

No employee housing or camping shall be permitted on the project site or in the surrounding area unless specifically authorized through a separate discretionary approval.

11. Construction Activities

Construction activities associated with the Project shall be limited to Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m., and Saturday between the hours of 8:00 a.m. and 5:00 p.m. No construction activities shall occur on Sundays or legal holidays.

12. Security

The owner/developer shall provide on-site security during construction and operation, as necessary to prevent trespass, vandalism, and unauthorized access.

13. Traffic Control and Dust Management

The owner/developer shall provide and implement an approved traffic control plan and dust suppression measures for during construction, including posted speed limits within the project site and along approved haul routes prior to the issuance of building permits. Maintenance of Zircon Road shall be the responsibility of the owner/developer during the life of the project.

14. Old Spanish Trail Highway

Any damage caused by the Bonanza Peak Solar project to Old Spanish Trail Highway during construction and/or the life of the project shall be fixed in accordance with the policies and procedures of the Inyo County Road Department.

15. Lighting

The Project shall be subject to the County's Outdoor Lighting Ordinance Section 18.74 of the ICC during construction and for the life of the project.

16. Waste Management Plan

Prior to issuance of grading or building permits, the owner/developer shall submit a Construction Waste Management Plan for review and approval by the County Environmental Health Department and more specifically, CUPA.

17. Emergency Response Plan

Prior to issuance of grading or building permits, the owner/developer shall submit an Emergency Response Plan for review and approval by the County and applicable emergency service providers.

18. Employ and Train Local Labor

Owner/developer shall make good faith efforts to recruit and hire qualified workers from within Inyo County and surrounding communities. Such efforts shall include local job postings, coordination with local workforce development agencies, and outreach to local residents regarding employment opportunities associated with the Project, in compliance with General Plan Policy ED-4.5.

19. Notification of local American Tribes

Per ICC, Section 9.52, Disturbance of Archaeological, Paleontological and Historical Features, the owner/developer shall notify a representative from local native American tribes in the event native artifacts or human remains are uncovered.

20. ZTA 2026-01/Bonanza Peak Solar

REDAs 2026-01 and 2026-02/Bonanza Peak Solar shall not become effective unless and until the Board of Supervisors adopts ZTA 2026-01.

21. Project Regions

The REDAs collectively apply to and govern two separate Regions of the Project area (Region I is governed by REDA 2026-01 and Region II is governed by REDA 2026-02) for financing and ownership purposes. Building and grading permits shall be applied for and issued for the entirety of each Region and not for a portion of a Region. If the use provided by REDAs 2026-01 and 2026-02 is not commenced within one year of the approval date it will become void unless the developer applies for an extension. Commencement shall be considered to include the submission of applications for required permits and approvals.

RECOMMENDATION

Staff recommends that the Board conduct a public hearing and, at the close of the hearing, direct staff to provide all comments received, or a summary thereof, to the Board of Supervisors for its consideration in making a determination whether to approve the Project.

ATTACHMENTS

1. Vicinity Map
2. Development Agreement 2026-01 and 2026-02 with Exhibits A, B and C
3. Plan of Development
4. Charleston View Solar Energy Development Area (SEDA) Map
5. Development Agreements 2026-01 and 2026-02/Bonanza Peak Solar
6. Bonanza Peak Solar Public Outreach Materials and Documentation
7. County Department/Agency Review Memos and Comments
8. Historical Resources Report
9. Addendum to the Renewable Energy General Plan Amendment (REGPA) Programmatic Environmental Impact Report (PEIR)
10. Reclamation/Decommissioning Plan DRAFT

11. REDA Regions Map



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AGENDA ITEM NO.: 7 (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

RESOLUTION NO.

**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. 2026-01 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 Commonsense 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. This is a 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 pertaining to development standards and procedures for renewable energy projects. That section currently provides that the Board or Planning Commission may apply different development standards or procedures from those set forth in Title 18 of the County Code, as appropriate, to renewable energy projects and includes a list of the standards or procedures within Title 18 subject to modification. This amendment would remove that specific list of standards or procedures, with the result of clarifying that the Planning Commission or the Board of Supervisors could apply development standards or procedures to a renewable energy project that differ from any standard or procedure set forth in Title 18, where determined to be appropriate. This amendment will not cause a significant effect on the environment because it is a change to language which enables a future/independent action which may or may not impact the environment, but the language change itself does not result in any physical change to the environment. The impacts (if any) of the application of development standards or procedures that differ from those set forth in Title 18 with respect to any specific renewable energy project would occur when and if that project is approved, and would be analyzed through that approval process; and

WHEREAS, the Inyo County Planning Commission held a duly noticed public hearing on September 23, 2026, to review and consider a request for approval of Zone Text Amendment No. 2026-01, and considered the staff report for the project and all oral and written comments regarding the proposal; and

WHEREAS, the approval of ZTA 2026-01 is consistent with the Inyo County General Plan as it does not conflict with the policies found in the Renewable Energy General Plan Amendment or other elements found within the General Plan; and

WHEREAS, ZTA 2026-01 is consistent with the Inyo County Zoning code as it does not allow for an expansion of renewable energy projects than are currently allowed for in Title 18 or the County General Plan and Title 18 remains the default for zoning specific standards if none are put in place in lieu of based on section 21.20.020.

THEREFORE, BE IT HEREBY RESOLVED, that based on the above recitals, which are incorporated by this reference, all of the written and oral comments and input received at the September 23, 2026, 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 findings for the proposed amendment to section 12.20.020 of the Inyo County Code:

RECOMMENDED FINDINGS

1. The proposed ordinance is covered by the Commonsense Rule 15061(b)(3) Pursuant to the California Environmental Quality Act (CEQA), which 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 21.20.020: "Minimum Requirements for Renewable Energy Impact Determinations and Renewable Energy Permits – Design Standards" of the Inyo County Code pertaining to development standards and procedures for renewable energy projects. For the reasons stated in the above recitals, the amendment will not cause a significant effect on 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 conflict with the policies found in the Renewable Energy General Plan Amendment or other elements found within the General Plan.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance is consistent with Title 18 (Zoning) of the Inyo County Code. Title 18 remains the default for zoning specific standards and procedures applicable to renewable energy projects unless cause exists with respect to an individual renewable energy project to impose different standards or procedures under Section 21.20.020.

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

RECOMMENDED ACTIONS

1. Adopt the proposed ordinance amending Section 21.20.020 the Inyo County Code related to Minimum Requirements for Renewable Energy Impact Determinations and Renewable Energy Permits – Design Standards 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 September 23, 2026, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Caitlin Morley, Chair
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Sally Faircloth, Secretary of the Commission

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