



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Planning Department and Office of County Counsel

FOR THE BOARD MEETING OF: September 6, 2011

SUBJECT: Resolution Revoking the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County)

DEPARTMENTAL RECOMMENDATION: Request the Board adopt the resolution revoking the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County).

SUMMARY DISCUSSION: On April 26, 2011 the Board conducted a public hearing for General Plan Amendment (GPA) No. 2010-03/Inyo County regarding Renewable Solar and Wind Energy,¹ considered all of the information in the record, and adopted Resolution No. 2011-17 making certain findings and approving the GPA. On May 26, 2011, the Sierra Club and the Center for Biological Diversity initiated litigation in Inyo County Superior Court against the County to set aside approval of the GPA based upon allegations that an Environmental Impact Report pursuant to the California Environmental Quality Act should have been prepared to approve the GPA. The County and the petitioners participated in mandatory settlement negotiations, but could not reach a mutually agreeable solution which would allow the GPA to remain as adopted by the Board. Due in part to the cost to the County to defend the action, coupled with the potential exposure for the petitioners' attorneys' fees and court costs should the County not prevail, on August 22, 2011 the Board approved a Stipulated Agreement for Entry of Judgment by which judgment would be entered against Inyo County and, pursuant to the terms of that judgment, the County would be ordered to revoke the GPA. In addition, the judgment would further provide that the Sierra Club and the Center for Biological Diversity would not be entitled to attorney fees and costs.

The Stipulation was filed with the Inyo County Superior Court on August 22, 2011 and Judgment was entered on August 26, 2011. The Judgment is attached hereto. As discussed above, pursuant to the terms of the Judgment, the County has been ordered to rescind the GPA. At its meeting on August 22, 2011, the Board held a public hearing regarding the draft resolution to rescind the GPA and scheduled adoption of the resolution for September 6, 2011. This matter is now before the Board for the purpose of adopting the resolution rescinding the GPA as ordered by the Court.

OTHER AGENCY INVOLVEMENT: With respect to the Judgment – Inyo County Superior Court; With respect to the GPA - none directly; numerous federal, State, and local agencies may be involved in planning and permitting for renewable energy projects, including, but not limited to, the City of Los Angeles Department of Water and Power, Bureau of Land Management, California Energy Commission, and Department of Defense agencies.

¹ Refer to <http://inyoplanning.org/RenewableNewPage.htm> for more information regarding renewable energy and the GPA.

FINANCING: Funds for the update effort have been provided by the General Fund/Planning Department budget.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

_____ Date: _____

Attachments: Proposed Resolution and Stipulated Judgment