



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 1:30 p.m. Closed Session Informational

FROM: Inyo County Planning Commission

FOR THE BOARD MEETING OF: May 19, 2009

SUBJECT: Tentative Tract Map #239/Walters: Recirculated Environmental Impact Report (REIR) for the Project

DEPARTMENTAL RECOMMENDATION:

- 1.) Hold a public hearing, de novo, regarding the appeal of the Planning commission's adoption and certification of the Final Environmental Impact Report (FEIR) for, and approval of, Tentative Tract Map #239/Walters.
- 2.) Uphold the Planning Commission approval of the project by adopting the attached Resolution, titled "A Resolution of the Inyo County Board of Supervisors of the County of Inyo, State of California, Certifying and adopting the Final Environmental Impact Report (EIR) and Statement of Overriding Considerations, and approving Tentative Tract Map No. 239/Walters (located 4 miles west of Lone Pine: APNs 023-270-12 & 023-270-13)"

SUMMARY DISCUSSION:

Tentative Tract Map #239/Walters was approved by the Inyo County Board of Supervisors in July of 2005, on appeal. The project was then further challenged in court by the Save Round Valley Alliance (SRVA) group and, on December 17, 2007, the Fourth District Court of Appeal directed that "a legally adequate EIR with respect to the analysis of the feasibility of the alternative of a land exchange with the Bureau of Land Management (BLM)" should be prepared, circulated, and certified before any further action is taken on the project. Notably, the Court was specific in its direction: the Court limited the area to be covered in the REIR to potential BLM land trades.

As a result of that ruling, staff prepared and circulated the portion of the EIR for the project that related to a land trade with the BLM, as directed by the Court. That document has been referred to as the Recirculated EIR (REIR) and, subsequent to further revisions, the Revised Recirculated EIR (RREIR) for the project.

Board members are now asked to consider and approve the entire EIR for the project: this includes the Final Recirculated EIR (FEIR), both the first and second/revised versions of the draft Recirculated EIR, the original Final EIR, and the original draft EIR for the project. In addition, although your Board has already reviewed and approved Tentative Tract Map #239/Walters in 2005, you will need to re-approve it as, per court direction, your Board set aside its previous approval of the project.

As noted in the Planning Commission staff report for this project, in re-examining the BLM land exchange alternative, staff looked at three different groups of BLM properties:

- 1.) The Horseshoe Meadows site, which was the parcel discussed in the original EIR for the project: although staff determined that there were also other considerations that made this site infeasible as an alternate project site, the main reason staff determined it was infeasible was that the land had been “withdrawn” from potential development by means of the Congressional Act of 1931. The purpose of this Act was to withdraw large tracts of land within Inyo County from active use or development as a way of protecting the water resources available to the City of Los Angeles. As a result, BLM has no authority to release this acreage for trade. While such a trade is technically possible, it would involve a multi-step, many-year, administrative process that would ultimately need Congressional approval.
- 2.) Other BLM parcels within Inyo County that are officially available for land exchanges, according to the BLM: staff looked at six different BLM parcels that might potentially qualify as trade sites. Staff found these six sites infeasible as alternative project sites due to a number of factors, including the processing time it would take to complete a trade, physical limitations on the sites (such as earthquake fault zones, areas of steep slope, large electrical lines, extreme distance to any available infrastructure), inconsistency with General Plan policies advocating growth adjacent to established communities, and visual impacts. The parcel that seemed to have the most likely potential was the Central Wilkerson parcel, on which additional studies were performed (see Appendix V of the Recirculated EIR [REIR], second recirculation, for the project).
- 3.) Any potential BLM acreage adjacent to population centers/town sites: after examining maps, staff found that there were no BLM parcels that were adjacent to any of the main town sites of Inyo County (i.e., Lone Pine, Independence, Big Pine, or Bishop).

As a result, staff concluded that there were no BLM-owned parcels that were feasible trade sites for the proposed project.

The Planning Commission adopted and certified the FEIR and approved this project 5-0.

Five persons spoke at the Planning Commission hearing. None opposed the project. The builder and owner of the Whitney Portal Store supported the project. He has spoken with persons who came to his store at Whitney Portal and were under the impression that the project was at Whitney Portal itself, rather than nine miles away. He felt there is misunderstanding about the location and effect of the project. Three persons indicated that there is very little land in Inyo County that can be developed and on which housing can be built. They felt it was important to allow those property owners the opportunity to develop their land, in the interest of economic development of the County.

ALTERNATIVES:

- Do NOT approve the requested actions.
- Return to staff with direction

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

No direct impact.

APPROVALS

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 (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

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

_____ Date: _____

Attachments:

- 1.) Letter of Appeal.
- 2.) Planning Commission staff packet, dated March 25, 2009.
- 3.) Evidence received at Planning Commission hearing
- 4.) Comment letters to Board of Supervisors
- 5.) Board Resolution.
- 6.) Original draft EIR (DEIR), original Final EIR (FEIR), 2005 Staff Report, Recirculated EIR (REIR), and Final Recirculated EIR (FREIR) for the project ---- (**NOTE:** these documents were provided to Board members under separate cover, and can be accessed by others at any Inyo County Public Library, at the Planning Department Website (www.inyoplanning.org), at the Planning Department office located at 168 N. Edwards Street, Independence, or at the Clerk of the Board's office at 224 N. Edwards Street, Independence).