

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF MARCH 31, 2011 MEETING

COMMISSIONERS:

WILLIAM STOLL
CYNTHIA LITTLE
SAM WASSON
RICHARD WHITE
PAUL PAYNE

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

Inyo County Planning Commission
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STAFF:

JOSHUA HART
DOUG WILSON
KEVIN CARUNCHIO
TANDA GRETZ
ADENA FANSLER
CATHREEN RICHARDS
DAN STEWART
DANA CROM

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

The Inyo County Planning Commission met in special session on Thursday, March 31 2011, in the Board of Supervisors Room, Administrative Center, in Independence, California. Commissioner Wasson opened the meeting at 10:00 a.m.

ITEM 1: PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Commissioner Wasson at 10:00.

ITEM 2: ROLL CALL - Commissioners: Bill Stoll, Paul Payne, Sam Wasson, Cindy Little and Richard White.

Also present were: Josh Hart, Planning Director; Dana Crom, County Counsel; Tanda Gretz, Senior Planner; Cathreen Richards, Associate Planner; and Dan Stewart, Planning Coordinator.

Absent: Kevin Carunchio, County Administrator
Doug Wilson, Interim Public Works Director
Adena Fansler, Associate Planner

ITEM 3: PUBLIC COMMENT PERIOD – This is the opportunity to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Earl Wilson of the China Lake Astronomical Society inquired about the light pollution from the new apartment complex on the Bishop Indian Reservation. Joshua Hart, Planning Director, replied that the County does not have jurisdiction on the Bishop Indian Reservation.

ITEM 4: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from February 23, 2011.

MOTION: Moved by Commissioner Stoll and seconded by Commissioner Little to approve the Minutes from February 23, 2011.

The Motion passed unanimously.

ITEM 5: TENTATIVE PARCEL MAP #397/Holmes (Public Hearing & Action Item)–

The proposed subdivision of an 11.46-acre parcel, located to the south of the intersection of Mesa Vista Drive and Reina Road within the Alta Vista-Mustang Mesa Community (APN 009-350-11): the subdivision would create four one-acre parcels and leave a 7.02-acre remainder parcel.

Tanda Gretz, Senior Planner, presented the Commission a comment letter submitted by Rosa Lee Herrera concerning drainage in the area.

Ms. Gretz then presented the Staff Report to the Commission.

Andy Holmes addressed the Commission by first thanking Staff for their timely work. Mr. Holmes went on to state that he had spoke with residents in the neighboring area to inquire about their concerns. Mr. Holmes then stated the residents in the area were primarily concerned about their view of the Sierras, but also drainage on the mesa. Mr. Holmes acknowledged that the magnificent views might be impacted by future development of the proposed properties. Mr. Holmes stated that he would limit the future development to single story structures with CC&Rs, and that he would continue to work with the current residents in the area.

Mr. Holmes then went on to address the drainage issues in the area. He first stated that Ms. Herrera's property is on the far western edge of his property and would not be impacted by the proposed development. The proposed drainage would flow in a southeasterly direction and would have no effect on Ms. Herrera's property.

Commissioner White inquired about requiring CC&Rs in the Conditions of Approval for TPM #397/Holmes. Mr. Holmes commented that he would have no objection to including CC&Rs as Conditions of Approval.

Commissioner Stoll inquired about the intent of Mr. Holmes development. Mr. Holmes stated that he plans to sell the lots, and individuals could then develop the lots.

Commissioner Little further inquired about Ms. Herrera's comment letter, and the drainage onto Ms. Herrera's property. Mr. Holmes stated that ATV "trespassers" were the primary reason for rerouting the drainage on Ms. Herrera's property.

Chair Wasson opened the Public Hearing at 10:25.

There was no one from the audience wishing to comment.

Commissioner White asked Counsel if it is reasonable to require CC&Rs for a Parcel Map. Dana Crom, County Counsel, stated that it is reasonable.

Commissioner Stoll clarified that the CC&Rs would limit development to single story buildings and not allow manufactured homes. Mr. Holmes agreed to single story buildings and no manufactured homes.

Commissioner White stated that the Conditions of Approval require the Inyo County Public Works Department regulate the drainage on the proposed project. Mr. Hart confirmed that the Public Works Department would regulate drainage.

MOTION: Moved by Commissioner Stoll and seconded by White to: Make certain Findings with respect to, and approve, Tentative Parcel Map #397/Holmes, subject to the Conditions of Approval, with the addition to require CC&Rs. The CC&Rs will limit development to single story homes and not allow manufactured homes.

The Motion passed unanimously.

ITEM 6: GENERAL PLAN AMENDMENT #2010-03 / INYO COUNTY RENEWABLE SOLAR AND WIND ENERGY (Public Hearing & Action Item) – An Update to the Inyo County General Plan is proposed to address renewable solar and wind energy development. The update will include a General Plan Land Use Designation Overlay, identify appropriate means to develop renewable wind and solar energy resources, work to protect military readiness, and consider conversions of lands utilized for agriculture, mining, and recreation.

Mr. Hart and Cathreen Richards, Associate Planner, then presented the Staff Report to the Commission.

Commissioner Wasson inquired about the substantial changes from the February report specifying a threshold. Mr. Hart clarified that comment letters suggested intermediate renewable energy development should be added, and that the changes since the February report include those comments.

Chair Wasson moved to take recesses at 10:40 to review all the comment letters that were recently received.

Chair Wasson reconvened the meeting at 10:57

Commissioner Payne inquired about the process for contacting the local tribes. Ms. Crom stated that the County is required to provide notice to the tribes and enable the tribes to request consultation. Mr. Hart stated that the Planning Department sent a request to the Native American Heritage Commission requesting appropriate current contacts in the area. The Native American Heritage Commission provided the Planning Department with a list in May 2010. The Planning Department did receive a request from the Big Pine Paiute Tribe for consultation within the ninety-day period. The Planning Department did consult with both the Big Pine Paiute Tribe and the Timbisha-Shoshone Tribe.

Commissioner Payne inquired about the process of an application for renewable energy with that is not included within the proposed General Plan Amendment Overlay. Mr. Hart stated that if the applicant proposed a commercial renewable energy power generation facility in an area not included in the proposed Renewable Energy Overlay the project would be inconsistent with the General Plan. The applicant could then either propose a General Plan Amendment, or if the project were entirely inappropriate the applicant would be discouraged from pursuing their application.

Commissioner Little inquired about the current applications for renewable power generation in the County. Mr. Hart informed the Commission that there is some interest, however no applications have been received to date. Commissioner Little further commented that there are no proposed projects included in the proposed General Plan Amendment #2010-03. Mr. Hart confirmed the statement by Commissioner Little. Commissioner Little clarified that each application for renewable energy production would require a separate Environmental Impact Report (EIR) to address environmental issues in each specified area. Mr. Hart agreed that each application would require extensive environmental review.

Commissioner Payne inquired about the County process for each renewable energy application. Mr. Hart stated that the application would be brought before the Planning Commission for recommendation and then the Board of Supervisors would approve or disapprove the application.

Commissioner Stoll inquired about the tax structure in relation to future proposed renewable energy developments and the County. Commissioner White, former Inyo County Assessor, indicated that tax would be collected based upon the land value and not a use tax structure.

Chair Wasson opened the public hearing at 11:18 a.m. Mr. Wasson requested that comments be kept to less than five minutes due to the large number of speakers.

Kathy Goss of Darwin suggested that the Planning Department notify the local CSDs. Ms. Goss commented on the fact that the overlay included more southern county area than northern county area. Ms. Goss also mentioned that there is very little water in the southern Inyo County. Ms. Goss commented on her preference of rooftop solar as opposed to large-scale commercial generation.

Earl Wilson of the China Lake Astronomical Society commented he would like to see additional information on proposed transmission planning. Mr. Wilson commented that he would like to see a further breakdown of the landowners by percentage of ownership in the proposed overlay (i.e. state, federal, private). Mr. Hart commented that there is a transmission corridor map available on the Inyo County Planning website, and that transmission planning is a BLM project, not a County project. Mr. Hart also noted to state that there is a breakdown of land ownership included in the Staff Report.

Andy Holmes of Bishop commented that he is very much in favor of the proposed General Plan Amendment. Mr. Holmes further commented about the extensive environmental review required for each individual application, which would include detailed site specific EIRs.

Mathew Nelson of Bishop, representing the Bishop Paiute Tribe as the Tribal Historic Preservation Officer, commented that the tribe is a supporter of renewable energies as part of the old ways of life and new ways of life. Mr. Nelson commented on the vast amount of both cultural and botanical resources in the proposed overlay areas. Mr. Nelson suggested that the General Plan Amendment must include a comprehensive EIR. Mr. Nelson stated that commercial scale power generation is counterproductive to sustainability and the native way of life. Mr. Nelson requested further government-to-government consultation for sovereign nations.

Bill Helmer of Independence, representing Big Pine Tribe as the Historical Preservation Officer, requested further consultation with both the Board and Planning Staff and Tribal Council. Mr. Helmer also suggested that the General Plan Amendment should include an EIR. Mr. Helmer

further suggested that an EIR could include a ranking system to identify appropriate areas for renewable energy development.

Dan Dickman of Keeler commented that he was in support of solar energy development. Mr. Dickman further commented solar energy development could bring additional economic development to the region.

Barbra Durham, representing the Timbisha Shoshone Tribe as the Historic Preservation Officer, commented that true consultation has not yet occurred. Ms. Durham stated that Josh and Cathreen did stop to present the General Plan Amendment, however no consultation with the Tribal Council has occurred. Ms. Durham suggested that tribal lands are not included in the proposed Overlay, and an additional buffer around tribal lands should be included to prevent encircling. Ms. Durham stated that the Panament Mountains are sacred to the tribe. Mrs. Durham suggested that an EIR should be prepared, as well as further consultation.

Sally Manning, representing the Big Pine Paiute Tribe, suggested that an EIR be prepared. Ms. Manning stated that there are many "issues" to be addressed. Ms. Manning suggested that the General Plan Amendment would perpetuate the Owens Valley as a "resource colony." Ms. Manning also mentioned rooftop solar is a better alternative than commercial scale power generation. Ms. Manning suggested that we take care of ourselves before we encourage the exportation of our natural resources..

Larry Primosch, Realty Specialist for the Bureau of Land Management in Bishop, provided some points of clarification by stating that there is vegetation in the proposed BLM areas, and the proposed transmission corridors in the valley are along existing LADWP and Southern California Edison transmission lines. Mr. Primosch stated that the BLM does not have any problems with the proposed Overlay.

Commissioner White inquired about the capacity of the existing transmission line. Mr. Primosch stated that he does not have that information, and the transmission capacity is not widely known information.

Jeff Boarders, absentee property owner in Pearsonville, stated that he is not a supporter of this project. Mr. Boarders bought his property five years ago with the intent to retire in the area and develop his property for outdoor enthusiasts. Mr. Boarders suggested that there is no way to mitigate the negative impacts of renewable energy development. Mr. Boarders stated that he intends to submit a Tentative Parcel Map in one year to develop a community in a ten-year plan. Mr. Boarders went on to state that the proposed project makes his planned development very risky. Mr. Boarders recommends removal of the Pearsonville Overlay.

Amity Wilczek of Big Pine, representing Deep Springs College as the Chair of Natural Sciences, commented that at the very least an EIR be carried out. Ms. Wilczek stated that the Black Toad does not occur anywhere else in the world and the Spring Snails should be considered. Ms. Wilczek suggested preparation of an EIR before approval of the Overlay, in order to send a better message about the intentions of the County.

Chair Wasson asked if there was anyone else that wished to speak. There was no one from the audience wishing to further comment. Chair Wasson closed the public hearing at 12:01.

Commissioner Payne stated that the General Plan Amendment would open the door for proposed renewable energy commercial developments. Each project will require an application, which will be judged individually on its own merits.

Commissioner Little thanked the public for attending and commenting. Commissioner Little inquired about the reason for not conducting an EIR. Mr. Hart responded by stating that no EIR is required, as the project is exempt from the CEQA process. However, Planning Staff went one step further, and conducted an Initial Study, which evaluated the impacts of the project for each of the environmental areas included in the CEQA Checklist. The project will not result in significant impacts, which is the threshold for the requirement of a need to prepare an EIR. Public interest and controversy does not constitute the need to prepare an EIR. Commissioner Little further inquired about the need for EIRs. Mr. Hart stated that many of the future proposed projects renewable energy projects would require EIRs.

Commissioner White asked for clarification about the EIR requirements for future individual renewable energy projects. Mr. Hart noted that individual projects will be subject to CEQA review and will require EIRs, if determined necessary in the Initial Studies prepared for such projects.

Commissioner White inquired about the attempts of coordination with the local tribes. Mr. Hart indicated that the Board has attempted coordination, but that effort has not yet happened.

Commissioner Stoll commented that he was disappointed that the power companies were not represented at this meeting.

MOTION: Moved by Commissioner Payne and seconded by Little to: Adopt Resolution No. 2011-01 recommending that the Board of Supervisors certify and adopt the Mitigated Negative Declaration of Environmental Impact and make certain findings with respect to, and approve, General Plan Amendment (GPA) No. 2010-03/ Inyo County (Renewable Solar and Wind Energy) as recommended in the staff report.

The Motion passed unanimously.

ITEM 8: **COMMISSIONERS' REPORT/COMMENTS-** Mr. Hart stated that he asked Adena Fansler, Associate Planner in charge of code enforcement, to inquire about code enforcement at The Arbors in Bishop. Mr. Hart went on to state that code enforcement is limited. Commissioner Stoll stated that the fencing panels could potentially fly into US Highway 395 and cause an accident.

Mr. Hart stated that a new concessioner has been chosen to run Diaz Lake. Temporary bathrooms would be put in place for the first year, and in year two the sanitary conditions in the permanent bathrooms would be addressed. Commissioner Stoll remarked that the bathrooms should have been the first priority.

Commissioner White inquired about the status of the Crystal Geyser Cabin Bar EIR. Mr. Hart gave the Commission an update on the Crystal Geyser Cabin Bar EIR, indicating that an EIR consultant has been selected and contracts were executed with the consultant firm PCR on February 22, 2011.

Mr. Hart asked the Commission if there is any interest in joining the California Planning Commissioners Association. The Commission agreed that joining the California Planning Commissioners Association would be helpful. Commissioner White indicate that he attended meetings many years ago and he found them useful. Commissioner Little requested that more notice be given to the Commission about California Planning Commissioners Association Conferences.

Commissioner Little inquired about the DWP Land Auction. Mr. Hart stated that 5 of the 24 properties sold. Commissioner Little inquired about the reason that so few properties sold, asking if the reason was price-related or the state of the economy. Commissioner White stated that he believed that the prices listed were in-line with market prices, but the state of the economy may have had an influence on the auction.

ADJOURNMENT - With no further business, Commissioner Wasson adjourned the meeting at 12:26 P.M. to reconvene on Wednesday, April 27th at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared by:
Dan Stewart, Planning Coordinator
Inyo County Planning Department