

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF MARCH 25, 2009 MEETING

### COMMISSIONERS:

WILLIAM STOLL  
CYNTHIA LITTLE  
SAM WASSON  
RICHARD WHITE  
PAUL PAYNE

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

Inyo County Planning Commission  
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### STAFF:

DOUG WILSON  
TED PEDERSEN  
KEVIN CARUNCHIO  
SHARON BIRMINGHAM

ACTING PLANNING DIRECTOR  
PUBLIC WORKS DIRECTOR  
COUNTY ADMINISTRATOR  
PLANNING COMMISSION SECRETARY

TANDA GRETZ  
JOSHUA HART  
ADENA FANSLER

SENIOR PLANNER  
SENIOR PLANNER  
ASSOCIATE PLANNER

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The Inyo County Planning Commission met in regular session on Wednesday, March 25, 2009, in the Board of Supervisor's Room, Administrative Center in Independence, California. Chair Stoll opened the meeting at 10:01 a.m. These minutes are to be considered for approval by the Planning Commission at their next regularly scheduled meeting.

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Chair Stoll took a short recess to allow the Commission to review newly received documents.

Chair Stoll reconvened the meeting at 10:06 a.m.

**ITEM 1: ROLL CALL** - Commissioners: William Stoll, Paul Payne, Sam Wasson, Cynthia Little, and Richard White.

Also present were: Mike Conklin, Interim-Acting Planning Director; Randy Keller, Assistant County Counsel; Josh Hart, Senior Planner; Tanda Gretz, Senior Planner; and Secretary, Sharon Birmingham.

Absent: Doug Wilson, Acting Planning Director  
Kevin Carunchio, County Administrator  
Ted Pedersen, Public Works Director  
Adena Fansler, Associate Planner

**ITEM 2: APPROVAL OF MINUTES (Action Item)** – Approval of Minutes from January 28, 2009 and February 25, 2009.

**MOTION:** Moved by Commissioner White and seconded by Commissioner Wasson to approve the Draft Minutes from January 28, 2009.

The motion passed unanimously.

**MOTION:** Moved by Commissioner White and seconded by Commissioner Wasson to approve the Draft Minutes from February 25, 2009.

The motion passed unanimously.

**ITEM 3:** **ADDITIONS/DELETIONS TO THE AGENDA** – Opportunity for the Commission to add or delete an item on the Agenda.

There were none.

**ITEM 4:** **PUBLIC COMMENT PERIOD** – Opportunity to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

There were none.

**ITEM 5:** **TIME EXTENSION TENTATIVE TRACT MAP NO. 243/VALLEY HOMESTEAD LAND & LIVESTOCK, INC (BARLOW) (Consent Item)** – Applicant requested a one-year time extension.

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner White to approve a one-year time extension for the filing of TTM #243/Valley Homestead Land & Livestock, Inc. (Barlow), as recommended by staff.

The Motion passed unanimously.

**ITEM 6:** **ADMINISTRATIVE REVIEW OF PLANNING RESOLUTION NO. 2009-04 (Consent Item)** – Administrative review and approval of the draft Planning Resolution No. 2009-04 (Conditional Use Permit #2007-03/Coso Operating Company, LLC), adopted by the Commission on March 11, 2009.

(Clerical typo in the Resolution Number only on the Agenda dated March 25, 2009. The number should be corrected from 2009-02 to 2009-04.)

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner Payne to approve Planning Resolution No. 2009-04.

The Motion passed unanimously.

**ITEM 7:** **GENERAL PLAN AMENDMENT NO. 2009-01/KEMP and ZONE RECLASSIFICATION NO. 2009-02/KEMP (Public Hearing and Action Item)** – A Lot Line Adjustment has been requested to relocate property boundaries on several parcels on the Kemp/Lubken Ranch in Alabama Hills located in Lone Pine. Changes to the County's Zoning Map and General Plan Land Use Diagram were requested to make three of the subsequent lots meet the Zoning Ordinance's minimum parcel size and the General Plan's density requirements. The requested changes were as follows: (1)General Plan designation from Agriculture to Rural

Residential Medium Density and (2) the zoning from Open Space with a 40-acre minimum parcel size to Rural Residential with a 2.5-acre minimum parcel size. The applicant has indicated that future home sites are intended for those areas. No other changes to the zoning or General Plan designations for the Ranch were proposed.

Senior Planner, Josh Hart, presented the Staff Report to the Commission.

Chair Stoll opened the public hearing at 10:14 a.m.

Andy Holmes, Triad/Holmes and representative for the applicant, spoke in support of the proposed project.

Commissioner Payne inquired as to the lot disturbance with building of homes.

Mr. Holmes indicated that the process would need to go through the building and safety procedures.

Mike Conklin, Acting Planning Director, informed the Commission that parcel 3 has a manmade irrigation ditch on it.

Commissioner White inquired as to if Hunter Avenue was a county road.

Mr. Holmes responded that Hunter Avenue is a county road.

David Tanksley, local contractor, spoke in support of the proposed project and indicated that it had no conflict with the General Plan.

John Bard, resident of Hunter Avenue in Lone Pine, had concerns with the irrigation channel that might have to be moved and requested that access remain for the Howard property. Mr. Bard also shared concerns regarding density of the proposed project. Mr. Howard indicated that he had no objections to the proposed project.

Scott Kemp, applicant, indicated to the Commission that he wants the irrigation to continue and if not then he would obtain an easement for a pipeline, or re-configure the ditch. Mr. Kemp also indicated that he wanted to keep the access to the irrigation for the Howard property.

Chair Stoll closed the public hearing at 10:30 a.m.

Randy Keller, Assistant County Counsel, requested that the following documents be marked and introduced as evidence:

Exhibit A-Staff Report

Exhibit B-Correspondence dated March 20, 2009 from Mark Liggett

Exhibit C-Aerial Image provided by Resource Concepts, Inc. dated March 20, 2009

**MOTION:** Moved by Commissioner Payne and seconded by Commissioner White to adopt the attached Resolution, recommending that the Board of Supervisors:

1. Find the project exempt from the requirements of the California Environmental Quality Act (CEQA).
2. Make certain Findings with respect to, and approve, General Plan Amendment No. 2009-01 and Zoning Reclassification No. 2009-02/Kemp.

3. Adopt an Ordinance amending the County's zoning map accordingly.

The Motion passed unanimously.

**ITEM 8: GENERAL PLAN HOUSING ELEMENT UPDATE (Public Hearing and Action Item)** – Inyo County is in the process of updating its General Plan Housing Element. The update will incorporate the requirements of new relevant legislation, the Regional Housing Needs Assessment (RHNA) stipulated by the State, and new demographic information. A draft updated Housing Element has been provided for the Planning Commission's review and comment.

Senior Planner, Josh Hart, gave a brief presentation on the update to the Housing Element to the Commission.

Commissioner Wasson had a few corrections/suggestions:

Page 3-5-Site 3-should be northwest of Bishop

Page 57-cost to construct house only

Page 68-Development Fee 3.2.1-replace "development"

Chair Stoll opened the public hearing at 10:45 a.m.

Scott Palamar, expressed concerns with the submittal of the Housing Element being premature as it did not address acquiring Building Permits within the County.

Commissioner Little inquired as to the streamlining of projects.

Senior Planner, Josh Hart, pointed out that there are constraints that apply to each individual proposed project. Also, on page 53, of table 35-fees are addressed. Mr. Hart indicated that he would verify the accuracy of the permit procedures.

Jackie Hickman, resident of Lone Pine, indicated that projects have been time weary. Mrs. Hickman also indicated that the zoning is so prohibitive, and suggesting loosening of the zoning.

David Tanksley, local contractor, provided the Commission with some clarification as to the regulations on water systems.

Gavin Wilkinson, actively pursuing projects within the county has had delayed projects which has increased his costs, and destruction of projects.

Doug Thompson, resident of Lone Pine, commended the county for the tremendous job on processing of applications.

Chair Stoll closed the public hearing at 11:38 a.m.

Staff was directed to modify the policy to encourage the expediting of affordable housing to encompass all housing and consideration of adding administrative processes that can be addressed at a later date during the review of the Zoning Code Update.

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner Little to make the modifications as indicated above and recommend that the Board of Supervisors conceptually adopt the Draft 2009 Housing Element and direct staff to submit the element to the California Department of Housing and Community Development (HCD) for its preliminary review.

The Motion passed unanimously.

Chair Stoll took a brief recess at 11:45 a.m.

Chair Stoll reconvened the meeting at 12:00 p.m.

**ITEM 9: TENTATIVE TRACT MAP #239/WALTERS (Whitney Portal Preserve) (Public Hearing and Action Item)** – In April, 2005, the Inyo County Planning Commission approved this tract map and certified the Final Environmental Impact Report (FEIR) and upon appeal, the project went to the Inyo County Board of Supervisors, and was approved in July, 2005. The project was challenged in court by the Save Round Valley Alliance (SRVA) organization and, on December 17, 2007, the Fourth District Court of appeals 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. In 2008, Planning Staff prepared and circulated the portion of the EIR relating to a land trade with the BLM as the Re-circulated EIR (REIR), and subsequent to additional information, as the Revised Re-circulated EIR (RREIR). The Commission considered both the EIR and Tentative Tract Map #239/Walters.

Assistant County Counsel, Randy Keller, requested the following documents marked and entered as evidence:

Exhibit A-Staff Report

Exhibit B-Correspondence dated March 19, 2009 from Shute, Mihaly & Weinberger

Exhibit C-Correspondence dated March 25, 2009 from Scott Palamar

Exhibit D-Correspondence dated March 24, 2009 from Sierra Watch, Tom Mooers

Senior Planner, Tanda Gretz, presented the Staff Report to the Commission.

Jim Walters, applicant, gave a brief history on the proposed project and complimented staff and spoke in support of the proposed project.

Jaque Hickman, resident of Lone Pine, spoke in support of the proposed project.

David Tanskley, local contractor, spoke in support of the proposed project and the need for an economic edge for the County of Inyo.

Doug Thompson, resident of Lone Pine, spoke in support of the proposed project.

Richard Wren, caretaker near the proposed project site, spoke in support of the preservation of Mt. Whitney, and drainage issues.

Kay Conde, caretaker of Cuff Ranch, spoke to the Commission about support of SB22 (land package) and her support of the proposed project.

Chair Stoll closed the public hearing at 12:37 p.m

The Commission held a brief discussion.

**MOTION:** Moved by Commissioner Payne and seconded by Commissioner White to approve the Resolution Certifying the Final Environmental Impact Report prepared for the Whitney Portal Preserve, and approve Tentative Tract Map #239/Walters.

The Motion passed unanimously.

**COMMISSIONERS' REPORT/COMMENTS** – There were none.

**PLANNING DIRECTOR'S REPORT** – Interim-Acting Planning Director, Mike Conklin, updated the Commission on the Pine Creek Mine project, and the Coso appeal.

**CORRESPONDENCE-INFORMATIONAL** – There were none.

**ADJOURNMENT** - There being no further business, Chair Stoll adjourned the meeting at 12:45 p.m. to reconvene in regular session on Wednesday, April 22, 2009 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared by:

*Sharon M. Birmingham*

Sharon M. Birmingham,  
Secretary To  
Inyo County Planning Commission