

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

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

Inyo County Planning Commission
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CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
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PLANNING DIRECTOR
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
DEPUTY COUNTY COUNSEL

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Planning Commission will be conducting its hearing exclusively via videoconference by which Planning Commission Members and staff will be participating. The videoconference will be accessible to the public by computer, tablet or smartphone at:

<https://us02web.zoom.us/j/87367660103?pwd=eEE1YWJ0bXd5Z0JFTUdlYjFrV0kydz09>

You can also dial in by phone at 1-669-900-6833 Meeting Id: 873 6766 0103 and then enter Passcode: 563573. Public Comment may be provided by emailing the comments prior to the meeting. All emailed comments will be read into the record, and the Planning Commission will take that feedback into consideration as it deliberates. Please send comments to: inyoplanning@inyocounty.us

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).

March 24, 2021

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.

Action
Item

4. **APPROVAL OF MINUTES** – Approval of minutes from the February 24, 2021 Planning Commission Meeting.

Action
Item
Public
Hearing

5. **CONDITIONAL USE PERMIT-2020-10/DESERT GREEN - DISTRIBUTION** - The applicant has applied for a Conditional Use Permit. The applicant has met the application requirements for a CUP in Charleston View, in southeast Inyo County, and is seeking approval for a cannabis distribution facility, which is permitted as a conditional use for the property, following approval from the Inyo Planning Commission.

Action
Item
Public
Hearing

6. **CONDITIONAL USE PERMIT-2020-11/DESERT GREENS - CULTIVATION** - The applicant has applied for a Conditional Use Permit. The applicant has met the application requirements for a CUP in Charleston View, in southeast Inyo County, and is seeking approval for a cultivation site, which is permitted as a conditional use for the property, following approval from the Inyo Planning Commission.

Action
Item
Public
Hearing

7. **RENEWABLE ENERGY PERMIT-2021-01/BARKER** - The applicant is applying for a Renewable Energy Permit to construct a 2 megawatt (MW) photovoltaic solar facility using 5,400 fixed tilt or single-axis tracker solar panels. The project site is located on two 5-acre parcels that are highly disturbed with no natural vegetation or structures on site.

Public
Workshop

8. **Workshop** - The Planning Commission is hosting a public workshop for the County's 2021 Housing Element Update. Every jurisdiction in the State of California is required to have a General Plan. It is a jurisdiction's road map for land use development. Each general plan must have 7 mandatory elements. These are: Land Use, Open Space, Conservation, Circulation, Noise, Safety and Housing. The Housing Element is the only element in the General Plan that must be regularly updated, per State law. This is because all local governments must adequately plan to meet the housing needs of the community. Inyo County's Housing Element is on an 8-year cycle and is scheduled to be updated this year 2021.

COMMISSIONERS' REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR'S REPORT

Planning Director, Cathreen Richards, will update the Commission on various topics.

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF FEBRUARY 24, 2021 MEETING

COMMISSIONERS:

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

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

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STAFF:

CATHREEN RICHARDS
GRACE CHUHLA
PAULA RIESEN
CLINT QUILTER
MIKE ERRANTE

PLANNING DIRECTOR
DEPUTY COUNTY COUNSEL
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, February 24, 2021, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:02 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 10:02 a.m.

ITEM 2: **ROLL CALL** - Commissioners: Caitlin Morley, Todd Vogel, Frank Stewart, Callie Peek and Scott Kemp were present.

Staff present: Cathreen Richards, Planning Director; Paula Riesen, Project Coordinator, and Grace Chuhla, Deputy County Counsel.

Staff absent: Clint Quilter, 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 the Public Comment Period at 10:03 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:03 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the January 27, 2021 meeting of the Planning Commission.

MOTION: Commissioner Frank Stewart made the motion to approve the minutes. Then the motion was seconded by Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

The Motion passed 5-0 at 10:04 a.m.

ITEM 5: **2020 ANNUAL PROGRESS REPORT** - Staff will give a presentation to the Planning Commission summarizing the Inyo County 2020 Annual Progress Report.

Cathreen Richards, Planning Director, presented staff report, which summarized the permits and projects from the year 2020.

In conclusion Director Richards wanted to give a loud and proud shout out to the Planning Commission and her staff for getting through a very difficult year and getting the job done well.

Chair Morley stated it was really impressive all of the work that has been done even with the unusual circumstances of this year.

Commissioner Stewart commented that just reading the summary and the work that went into the summary shows the tip of the ice burg of all of the work that has been done and would like to congratulate Cathreen on the work and especially in light of this difficult year.

Chair Morley then asked if Planning is fully staffed at this time?

Director Richards then explained that Planning Department has been down a staff member for a full year. Starting March 4, 2021 there will be a new Assistant Planner, Graham Meese.

Chair Morley then asked if there were any more questions or comments. With that Chair Morley thanked staff for the report and stated it was really impressive work from the Inyo County staff over the last year.

ITEM 6: **Workshop** - Staff will conduct a public workshop with the Planning Commission on the Vacant Lands Inventory and Zoning/General Plan Evaluations for Possible Changes to Promote Housing Opportunities and provide comments and direction to staff regarding the project and parcel selection for the EIR.

Cathreen Richards, Planning Director, presented staff report.

Ms. Richards presented a power point describing the project, with maps showing possible areas for General Plan and zoning designation changes.

There are 41 potential Parcels for designation changes, 14 with designations other than the Central Business District, and 27 in the Central Business District.

The parcels without the Central Business designation are the ones being used for the project description for the Environmental Impact Report, as they will be proposed for changes to the General Plan Designation. Other parcels only have proposed zoning changes, so they won't require the same level of CEQA review as the other ones due to not needed increases in allowed density.

Commissioner Stewart asked the specific locations of the four parcels identified in the Bishop area.

- First location is South of town, on Highway 395. Is that the County yard right below it?

Director Richards pointed out the County parcel and the adjacent parcel as DWP. As of right now it is zoned Open Space and Agriculture the idea is to change the zoning to Central Business District that way a mixed use commercial development could be built there in if the right developer comes along.

- Commissioner Stewart also asked if the second and third locations are on South Street.

Director Richards agreed that they are directly south of South Street.

- Fourth location is east of See Vee Lane and Highway 395.

Director Richards agreed and stated that it is adjacent to the Mobile Home Park and didn't have a lot of environmental constraints on the official review.

Commissioner Peek asked how many of the identified vacant lands are in Agricultural production.

Director Richards said none of them have grazing leases based on a constraints report created for the City of Bishop.

Commissioner Peek said the lower one on Highway 395 is pasture right now with cattle in it.

Director Richards said the information used was from the results of the Bishop Constraints study and it wasn't listed as range land on there. If so that will come out in the Environmental Impact Report.

Commissioner Peek stated that she also believes that the South Street land is pasture also.

Director Richards reiterated that again that will come out of the EIR review.

Commissioner Peek said that the definition of vacant lands is range land, is what came up with the safe parking project.

Director Richards said let's not confuse our terminology, the vacant open space designation does not necessarily mean there are cows on it right now. Vacant and Open Space designated land very frequently includes range land and agricultural land. The information used for this process was the Bishop Constraints study and it did not identify DWP grazing leases on them. Again, the EIR will identify this.

Chair Morley said it seems several of the proposed changes will be eliminating the need to get a CUP. What is the general cost of a CUP? Another way of asking it is on average what is the cost of a CUP? How much would an applicant save with not having to get a CUP?

Director Richards stated that the beauty of not having to get discretionary approval and that includes CUPs, is that the CEQA review is already completed and a potential developer will not have to prepare one or have to get Planning Commission approval. Which is why we are doing the CEQA on these particular parcels as part of this project. It will eliminate the need for a CUP and CEQA so it does cut down the cost. Our Conditional Use Permits are around 1,500.00 to apply for and we also require a fee agreement from the applicant so that if we do get into a situation that is more complicated and it is taking a lot of staff time or requires a more extensive CEQA review, we charge them more. I think in general we usually go over a little bit more but not way over, but the actual dollar amount I can't really answer that. Paula do you have a sense of what we charge?

Project Coordinator, Paula Riesen stated that we generally stay within the 1,500.00 dollars, if we do go over it is about 3,000.00 and that is a general number.

Chair Morley was happy with that number. She just wanted a ball park number of what the applicants are saving. So it is substantial amount of money for people going through that process.

Director Richards stated that CUPs usually get more expensive because of CEQA issues. Such as, we might start with you need to provide a cultural and/or a Biological study, it opens a large can of worms so to speak.

Chair Morley then asked Ms. Richards for a slight overview or what the possible timeline could be.

Director Richards stated that the CEQA could take 6 months and we are shooting for the end of the year. We will come back to the Commission with updates and then for the Commission's recommendations on the possible General Plan and zoning changes.

COMMISSIONERS' REPORT/COMMENTS –

Chair Kate Morley was hoping for some news on the Round Valley Bridge.

Commissioner Stewart said the residents received a letter from Public Works about three months ago stating the construction contract was to be awarded at an upcoming Board of Supervisors meeting. He did hear it supposedly would be done before the run off this spring, but has not heard anything else.

Chair Morley wanted to share that currently there is a Caltrans survey of potential modification's to our crosswalks. She wants to encourage everyone to spread the word and ask people to provide their feedback.

DIRECTOR'S REPORT –

Director Richards wanted to inform the Commission that the Board of Supervisors did uphold the decision of the appeal for the IMACA Homeless Parking Project. The decision nulls and voids the Commission's approval of the Conditional Use Permit. Also, please be available for the March Planning Commission meeting March 24. We have three items and an informational item on the Housing Element.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 10:46 am. The next meeting will be set for be March 24, 2021, at 10:00 a.m.

Motion by Commissioner Frank Stewart.

Seconded by Commissioner Todd Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Kate Morley – Yes
Todd Vogel – Yes
Frank Stewart – Yes
Scott Kemp – Yes
Callie Peek - Yes

Motion passed 5-0.

Prepared by:
Paula Riesen
Inyo County Planning Department



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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: March 24, 2021

SUBJECT: Conditional Use Permit (CUP) 2020-10/Desert Greens Distribution

EXECUTIVE SUMMARY

The applicant has applied for a CUP to operate a cannabis distribution facility located at 127 Old Spanish Trail Highway, in the community of Charleston View. The project will include a 4,800 ft² building that includes a storage room, shipping and receiving area, multiple office rooms, a restroom, and a security room (site plan attached). The applicant has been approved by the Board of Supervisors for a Cannabis Distribution License.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Desert Greens LLC – 485 Morro Bay Blvd, Suite 102, Morro Bay CA 93442

Property Owner: Spencer McNeal & Jonathan Faltz – 3230 Winmoor Dr., Ljamsville MD 21754

Site Address: 127 Old Spanish Trail Highway, Charleston View, CA 92389

Community: Charleston View

A.P.N.: 048-391-07

General Plan: Resort Recreational (REC)

Zoning: Highway Services & Tourist Commercial (C2-2.5)

Size of Parcel: 2.27 acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	vacant	Resort Recreational (REC)	(C2) Highway Services & Tourist Commercial
North	vacant	Open Space & Recreation (OSR)	(OS-40) Open Space
East	vacant	Resort Recreational (REC)	(C2) Highway Services & Tourist Commercial
South	vacant	Rural Residential Medium Density (RRM)	(RR) Rural Residential
West	vacant	Resort Recreational	(C2) Highway Services & Tourist Commercial

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2020-10/Desert Greens Distribution and find the project is a Negative Declaration under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Steve Karamitros

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to operate a cannabis distribution facility located at 127 Old Spanish Trail Highway in the community of Charleston View. This facility will facilitate the storage and transportation of cannabis and includes a 4,800 ft² building. The property is zoned Highway Services & Tourist Commercial C2, which allows for cannabis distribution activities with a CUP. This is a remote area of the County that primarily has open, vacant, land with some scattered residential development. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county regulation.

Vicinity Map



Project location



The building site, currently



General Plan Consistency

The goal of this project is to allow a cannabis distribution facility for the storage and transportation of cannabis products for commercial sale. The project is consistent with the General Plan designation of REC as it allows for commercial uses, including general stores, *service stations*, and similar compatible uses. The distribution facility facilitates the transportation of cannabis goods between licensees, arranging for the testing of retail products, and ensuring compliance with packaging and labeling requirements. Economic Policy Goal: ED-3.1 states that the County should “Encourage the development of retail-establishments that will reduce resident spending out of the County for retail purchases, services and entertainment.” This facility compliments another project, proposed by the applicant, for cannabis cultivation on the adjacent parcel to the south. As these uses (cultivation & distribution) would serve retail cannabis businesses, encouraging local and visitor spending within Inyo County, the project is consistent with Goal ED 3.1.

Zoning Ordinance Consistency

The C2 zoning designation allows for a variety of highway and tourist related enterprises, including “warehouses and storage facilities” [ICC 18.48.030(G)] with a Conditional Use Permit. The C2 zone also allows, with a conditional use permit, cannabis distribution activities [ICC 18.48.030(R)]. This zone requires 1-parking space for every 300-square-foot of usable floor area. The total square footage of the distribution building is 4,800 ft², requiring 16 parking spaces. There are no yard setbacks for this zoning designation. All of these factors make the project consistent with the C2 zone.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-10/Desert Greens Distribution is a Negative Declaration under CEQA. The applicant has incorporated design measures (listed below) as conditions of approval for the issuance of the conditional use permit, to ensure any future impacts are avoided.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on January 15, 2020 about the project and the opportunity for consultation. The tribes that were notified are: Big Pine Tribe of 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 Mission Indians and the Torrez Martinez Desert Cahuilla Indians.

Staff received no comments from the public. Since the Tribe did not provide comments or schedule a formal consultation meeting within this 30-day period, the County, per Public Resources Code 21082.3 (d)(2) has considered the consultation process complete and is asking the Planning Commission to certify the Negative Declaration of Environmental Impact. No other Tribes have requested consultation on the project.

NOTICING & REVIEW

The application for CUP 2020-10/Desert Greens Distribution has been reviewed by the appropriate county departments and no issues were reported.

Since no comments were provided and no formal consultation meeting date requested, staff submitted the Negative Declaration of impacts under CEQA. A Notice of Availability of the Negative Declaration was advertised in the *Inyo Register* on February 16, 2021, initiating a 21-day public review. The document was posted on the County's Planning Department webpage. No public comments were received.

The public hearing for CUP 2020-10/Desert Greens was noticed on March 9, 2021 in the *Inyo Register* and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2020-10/Desert Greens Distribution, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is a Negative Declaration under CEQA and the provisions of the California Environmental Quality Act have been satisfied. *[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 21-day public comment period ended on March 8, 2021. No additional*

potentially significant environmental impacts from the construction and operation of the cannabis distribution project were identified in the course of that circulation, nor were any comments received.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Resort Recreational (REC).
[Evidence: The goal of this project is to allow for a cannabis distributor in a remote part of the County with minimal development. The project is consistent with the General Plan designation of REC as it allows for commercial uses, including general stores and service stations. The REC General Plan designation is compatible with the existing C2 zoning designation, which allows for cannabis distribution with a CUP. It is also compatible with the General Plan's Economic Development Policy ED-3.1 to "encourage the development of retail establishments that will reduce spending outside of the County" as this license will assist all cannabis cultivators in the County to get their products to County retail markets. The applicant is proposing to distribute cannabis products. The target cliental is retailers throughout the County. As this use would serve retail and cultivation cannabis businesses, encouraging local and visitor spending within Inyo County, the project is consistent with Goal ED 3.1]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits "commercial cannabis activities" as a conditional use in the C2 zone.
[Evidence: Highway Services & Tourist Commerical 18.48 (C2) allows for highway and tourist related enterprises. The C2 zone under 18.48.030(R) allows, with a conditional use permit, commercial cannabis distribution activities. The applicant has applied for the conditional use permit to operate Desert Greens in compliance with the County's zoning ordinance and upon approval will be consistent with the County's Zoning Ordinance.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element's Goal ED- 3.1 states: "Encourage the development of retail establishments that will reduce resident spending outside the County for retail purchases, services, and entertainment. Cannabis distribution is a crucial element within the cannabis industry supply chain, facilitating the movement of cannabis products among cultivators, manufacturers, and retailers within the County. The applicant expects Desert Greens to serve both cliental within the County and beyond. This is desirable as evidenced by the County's General Plan.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a cannabis distribution facility. It will not cause impacts on transportation or service facilities in the vicinity as the project's entrance and exit are on a dirt service road, and no County maintained roads will altered or affected. The project does not create a

significant amount of additional people or vehicles in the area. There will be roughly 2-5 employee vehicles entering and exiting each day, and a company distribution vehicle will make roughly 3 trips per week from the facility. Per ICC 18.48.080, the applicant has designed the appropriate number of parking spaces (1 space per 300 ft² of usable floor area) with a total of 24 spaces. The parking areas will be located on the project parcel and a utility service road is already established to provide vehicular access to the project site.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for a cannabis distribution facility. This building will not change or increase the current level or general type of allowed uses in the Charleston View area. The proposed security plan for Desert Greens – cannabis distribution was reviewed by the Sheriff's Department as a business license requirement and the project was evaluated by the Southern Inyo Fire District. Neither had any comments of concern; therefore, it has been determined that the project will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: A commercial cannabis distribution activity requires a conditional use permit per Inyo County Code Section 18.48.030(R) and is therefore necessary for the operation of Desert Greens.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/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 Conditional Use Permit No. CUP 2020-10/Desert Greens Distribution. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. The applicant shall consult with the County Environmental Health Department and follow any regulations provided for by them regarding well and septic development.

4. **Biology** - The applicant shall conduct pre-construction botanical and wildlife surveys to ensure the absence of sensitive plant or animal species on the project site.
5. **Building & Safety** - Prior to ground disturbing activities, the applicant shall work with the County Building and Safety Department to ensure building best management practices, and proper water drainage designs are in place, that meet all applicable state and federal regulations.
6. The applicant shall work with the Lahontan Regional Water Quality Board (R6) to ensure compliance with the State's Cannabis General Order (General waste discharge requirements and waiver of waste discharge requirements for discharges of waste associated with cannabis cultivation activities).



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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: January 27, 2021

SUBJECT: Conditional Use Permit (CUP) 2020-11/Desert Greens Cultivation

EXECUTIVE SUMMARY

The applicant has applied for a CUP for the cultivation of cannabis on an approximate 2.5-acre parcel located at 206 E. Hall Lane in the community of Charleston View, in southeast Inyo County. The project will develop 43,560 ft² (just under 1 acre) of outdoor cultivation, with a canvas protectant, and includes a 2,500 ft² warehouse building for the harvesting, drying, curing, and storing of cannabis plants. The applicant has been approved by the Board of Supervisors for a Cannabis Retail Business License.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Desert Greens LLC – 485 Morro Bay Blvd, Suite 102, Morro Bay CA 93442

Property Owner: Spencer McNeal & Jonathan Faltz – 3230 Winmoor Dr., Ljamsville MD 21754

Site Address: 206 E. Hall Ln, Charleston View, CA 92389

Community: Charleston View

A.P.N.: 048-391-10

General Plan: Rural Residential Medium Density (RRM)

Zoning: Rural Residential (RR)

Size of Parcel: Approximately 2.5-acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	vacant	(RRM) Residential Medium Density	(RR) Rural Residential
North	vacant	Resort Recreational (REC)	(C2) Highway Services & Tourist Commercial
East	vacant	Rural Residential Medium Density (RRM)	(RR) Rural Residential
South	Single family home	Rural Residential Medium Density (RRM)	(RR) Rural Residential
West	vacant	Rural Residential Medium Density (RRM)	(RR) Rural Residential

Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2020-11/Desert Greens Cultivation and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Steve Karamitros

STAFF ANALYSIS

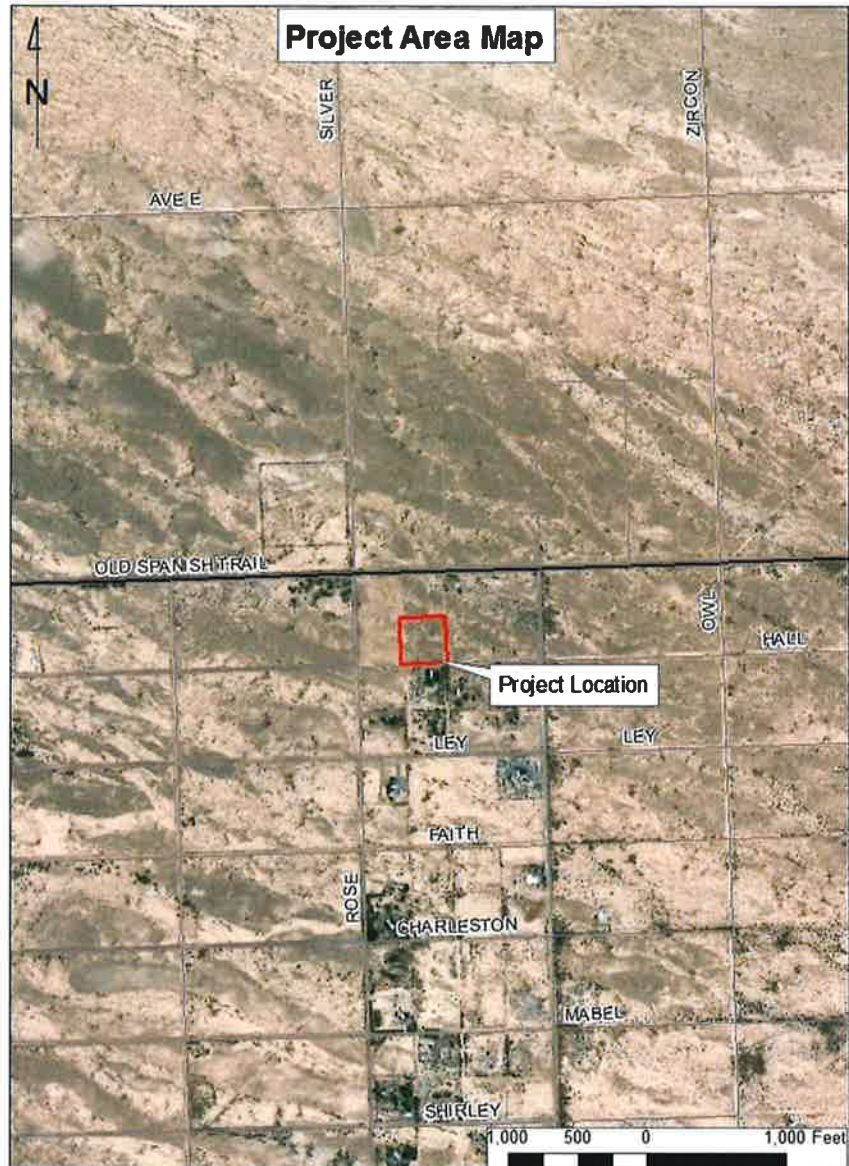
Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis cultivation operation located on the 206 E. Hall Lane, in the community of Charleston View. This operation proposes to grow, harvest, dry and cure cannabis plants over approximately one acre (43,560 ft²) of outdoor space at the project site (Site Plan attached). The property is zoned Rural Residential, which allows for cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. This is a remote area of the County that primarily has open, vacant, land with some scattered residential development. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county cannabis exclusion regulations.

Approximate Location



Project location



General Plan Consistency

The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan designation of RRM as it provides for the continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 3-15 people and will not create a significant increase in population. The RRM General Plan designation is compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agricultural in nature and is on the periphery of residential use activities. The actual growing will take place outdoors, in 3' x 3' planter boxes, configured at the northeastern side of the property to mitigate noise and odor and maximize the distance from local residents. The closest residence is located across the road, on the south side of the property, at 127 E. Hall Lane. For this reason, the cultivation setback from E. Hall Ln is approximately 82 ft. The setback from the western lot line (technically the rear yard of the project) is 12 ft., since this property is privately owned, but currently vacant. The parcels to the north and east are both owned by the applicant, so an effort was made to situate the project close to the northeast section of the property. Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements and it is at the discretion of the Planning Commission to apply more or less in the way of setbacks as they see fit for the particulars of specific projects.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-11/Desert Greens Cultivation is a Negative Declaration under CEQA. The applicant has incorporated design measures (listed below) as conditions of approval for the issuance of the conditional use permit, to ensure any future impacts are avoided.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on January 15, 2020 about the project and the opportunity for consultation. The tribes that were notified are: Big Pine Tribe of 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 Mission Indians and the Torrez Martinez Desert Cahuilla Indians.

Staff received no comments from the public. Since the Tribe did not provide comments or schedule a formal consultation meeting within this 30-day period, the County, per Public Resources Code 21082.3 (d)(2), has considered the consultation process complete and is asking the Planning Commission to certify the Negative Declaration of Environmental Impact. No other Tribes have requested consultation on the project.

NOTICING & REVIEW

The application for CUP 2020-11/Desert Greens Cultivation has been reviewed by the appropriate county departments and no issues were reported.

Since no comments were provided and no formal consultation meeting date requested, staff submitted the Negative Declaration of impacts under CEQA. A Notice of Availability of the Negative Declaration was advertised in the *Inyo Register* on February 16, 2021, initiating a 21-day public review. The document was posted on the County's Planning Department webpage. No public comments were received.

The public hearing for CUP 2020-11/Desert Greens Cultivation was noticed on March 9, 2021 in the *Inyo Register* and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2020-11/Desert Greens Cultivation, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15304, Minor Alterations to Land – Class 4 and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 21-day public comment period ended on March 8, 2021. No additional potentially significant environmental impacts from the construction and operation of the cannabis cultivation project were identified in the course of that circulation, nor were any comments received.]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential Medium Density (RRM).
[Evidence: The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan designation of RRM as it provides for the

continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 5-7 people and will not create a significant increase in population. The RRM General Plan designation is compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential zone on parcels 2.5-acres or greater in Charleston View.
[Evidence: The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and is on the periphery of residential use activities. The actual growing will take place outdoors, in 3' x 3' planter boxes, configured at the center of the parcel to mitigate noise and odor. The applicant has set the project's side yard setback (on the southern lot line) to 82 ft, in order to reduce effects from potential fugitive dust and odors for the only residence near the project, located at 127 E. Hall Lane. The front (east side) and other side yard (north) setbacks have been reduced as much as possible, given that the applicant owns those properties. The western setback has been extended as much as possible, while still allowing for the space needed for the project (harvesters working in margins of 3 ft. between the windrows). Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements and it is at the discretion of the Planning Commission to apply more or less in the way of setbacks as they see fit for the particulars of specific projects.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is... highly dependent on a number of activities that occur throughout the County... including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.' The applicant has stated that Desert Greens expects to produce cannabis plants that will serve County businesses and consumers, as well as, other markets in the State making this a desirable project with regard to the County's economy.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a commercial cannabis cultivation establishment to operate in a remote, rural, area. It is related to the current and historic rural, agriculture and open space nature of the area and will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. There is no set requirement for the number of parking spaces for this commercial use; however, the applicant has designed the project to accommodate over 15 vehicles, corresponding to the maximum number of personnel on site, when the project is fully developed. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Charleston View area. The proposed security plan for Desert Greens – cannabis cultivation was reviewed by the Sheriff's Department as a business license requirement and the project was evaluated by the Southern Inyo Fire District. Neither had any comments of concern; therefore, it has been determined that the project will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Commercial cannabis cultivation requires a conditional use permit per Inyo County Code Section 18.21.040(1) and is therefore necessary for the operation of Desert Greens.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/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 Conditional Use Permit No. CUP 2020-11/Desert Greens Cultivation. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. The applicant shall consult with the County Environmental Health Department and follow any regulations provided for by them regarding well and septic development.
4. Biological - The applicant shall conduct pre-construction botanical and wildlife surveys to ensure the absence of sensitive plant or animal species on the project site.
5. Wastewater - The applicant shall provide evidence that a proper wastewater plan for the project is in place prior to obtaining a building permit, approved by the County Environmental Health Department. Per the Lahontan Waterboard, the plan shall show that either:
 - a. Wastewater will be collected in a sealed container and hauled for disposal at a permitted facility; or,
 - b. Separate regulatory authorization is obtained for onsite disposal of the cannabis wastewater by enrollment under the Small Industrial General Order. Disposal to land is prohibited unless this authorization is obtained.
6. The applicant shall conduct pre-construction botanical and wildlife surveys to ensure the absence of sensitive plant or animal species on the project site.
7. Visual Resources - The applicant shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.



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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** March 24, 2021

SUBJECT: Renewable Energy Permit No. 2021-01/Barker & Addendum to the Negative Declaration of Environmental Impact (ND) prepared for Renewable Energy Permit 2018-01/Barker

EXECUTIVE SUMMARY

The applicant (Robbie Barker) is reapplying for a Renewable Energy Permit, located on two private parcels, in Trona. The original permit application was approved by Planning Commission on July 25, 2018; however, the applicant was unable to prepare the required Reclamation Plan within one year, and the permit lapsed. This permit would allow the applicant to construct a proposed 2 megawatt (MW) photovoltaic solar facility that uses approximately 5,400 fixed tilt or single axis tracker solar panels. The project covers 10 acres of pre-disturbed, graded land, which occasionally was used for the storage of miscellaneous equipment.

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: Robbie Barker

Site Address: Trona, CA 93592

Community: Bishop, CA

A.P.N.: 038-330-47; 038-330-48

General Plan: Residential Estate (RE); Rural Protection (RP)

Zoning: Rural Residential-5.0 acre minimum (RR-5.0-MH)

Size of Parcel: 10 acres (5 acres/parcel)

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	undeveloped	Residential Estate (RE); Rural Protection (RP)	Rural Residential-5.0 acre min (RR-5.0-MH)

North	Developed	Residential Estate (RE)	Rural Residential-5.0 acre min (RR-5.0-MH)
East	Undeveloped	State & Federal Lands (SFL)-BLM	Open Space-40 acre min
South	Undeveloped	Residential Estate (RE); Retail Commercial (RC)	Rural Residential-5.0 acre min (RR-5.0-MH); Highway Services & Tourist Commercial-2.5 acre min (C2-2.5-MH)
West	Undeveloped	Residential Estate (RE)	Rural Residential-5.0 acre min (RR-5.0-MH);

Staff Recommended Action: Approve the Renewable Energy Permit 2021-01/Barker

- Alternatives:**
- 1.) Deny the Renewable Energy Permit
 - 2.) Approve the Renewable Energy Permit with current additional conditions of approval, or approve with additional conditions of approval.
 - 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Steve Karamitros

STAFF ANALYSIS

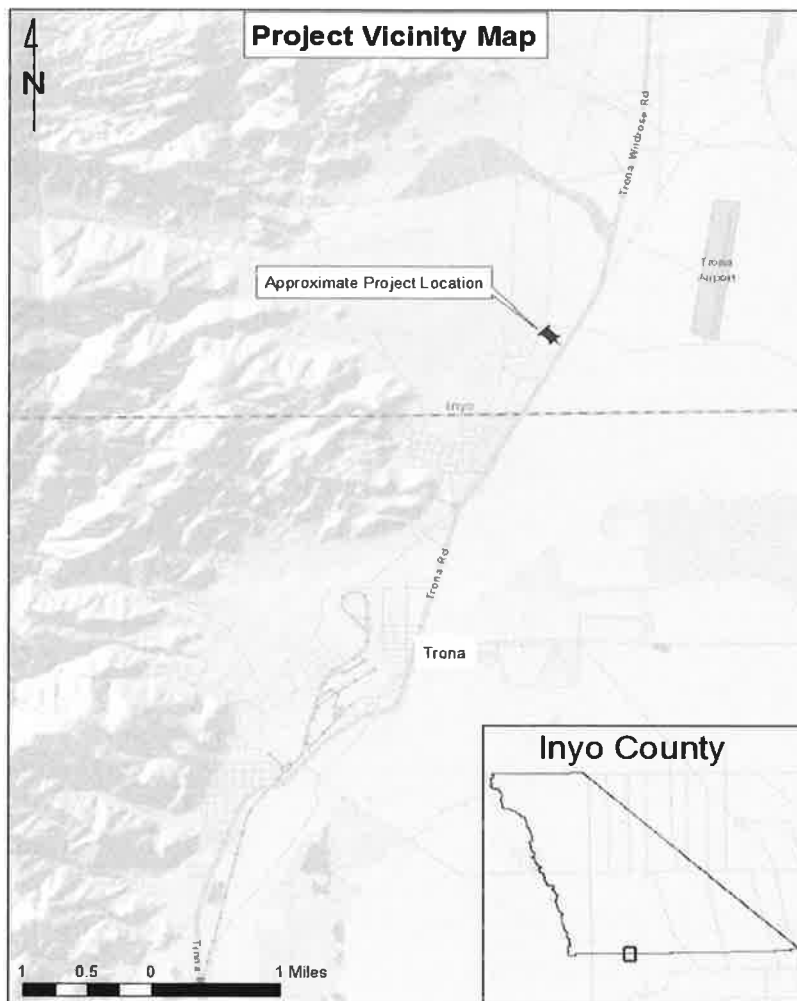
Background and Overview

The applicant has reapplied for a Renewable Energy Permit from the Inyo County Planning Department, to construct a 2 MW photovoltaic solar energy facility on two parcels, privately owned by Robbie Barker (APNs:038-330-47; 038-330-48). The project was originally approved by Planning Commission on July 25, 2018. Subsequent to approval, the applicant was unable to secure a Reclamation & Revegetation Plan, required as a Condition of Approval for the permit and pursuant to Inyo County Code (ICC) 21.20.030, and therefore the permit lapsed. The applicant, having secured the required Reclamation & Revegetation Plan, has also made modifications to the project design. The project would construct 5,400 fixed tilt or single-axis tracker solar panels, an increase of 1,900 panels from the original design. It should be noted that this change does not increase the impact of the project’s footprint. The design change increases the area of solar panel coverage by nineteen percent, primarily across the highly disturbed eastern edge of APN: 038-330-48, adjacent to Trona Wildrose Rd.; however, this additional area was previously analyzed for environmental impacts. The solar project’s new designs meet the yard setbacks required by the RR zoning, as previously approved by Planning Commission in 2018. This solar project will connect to Southern California Edison’s transmission and distribution infrastructure, helping the State meet its greenhouse gas emission reduction targets by producing carbon neutral electricity.

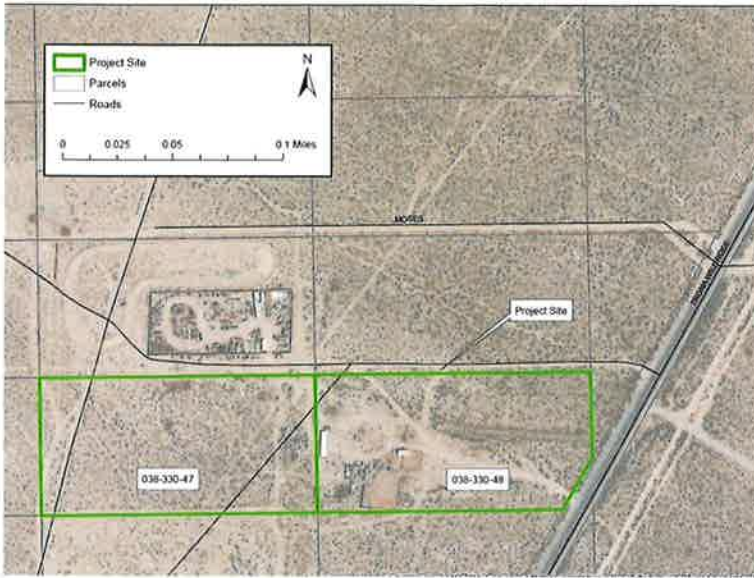
The project site is located on land that is highly disturbed with no natural vegetation, with heavy weed control having been performed in the past. The project area is surrounded by undeveloped land to the west, south and east. The land to the east, across Trona Wildrose Road, consists of over four thousand acres of vacant land owned by the Bureau of Land Management. The private land to the north of the project site is scattered with miscellaneous equipment.

The proposed application for a Renewable Energy Permit aligns 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 application for this permit has met the requirements of the Inyo County Planning Department and, per County Code Section 21.16.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Renewable Energy Permit.

Vicinity Location Map



Site location for photovoltaic solar panels



General Plan Consistency

The goal of this review is to allow the applicant to develop a renewable solar project in compliance with the County's Renewable Energy General Plan Amendment (REGPA), as well as Title 21 of Inyo County Code. The proposed project is consistent with the goals and policies of the Inyo County REGPA, as adopted by the Inyo County Board of Supervisors in 2015. The finalized Program EIR of the 2015 REGPA defines commercial scale renewable energy facilities as having a 20 MW capacity or less. The current project has a rated capacity of 2 MW. Since the developer is planning a small scale project, they have applied for a renewable energy permit, per the requirements of Title 21 of the Inyo County Code. Furthermore, County land use policy requires that commercial scale renewable energy projects be considered within Solar Energy Development Areas (SEDA) overlays. This project is within the County's Southern Solar Energy Group, in Trona, California (REGPA 2015, figure ES-1). The project aligns with the County's goals and objectives to utilize photovoltaic panels, the only type of solar technology currently supported by ICC, for renewable energy development projects. Finally, recent land use implementation measures explicitly state that small scale, community scale, and commercial scale renewable projects will be encouraged and prioritized over larger, utility scale projects (REGPA, final Errata to final EIR, pg. 3).

Zoning Ordinance Consistency

The applicant's parcels are zoned Rural Residential-5.0 acre min (RR-5.0-MH). The *Final Errata to the Final Program Environmental Report* for the *Inyo County Renewable Energy General Plan Amendment* (REGPA), adopted in March 2015 by the Inyo Board of Supervisors, states: "...the County may consider utility scale and commercial scale renewable energy solar facilities within any zoning district under Title 18 of the Inyo County Code and pursuant to Inyo County Code Title 21" (REGPA, Errata, pg. 2). The REGPA created new land use policy that allowed applicants to apply for commercial scale renewable energy permits, regardless of zoning designation; however, approval of these projects is still reserved for the Planning Commission.

ADDENDUM TO THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT (ND) FOR RENEWABLE ENERGY PERMIT 2018-01/BARKER

STAFF ANALYSIS

Background and Overview

The applicant Robbie Barker has performed an Addendum (attached) to the ND that was prepared for Renewable Energy Permit 2018-01/Barker because there was a change made to the original project description (ie. electrical capacity) under CEQA. The Addendum is appropriate because, although the power capacity is increasing, there will be no added impact to environmental resources.

Renewable Energy Permit 2021-01/Barker & 2018-01/Barker were not treated as exempted from CEQA analysis. An Initial Study with a Negative Declaration was performed, which considered possible significant impacts to environmental resources. This Negative Declaration was certified when Planning Commission approved the original permit (2018-01/Barker) in July 2018. Furthermore, the County of Inyo produced a program level EIR (2015 REGPA), pursuant to Section 15168 of CEQA Guidelines, to address environmental impacts from the planned solar development areas. This document distinguishes all SEDAs that are the most environmentally suitable for solar projects, with the least amount of individual and cumulative impacts to land and resources (2015 REGPA, 3-4). Although the REGPA notes that solar facilities with a capacity of 20 MW or less should be considered exempted from further analysis, an Initial Study was performed to look at environmental resources occurring locally on the project site.

The Inyo County Planning Department received feedback on the environmental document from California Department of Fish and Wildlife On July 9, 2018, which has been included in this analysis. Staff has written instructions for minimizing potential impacts to environmental resources, and these are included as recommended Conditions of Approval for this permit. These conditions include adhering to County light and glare standards, and preconstruction Presence/Absence Surveys for Mohave ground squirrel, desert tortoise, and Burrowing Owl. If any of these species are identified in surveys, a qualified biologist will create avoidance and or mitigation measures for the applicant to follow.

ENVIRONMENTAL REVIEW

A Negative Declaration and Initial Study for the project was prepared and circulated for a 30-day review and comment period from June-July 2018. Comments were received from CDFW regarding potential impacts wildlife. Preconstruction botanical and wildlife surveys were incorporated into the project's design as Conditions of Approval for the Renewable Energy Permit 2018-01/Barker, and will be adhered to in updated permit (2021-01/Barker). These conditions were developed to make sure any environmental impacts were avoided. There are no potential significant impacts to resources.

The original Renewable Energy Permit (2018-01/Barker) has lapsed, as the permittee was unable to secure a Reclamation Plan, as required by ICC 21.20.030. This has necessitated the applicant to reapply for their permit. In addition, a modified project description that doubles the project's electrical capacity requires a re-evaluation of the CEQA determination. The area of solar paneling coverage has been increased by 19% with the new project design. This increase is occurring within the original project footprint, on property that was previously evaluated for impacts (IS/ND 2018). This increase in electrical capacity does not present additional or new impacts that were *not* addressed in the original ND prepared for the Renewable Energy Permit 2018-01/Barker. Potential visual (glare) or biological resources, as identified in the original ND, are unchanged by the project's increased capacity. In either case, preconstruction surveys are necessary and the applicant will still have to adhere to County Light & Glare standards; therefore, no subsequent Negative Declaration or Environmental Impact Report is required pursuant to CEQA Guidelines, Section 15162(a).

RECOMMENDATION

Planning Department staff recommends the Planning Commission Certify the Addendum to the ND, and that it does not require a subsequent environmental document as discussed in the findings listed below. The Addendum will then be attached and become part of the original ND.

Findings

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed improvements to the Barker solar energy project, as discussed below:

1. No substantial changes will result from the construction of the photovoltaic solar project, as required by a condition of approval for CUP 2021-01/Barker that will require major revisions to the previous ND, as there are no new significant effects or substantial increases in the severity of previously identified significant effects.

The proposed project is consistent with the environmental analysis provided in the ND Prepared for Barker photovoltaic solar Project. The project impact area is unchanged; biological and cultural resource surveys supplied by the applicant showed no significant impacts from the project on plants, animals or cultural resources; and, the project area is subject to the same conditions of approval that were required for the original project.

2. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous ND due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.
Staff has analyzed the proposed project and found that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity. All conditions of previously approved for Renewable Energy Permit 2018-01/Barker will apply to the power capacity increase for the new project (Renewable Energy Permit 2021-01/Barker). As a result, no substantial changes in the circumstances or severity of previously identified effects are expected to occur from the proposed photovoltaic solar project.

3. No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous ND was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed photovoltaic solar project:

- A. One or more significant effects not discussed previously.

The proposed project is to increase the number of fixed tilt or single-axis tracker solar panels from 3,500 (originally proposed and approved for Renewable Energy Permit 2018-01/Barker) to 5,400 panels (Renewable Energy Permit 2021-01/Barker). This is not a substantial change and the project does not cause new impacts that were not evaluated in the certified ND prepared for Renewable Energy Permit 2018-01/Barker.

- B. Significant effects previously examined will be substantially more severe.

There are no significant environmental effects identified in the area subject to the photovoltaic solar project that were previously identified significant and can be substantially more severe, as this 10-acre area is highly disturbed, having been graded several times in the past; biological and cultural resource surveys showed no significant impacts from the project on plants, animal or cultural resources. The

project area is also subject to the conditions of approval as set forth for in Renewable Energy Permit 2018-01/Barker.

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project.

There were no mitigation measures or alternatives identified in the ND prepared for Renewable Energy Permit 2018-01/Barker that were found not to be feasible, that would in fact be feasible, and would substantially reduce one or more significant effects of the project that the project proponents declined to adopt. The original ND provided for conditions of approval for the project that apply to the original project area and are being implemented by the applicant for the new energy permit, which is being applied for due to the lapse of the previous approved permit.

- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

All conditions of approval identified for Renewable Energy Permit 2018-01/Barker, have been adopted and are being complied with by the applicant. The area subject to the increased electrical capacity improvements is small and already highly disturbed; biological and cultural resource documentation showed no significant impacts, from the increase in solar panels, on plants, animal or cultural resources; the actual area affected by the new project will be nearly identical to the original; and, this area is also subject to the conditions of approval as set forth in Renewable Energy Permit 2018-01/Barker; therefore, no new mitigation measures are necessary.

None of the above-specified conditions apply to the proposed construction of the photovoltaic solar energy project; therefore, no subsequent environmental document is required. Consideration of this addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.

Residents within 300 feet of the proposed rental were notified that an application for a Renewable Energy Permit was being submitted, and staff noticed these residents regarding the public hearing date. Notice of Availability of the Initial Study was published in the *Inyo Register* on June 7, 2018. The Notice of Determination for the Negative Declaration was filed with the State Clearinghouse on July 31, 2018. The CEQA Addendum will be appended to this ND. Notification of today's public hearing was published in the *Inyo Register* on March 9, 2021. No comments have been received to date.

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, and the Timbisha Shoshone Tribe.

Inyo County received a response from the Twenty-Nine Palms Band of Mission Indians stating that there were no known archaeological/cultural resources that pertained to the Twenty-Nine Palms Band of Mission Indians; however, the project is located within the Chemehuevi Traditional Use Area (TUA). For this reason, the County is in consultation with the tribal THPO to manage any possible cultural/archaeological resources that may be discovered. The Timbisha Shoshone Tribe indicated they might be interested, but decided not to formally request consultation.

**NEWABLE ENERGY PERMIT 2021-01/BARKER
RECOMMENDATION**

Planning Department staff recommends the approval of Renewable Energy Permit 2021-01/Barker, with the following Findings and Conditions of Approval:

FINDINGS:

1. The proposed Renewable Energy Permit has met the provisions of necessary review, pursuant to the California Environmental Quality Act.
[Evidence: The Inyo County 2015 REGPA, the Initial Study for this project (June 2018), and the addition to the Conditions of Approval recommended for this permit, have eliminated the potential for adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively.]
2. The proposed Renewable Energy Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential/ Solar Energy Development Area (SEDA), as adopted by Inyo County.
[Evidence: In 2015, Inyo County updated its General Plan to include policies for solar energy development within the County. New goals, policies, implementation measures, and actual sites, were identified in locations referred to in the REGPA as Solar Energy Development Areas. The current project falls within Inyo County's southern SEDA and therefore has consistency with the General Plan.]
3. The proposed Renewable Energy Permit is consistent with the Inyo County Zoning Ordinance.
[Evidence: As stated above, utility scale and commercial scale renewable energy solar facilities are allowed within any zoning district, under Title 18 of the Inyo County Code, and pursuant to Inyo County Code Title 21. The new land use policy created by the REGPA means that applications will be considered regardless of zoning designation, with approval of the permit decided by the Planning Commission.]
4. The proposed Renewable Energy Permit is necessary or desirable.
[Evidence: In 2015, the Inyo County Board of Supervisors decided it was necessary to adopt new land use policies that were consistent with and met the broader goals and visions for the County as expressed in the General Plan. These amended land use policies regulate and direct the type, siting, and size of potential future renewable energy development within the County. Given that the applicant is within the southern SEDA, their permit is consistent with what the County has deemed necessary and desirable (REGPA, ES-2, 2015).]
5. The proposed Renewable Energy Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed Renewable Energy Permit is properly related to transportation and service facilities and will not adversely affect these facilities. The project is located in an area where it can interconnect to Southern California Edison's electrical transmission lines. This project is secluded enough to avoid burdens to Inyo County maintained roads, in this case Trona Wildrose Road. Additionally, it is over a mile away from the Trona airport.]
6. The proposed Renewable Energy Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[The proposed Renewable Energy Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application.]

7. Operating requirements necessitate the proposed Renewable Energy Permit for the site.
[Evidence: Use of the applicant's property for a photovoltaic power plant or solar energy system requires a Renewable Energy Permit, as per Chapter 21.08 of the Inyo County Code.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant 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 Renewable Energy Permit No. 2021-01/ Barker. The County reserves the right to prepare its own defense.

2. Avoid Environmental Impacts

The applicant shall perform preconstruction Presence/Absence Surveys for Mohave ground squirrel, desert tortoise, and Burrowing Owl. If any of these species are identified in surveys, a qualified biologist, in cooperation with CDFW, will create avoidance and or minimization measures for the applicant to follow.

3. Insurance & Reclamation Plan

As per section 21.20.040 of ICC, the applicant shall have secured financial assurance/surety bond, in the amount of the estimated reclamation costs provided in the Removal Cost Estimate (\$103,932), prior to the issuance of grading or building permits. As per section 21.20.030, the applicant shall have produced a decommissioning/reclamation plan prior to the issuance of grading or building permits.

Attachments:

- Draft Addendum
- Final ND
- Site plan



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NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INITIAL STUDY

PROJECT TITLE: Renewable Energy Permit (Solar 2018-01/Barker)

PROJECT LOCATION: The project site is located approximately 3 miles north of the unincorporated community of Trona, California. The Trona airport sits roughly 1.3 miles to the northeast. The property is on private land owned by Robbie Barker, with an Assessor's Parcel Number of 038-330-47 & 038-330-48.

PROJECT DESCRIPTION: The applicant is applying for a Renewable Energy Permit to construct a 1 megawatt (MW) photovoltaic solar facility using 3,500 fixed tilt or single-axis tracker solar panels. The project site is located on two 5-acre parcels that are highly disturbed with no natural vegetation or structures on site. The project is also devoid of natural habitat and weed control has been performed in the past.

FINDINGS:

- A. The proposed project is consistent with goals and objectives of the Inyo County General Plan.

The proposed project is consistent with the goals and policies of the Inyo County Renewable Energy General Plan Amendment (REGPA) as adopted by the Inyo County Board of Supervisors in 2015. The finalized Program EIR of the 2015 REGPA defines commercial scale renewable energy facilities as having a 1 MW capacity or less. The current project has a rated capacity of 1 MW. Since the developer is planning a small scale project, they have applied for a renewable energy permit, per the requirements of Title 21 of the Inyo County Code. Furthermore, County land use policy requires that commercial scale renewable energy projects be considered within Solar Energy Development Areas (SEDA) overlays. This project sits within the County's Southern Solar Energy Group, in Trona, California (REGPA 2015, figure ES-1). The project aligns with the County's goals and objectives in that it utilizes photovoltaic panels, the only type of solar technology currently supported for renewable energy development projects. Finally, recent land use implementation measures explicitly state that small scale, community scale, and commercial scale renewable projects will be encouraged and prioritized over larger, utility scale projects (REGPA, final Errata to final EIR, pg. 3).

- B. The proposed project is consistent with the provisions of the Inyo County Zoning Ordinance.

The proposed project is consistent with the Single Residence or Mobile Home Combined (RMH) zoning designation. Chapter 18.36.040 allows for "utility or public service facility" projects as a conditional use. Therefore, with approval from the Inyo Planning Commission, the proposed project will be consistent with the Inyo County Zoning Code. Furthermore, renewable solar projects are allowed on any zoning designation if they are located within a Solar Energy Development Area (SEDA).

- C. Potential adverse environmental impacts will not exceed thresholds of significance, either individually or cumulatively.

Based on the information provided by the applicant and Planning staff review, Renewable Energy Permit "Solar 2018-01/Barker" does not have potential adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively. The County of Inyo produced a program level EIR (2015 REGPA), pursuant to Section 15168 of CEQA Guidelines, to address environmental impacts from the planned solar development areas. This document distinguishes all SEDAs that are the most environmentally suitable for solar projects, with the least amount of individual and cumulative impacts to land and resources (2015 REGPA, 3-4). The current project is within the southern SEDA and is covered by this EIR.

- D. Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

As conditions of approval for the project, the owner/contractor shall implement the following measures when preparing for construction, in order to minimize potential impacts to the surrounding environmental resources:

- Visual effects from the project (contrasts between the solar arrays and surrounding landscape) will be minimized using colors that blend with the surrounding landscape and do not create excessive glare. Surfaces or structures that are visible from public viewpoints shall be treated so that (1) their colors minimize visual contrast by blending with the surrounding landscape and (2) their colors and finishes do not create excessive glare. Treatments may include tinting or painting in earth tone colors that blend with surrounding desert and mountains. Materials, coatings, or paints having little or no reflectivity shall be used.
- Intentional killing or collection of any plant or wildlife species shall be prohibited. If listed or Special-status wildlife species are observed during construction, they shall not be handled or forcibly removed from the project site without prior authorization from the Inyo County Department of Planning, in coordination with the California Department of Fish & Wildlife.

The 30-day public & State agency review period for this Negative Declaration will expire on **July 5, 2018**. Inyo County is not required to respond to any comments received after this date.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner Steve Karamitros (760-878-0268) if you have any questions regarding this project.



Cathreen Richards
Director, Inyo County Planning Department



Date

INYO COUNTY PLANNING DEPARTMENT

CEQA APPENDIX G: INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoPlanning@inyocounty.us

INYO COUNTY PLANNING DEPARTMENT

APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

1. **Project title:** Renewable Energy Permit (Solar 2018-01/Barker).
2. **Lead agency name and address:** Inyo County Planning Department, 168 N. Edwards St., P.O. Drawer L, Independence, CA 93526
3. **Contact person and phone number:** Steve Karamitros, Senior Planner, (760) 878-0268
4. **Project location:** The project site is located approximately 3 miles north of the unincorporated community of Trona, California. The Trona airport sits roughly 1.3 miles to the northeast. The property is on private land owned by Robbie Barker.
5. **Project sponsor's name and address:** Robbie Barker, 19346 D Street Trona, California 93592
6. **General Plan designation:** Residential Estate (RE), Rural Protection (RP), SEDA overlay
7. **Zoning:** Rural Residential (RR) & Rural Protection (RP)
8. **Description of project:** The project proposes to construct a 1 megawatt (MW) photovoltaic solar facility using 3,500 fixed tilt or single-axis tracker solar panels and a battery energy storage system. The project site is located on two, privately owned 5-acre parcels.
9. **Surrounding land uses and setting:** Briefly describe the project's surroundings:

The property is surrounded by undeveloped land, sparse residential dwellings, and commercial uses (such as equipment storage). Developed areas include the Trona Airport, scattered residences, and scrap yards. The surrounding parcels are highly disturbed, devoid of plants or native habitat. Weed abatement has been performed throughout the area.

Location:	Use:	Gen. Plan Designation	Zoning
West	unused	Residential Estate (RE)	Single Residence/Mobile Home Combined (RMH-5.0)
North	home dwelling/storage	Residential Estate (RE)	Single Residence/Mobile Home Combined (RMH-5.0)
East	vacant	State/Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
South	unused	Residential Estate (RE) & Retail Commercial (RC)	Single Residence/Mobile Home Combined (RMH-5.0) & Highway Services & tourist commercial (C2-2.5)

10. Other public agencies whose approval is required: Inyo County Environmental Health Department and the Inyo County Public Works Department.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, and the Timbisha Shoshone Tribe.

Inyo County received a response from the Twenty-Nine Palms Band of Mission Indians stating that there were no known archaeological/cultural resources that pertained to the Twenty-Nine Palms Band of Mission Indians; however, the project is located within the Chemehuevi Traditional Use Area (TUA). For this reason, the County is in consultation with the tribal THPO to manage any possible cultural/archaeological resources that may be discovered.

10. Other public agencies whose approval is required: Inyo County Environmental Health Department and the Inyo County Public Works Department.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics Resources	<input type="checkbox"/> Agriculture & Forestry	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance
	<input type="checkbox"/> Tribal Cultural Resources	

DETERMINATION: (To be completed by the Lead Agency) 0238

On the basis of this initial evaluation:


I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Steve Karamitros, Senior Planner
Inyo County Planning Department

6-1-2018
Date

INYO COUNTY PLANNING DEPARTMENT ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?

The proposed project is within a Class III rated area, according to the BLM's "visual resource inventory" (VRM). This class represents a 'moderate' visual value, and the Bureau's objective is to partially retain the existing character of the landscape. Possible changes to scenic vistas (due to changes in the visually unified natural landscapes, strong geometric lines and contrasts) will be addressed through project design to avoid significant impacts to visual resources.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No, the lot has previously been disturbed with roads, storage units, and weed abatement. It is devoid of natural resources such as rock outcroppings and trees.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No, the site is barren of natural resources and is surrounded by owners that frequently use the area for storage and scrap yards.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Due to their small size (1 MW) and location, this project would not impact day or nighttime views. The County applied a set of criteria that included avoidance of areas containing scenic resources when identifying the proposed SEDAs. The boundaries and locations of the SEDAs have been sited in areas where there is no abundance of scenic resources within the SEDA boundaries themselves. Given the extent of visual resources present within the County and balancing the achievement of other criteria for identification of the SEDAs, it is not possible to completely avoid all areas designated as having scenic qualities (2015 REGPA, 4.1-15). Conditions of approval for the project, as stated above, will keep effects on the scenic quality of the area to a level below significance.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including The Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology Provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No, the project does not convert prime farmland, unique farmland, or farmland of Statewide importance to non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No conflicts with zoning for agriculture. There are no Williamson Act Contracts in Inyo County.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No, the proposed project site does not include forest land or timber land.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No, the proposed project site does not include forest land.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No, the proposed project site does not currently contain Farmland and is not conducive to future use as Farmland.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No, control of air quality issues during construction, primarily dust mitigation, will be managed with construction BMPs as designed by the contractor. It will not conflict with an air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No, the proposed project will be in compliance with current air quality standards.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The operation of the solar project is not anticipated to result in a substantial increase in vehicular or stationary emissions once installed. As a result, long term NO_x, VOC, and PM₁₀ emissions resulting from the project operation is anticipated to be below applicable thresholds. In addition, implementation of the 2015 REGPA would reduce region-wide emissions by promoting facilities that generate energy from sustainable sources, such as solar, which are not dependent on combustion of fossil fuels to supply energy needs for the region. Therefore, the project would not contribute to a cumulatively considerable net increase in nonattainment pollutants during operation and impacts would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

No, the proposed project will not expose sensitive receptors to any new substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?

The proposed project will not produce objectionable odors during the life of the operation. The project will use typical construction techniques and the odors would be typical of most construction sites and temporary in nature.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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There are no CDFW or USFWS designated special status species found on the proposed project site. The project will not have a substantial adverse effect on any species identified as a candidate, sensitive or special status species (2015 REGPA, 4.4-56). If sensitive plant or animal species are observed, biological avoidance measures will begin. See biological conditions of approval above.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, there is no identified riparian habitat on the project site, or in close proximity, that would be affected by the project. The USFWS National Wetlands Inventory (USFWS 2014b) shows no freshwater wetlands near the project site. No protected natural areas are located within the SEDA (2015 REGPA, 4.4-56).

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, there are no federally protected wetlands on the project site, nor would the nature of the project cause fill material or project contaminants to enter flowing water.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no water bodies on the project site or in adjacent areas. Inyo California towhee critical habitat is located in the Argus Mountains, over two miles away to the west.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project aligns with the 2015 REGPA, which delineates areas for solar development based on the dearth of affected natural resources in those areas.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the area of the proposed project has been designed in conformance to the Renewable Energy General Plan Amendment (2015).

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No, the project will not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No, the project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. If any archaeological or cultural resources are discovered on the site, work shall immediately desist and Inyo County staff shall be immediately notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The County will then work with the operator and local tribal members, including tribal THPOs, to develop a plan for preservation, protection or relocation of the resource. Therefore, the proposed project will not cause an adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No, the proposed project properties have no known paleontological resources, so the proposed project will not directly or indirectly destroy a unique paleontological resource.

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

No known human remains or burial sites are on the property. Refer to the response to V b) for the potential for archaeological resources. While unlikely, human remains are a potential archaeological resource, and will be handled similar to other archaeological resources, as outlined in V b)

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no Alquist-Priolo Earthquake Fault zones near the proposed project site. Nothing about the project or proposed operation puts people or structures at adverse risk.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Ground shaking may occur anywhere in the region, but compared to much of the rest of California, this is a less than average seismically active area. The California Building Code ensures that structures be constructed to required seismic standards in order to withstand such shaking, so this potential impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No the proposed project is not within an area of soils know to be subject to liquefaction.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project is not in an area subject to landslides.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project will result in the disturbance of previously graded and disturbed soil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project properties are not located on a geologic unit or soil that is unstable. The project is based upon plans prepared by a licensed professional engineer and surveyor.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project is not located in an area with a known expansive soil type.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Soils are compatible with septic tanks and other waste water disposal systems.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS:

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

No, the proposed project will not generate greenhouse gas emissions during construction (the use of heavy equipment and trucks to bring equipment and or remove material from the site) that significantly impact the environment. The solar development will aid in the reduction of fugitive dust as a result of the project. When placed perpendicular to primary wind direction, solar arrays effectively block wind and dust.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No, the proposed project will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gasses.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

No, the proposed project will produce a small amount of waste associated with maintenance activities. Photovoltaic wastes include broken and rusted metal, defective or malfunctioning modules, electrical materials, and empty containers and other miscellaneous solid materials. Most of this material will be collected and delivered back to the manufacturer for recycling.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No, the proposed project will not involve the use of a significant hazardous material. No significant hazard to the public or environment through a reasonably foreseeable upset or accident that could result in the release of hazardous materials is anticipated.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No, the proposed project is not within one-quarter mile of an existing or proposed school, nor will it emit hazardous emissions, or handle acutely hazardous materials, substances or waste.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No, the proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project does not pose a danger to maintenance workers since this is not a public use airport, nor is it used with enough frequency to pose a danger to anyone working in the project area.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project is located 1.3 miles from the Trona Airport; however, the nature of the project means that personnel will only be on-sight briefly for maintenance work.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not physically interfere with an adopted emergency plan or emergency evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, risk of loss, injury and death involving wildland fires is minimal from this project. Fire risks are moderate at the project site, and no areas in proximity can be considered urbanized. While residences are in proximity, the desert scrub is a lower hazard than most wildland habitats, and the proposed project does little to add to the wildfire risk in the area.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project will not violate any water quality standards or waste discharge requirements. The project will be subject to regulation by the Lahontan Regional Water Quality Control Board and the Inyo County Environmental Health Department. Preconstruction surveys would be performed and sediment and erosion controls would be installed in accordance with an approved Storm Water Pollution Prevention Plan (SWPPP). Stabilized construction entrance and exits would be installed at driveways to reduce tracking of sediment onto adjacent public roadways.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not have any effect on local groundwater. All water needs (primarily for dust mitigation) will be supplied by mobile trucks and or tanks supplying water to the job site. Water demands are estimated at 40,000 gallons/week (dust control and site preparation) and will be trucked-in to the job site from the applicant's wells (S. Barker Construction of Trona will provide water from their wells in the Panamint Valley).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>No drainage patterns will be altered by this project. Other than rare storm related run-off situations, no water passes over or through the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site? <i>No drainage patterns or rates of runoff will be altered by this project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>The project should not have substantial changes to runoff patterns (and that runoff should not be polluted) from existing patterns.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>No, the proposed project is not anticipated to have any impact on water quality.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>No, the proposed project does not involve housing, nor is it in a 100-year flood hazard area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>No, the project is not in a 100-year flood hazard area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>No, the proposed project site is not in an area subject to flooding due to the failure of a levee or dam.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>No, the proposed project site is not in an area subject to seiches, tsunamis, or mudflows.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community? <i>No, the proposed project does not physically divide an established community.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is consistent with the current zoning and helps to meet the goals for renewable energy generation for the southern portion of the County, as described in the Inyo County 2015 REGPA. This area of Trona is explicitly called out as part of the southern SEDA.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not conflict with any habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project makes use of underdeveloped land. The surrounding area is residential and used for storage and or refuse areas. No extraction of mineral resources is being foregone by this project.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no locally-important mineral resources being foregone as a result of this project.

XII. NOISE: Would the project result in the:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Construction related effects to sensitive receptors include grading activities, engine noise from trucks, and placement of the arrayed units on the land. Decibels should not spike 100 for local receptors in residential Trona, approximately .75 miles away. The Occupational Safety and Health Administration (OSHA) allows for decibels of 90 for an 8 hour day and 100 for a limit of 2 hours. Effects to sensitive receptors will be minimized with construction during daytime business hours.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, exposure to noise levels will be primarily airborne, and groundborne vibrations will be brief.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Noise levels will be minimal due to the nature of the project. Ambient noise produced from moving solar arrays will not likely be detected to local receptors. Noise from maintenance will be minimal and infrequent.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Noise levels at their maximum in the nearby community will be comparable to the daytime ambient noise created by the proposed project. The nature of the noise will most likely be the turning of the solar arrays and maintenance vehicles that periodically enter the project.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Trona airport is not public, nor is it used with enough frequency to create excessive noise levels to personnel on the project site.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the proposed project is near a private airstrip with only intermittent noise.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is not likely to induce population growth. The project site requires few operations and maintenance personnel. Rather, the project will offset current usage of electricity with a renewable source.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not displace existing housing or create a situation where replacement housing will be necessary. No housing currently exists on the project site.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not displace people, or create a situation where replacement housing will be necessary.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No new fire protection services will be required because of this project.

Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No new police protection services will be required because of this project.

Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No new school service will be required because of this project.

Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No new parks will be required because of this project.

Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not create a need for additional public services.

XV. RECREATION: Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not increase the use of existing recreational facilities. No portion of this project anticipates any change in the level of service required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project does not include, nor will it cause, a need for an increase in parks or other recreational facilities that might have an adverse physical effect on the environment.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not cause a significant increase in traffic which is substantial in relation to the existing traffic load or capacity of the street system.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the LOS on the county roads should not be affected by the proposed project.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project will not result in changes to air traffic patterns or increased traffic that could result in substantial safety risks.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project will not result in any design features for transportation that increase hazard. Autos and trucks will be accommodated on a parking lot on the project site.

e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Emergency access will be available.

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project will be able to provide parking for construction and maintenance crews to park and stage vehicles.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not significantly increase traffic, and therefore, will not affect public transit, bicycle or pedestrian facilities. Because of the extremely remote nature of the project location, few alternative transportation opportunities exist, but those that do would be unchanged by this project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVII. TRIBAL CULTURAL RESOURCES -- Would the project:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

No, the proposed project does not encompass a resource eligible for listing in the California Register of Historical Resources, or in a local register or historical resources as defined in Public Resource Code section 5020.1(k). If any archaeological or cultural resources are discovered on the site, work shall immediately desist and Inyo County staff shall be immediately notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No, the proposed project does not encompass a resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of the Public Resource Code section 5024.1. See also the response to XVII a)

XVIII UTILITIES AND SERVICE SYSTEMS --

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No, the proposed business would not require any wastewater treatment.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No, the proposed project would not result in the construction of new or expanded water or wastewater treatment facilities.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No, the proposed project will not require new or expanded storm water drainage facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Any necessary water for construction shall be trucked into the site by the applicant from their wells in Panamint Valley, with no impact to local water resources expected.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not have any measureable impact on area wastewater treatment.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project will not require changes to the current solid waste capacity to accommodate it. Solid waste needs for the project will be minimal. Most of the volume of solid waste (scrap metals, electrical equipment, and proprietary solar array features) will be collected and recycled with the manufacturer.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project and any future development will comply with the related solid waste requirements.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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No, the project will not impact or degrade the quality of the environment. The project has two areas of concern for potential degradation. First is the possibility of visual impacts from elevated areas that look into the southern SEDA. The contractor shall prepare a visual study from a licensed landscape architect to create a site specific group of any minimization or mitigation measures, if needed. Visual mitigation may include paint designs or shielding to reduce contrast and color discrepancies with the surrounding environment. These impacts will be reduced to a level below significance. The project may also affect biological resources, plant or animal species; however, any impacts will be reduced to a level below significance using preconstruction botanical and wildlife surveys as well as preconstruction training for all workers, by a certified biologist.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the proposed project does not have impacts that are individually limited, but cumulatively considerable. Due to the sparseness of the natural environment and lack of plant or animal habitat, this location is well suited for solar development. More generation capacity may be added to the southern SEDA in Inyo County, but this cumulative effect would still be minimal given the lack of affected resources in the area.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No, the proposed project has no known environmental effects which will cause substantial adverse effects on human beings either directly or indirectly.

**Addendum No. 1 to the Negative Declaration of Environmental Impact
Prepared for Robbie Barker project Renewable Energy Permit 2018-01**

[State Clearinghouse No. 2018061007]

This Addendum has been prepared pursuant to the California Environmental Quality Act (CEQA) in order to evaluate a proposed 2 Megawatt (MW) photovoltaic solar facility project. This project covers two parcels, and the entire area was evaluated in the original Initial Study and Draft Negative Declaration (IS/ND). The project was approved by the Inyo County Planning Commission on July 25, 2018. The permit subsequently lapsed due to inactivity, on the part of the applicant, toward the permitted use. The applicant has reapplied for the renewable energy permit (Renewable Energy Permit 2021-01/Barker), which includes an updated project description that increases the project's capacity. The new renewable energy permit increases the capacity of the project, from 1 MW to 2 MW, and the applicant will adhere to the setback requirements for the property, and the conditions of approval as they relate to possible environmental impacts from the project. The capacity increase is due to advances in technology that have occurred since the original application filing date. Due to these technologies, the Project can double its capacity without no new impacts to resources.

Authority

CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 indicate, in part, that an addendum to a Negative Declaration may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The decision-making bodies shall consider the addendum prior to making a decision on the project. The addendum need not be circulated for public review.

Project Description

The proposed renewable energy permit will allow the applicant to construct a 2 megawatt (2MW) photovoltaic solar facility using approximately 5,400 fixed tilt or single-axis tracker panels on the site. This increases the number of solar panels by 1,900. The layout of the single axis tracker solar panels would be aligned in rows in the north-south direction (or in an east-west direction if a fixed tilt tracking system were used instead). The maximum height of the single axis tracker solar panels would be up to 12 feet above grade at the beginning and end of each day. A fixed tilt tracking system would be less than 12 feet high. Each solar panel would be attached to embedded piers using a support structure. Module layout and spacing is typically optimized to balance energy production versus peak capacity and depends on the sun angles and shading due to the surrounding horizon of the site. The AC-DC electrical collection system includes all cables and combiners that collect electricity from panels, delivers it to the inverters, collects it from the inverters, and delivers it to the Project switching stations. The facility would require up to 20 inverters. The project also includes a storage shed for the 2 MW project, which would consist of solar energy meters, an air temperature sensor and wind anemometer. An on-site solar meteorological station and a wind anemometer would have an estimated height of approximately 15 feet. The Project includes a point of interconnection to an existing SCE 33 kV transmission line that bisects the properties. It should also be noted that the original project area was evaluated under the original ND.

Negative Declaration- Renewable Energy Permit 2018-01/Barker

The ND prepared for the original renewable energy permit application, certified in July 2018, evaluated the project through an Initial Study (IS). The ISND identified several avoidance and minimization measures that were incorporated into project design, as conditions of approval for issuance of the permit, to avoid potentially significant impacts. No additional area has been added to the project as part of this addendum. In addition, Inyo County Code 21.20.030 requires renewable energy permits to have a reclamation plans prepared for the eventual decommissioning of the site at the end of the project's life.

Need for an Addendum to the Original ND Renewable Energy Permit 2018-01/Barker

The proposed doubling of capacity to the design of the Barker renewable energy project does not affect the project footprint, as delineated in the 2018 ND, which was prepared and certified for the project, as illustrated in the study area maps (attached).

Specifically, CEQA Guidelines Section 15162 notes that once an Negative Declaration has been certified for a project, the preparation of a subsequent Negative Declaration is not necessary unless the lead agency for the project (in this case, Inyo County) determines that "substantial changes" are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that there is no need for a subsequent Negative Declaration, based on:

1. The project area being affected is the same under either capacity scenario, whether 1 MW or 2 MW of capacity
2. Biological and Cultural resource surveys showed no significant impacts from the project's footprint;
3. The new design of the project will be subject to the same avoidance and minimization measures, and conditions of approval, as Renewable Energy Permit 2018-01/Barker, approved with CEQA certification on July 25, 2018.

CEQA Guidelines Section 15164 notes that such an Addendum to a Negative Declaration should be prepared by the lead agency for a project. The Guidelines further note that an Addendum is appropriate "if some changes or additions are necessary but none of the conditions described in (CEQA Guidelines) Section 15162 calling for preparation of a subsequent Negative Declaration have occurred." Staff has determined this to be the case as the solar energy project will not affect an area that was not already evaluated under the original ISND, with a total area (5 acres per property) of 10 acres. The increase in electrical capacity, due to equipment improvements does not constitute a substantial change to, or substantial new information about, the project environmental impacts. It does constitute a change in the project description, given the doubling of electrical capacity and for this reason the addendum is meant to reflect this change.

CEQA Guidelines Section 15164 also states an Addendum to an EIR or Negative Declaration "need not be circulated for public review but can be included in or attached to a final EIR or

adopted negative declaration” for the project. As a result, staff has not circulated this Addendum to the ND for public review, but rather has included it as an attachment to the original ND prepared for the Renewable Energy Permit 2018-01/Barker.

Findings

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed left hand turn lane for the Barker solar project, as discussed below:

1. No substantial changes will result from the construction of the photovoltaic solar project, as required by a condition of approval for CUP 2021-01/Barker that will require major revisions to the previous ND, as there are no new significant effects or substantial increases in the severity of previously identified significant effects.

The proposed project is consistent with the environmental analysis provided in the ND Prepared for Barker photovoltaic solar Project. The project impact area is unchanged; biological and cultural resource surveys supplied by the applicant showed no significant impacts from the project on plants, animals or cultural resources; and, the project area is subject to the same conditions of approval that were required for the original project.

2. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous ND due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

Staff has analyzed the proposed project and found that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity. All conditions of previously approved for Renewable Energy Permit 2018-01/Barker will apply to the power capacity increase for the new project (Renewable Energy Permit 2021-01/Barker). As a result, no substantial changes in the circumstances or severity of previously identified effects are expected to occur from the proposed photovoltaic solar project.

3. No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous ND was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed photovoltaic solar project:

- A. One or more significant effects not discussed previously.

The proposed project is to increase the number of fixed tilt or single-axis tracker solar panels from 3,500 (originally proposed and approved for Renewable Energy Permit 2018-01/Barker) to 5,400 panels (Renewable Energy Permit 2021-01/Barker). This is not a substantial change and the project does not cause new impacts that were not evaluated in the certified ND prepared for Renewable Energy Permit 2018-01/Barker.

- B. Significant effects previously examined will be substantially more severe.

There are no significant environmental effects identified in the area subject to the photovoltaic solar project that were previously identified significant and can be

substantially more severe, as this 10-acre area is highly disturbed, having been graded several times in the past; biological and cultural resource surveys showed no significant impacts from the project on plants, animal or cultural resources. The project area is also subject to the conditions of approval as set forth for in Renewable Energy Permit 2018-01/Barker.

C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project. *There were no mitigation measures or alternatives identified in the ND prepared for Renewable Energy Permit 2018-01/Barker that were found not to be feasible, that would in fact be feasible, and would substantially reduce one or more significant effects of the project that the project proponents declined to adopt. The original ND provided for conditions of approval for the project that apply to the original project area and are being implemented by the applicant for the new energy permit, which is being applied for due to the lapse of the previous approved permit.*

D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

All conditions of approval identified for Renewable Energy Permit 2018-01/Barker, have been adopted and are being complied with by the applicant. The area subject to the increased electrical capacity improvements is small and already highly disturbed; biological and cultural resource documentation showed no significant impacts, from the increase in solar panels, on plants, animal or cultural resources; the actual area affected by the new project will be nearly identical to the original; and, this area is also subject to the conditions of approval as set forth in Renewable Energy Permit 2018-01/Barker; therefore, no new mitigation measures are necessary. In addition, one of the design features added as a Condition of Approval has been removed, which is the treatment of the solar paneling to address light and glare. The applicant will still be required to follow County light & glare policy (VIS-1.6-Control of Light & Glare). After further review of the design, the condition was removed because (1) there are no sensitive receptors in the area and (2) the solar site is not near a major state highway, nor would it impact traffic in a way that is hazardous. Furthermore, the 2015 REGPA notes that such analysis is not needed for projects that fall within the Solar Energy Development Overlay.

None of the above-specified conditions apply to the proposed construction of the photovoltaic solar energy project; therefore, no subsequent environmental document is required.

Consideration of this addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.

ROBBIE BARKER
ELECTRICAL ENGINEER
1548 J ST., TRONA, CA 92582
(925) 284-1111



SCALE:
3 1/4"=1'-0"

PROJECT NAME:
TRONA SOLAR 3

PROJECT ADDRESS:
9 1/2 NW 1/4 SE 1/4 NE 1/4 SEC
35 27P AS RISE
INVO 038-330-33
35 805078 - 117 201415'

FOR INTERCONNECTION

PROJECT SUMMARY:
SYSTEM SIZE (KW DC): 188
SYSTEM SIZE (KW AC): 200
DC/AC RATIO: 1.105

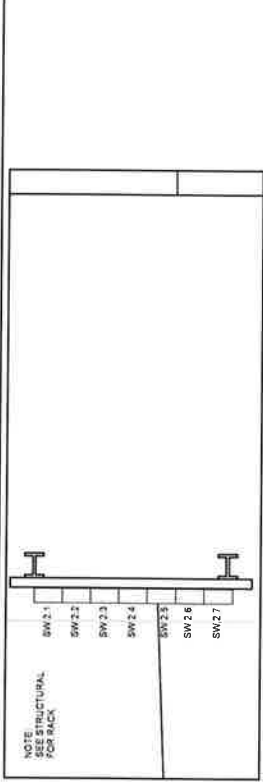
INVERTER:
MTC POWER ELECTRONICS
MODEL: PHE100011
POWER: 100KW

MODULES:
MTC A MODEL: LONG LIFE 72W 370W
MODULE: 370
MODULE STRING: 28
STRING: 12
STRING INVERTER: (1) 100 KW

REMARKS:
1. ALL SYSTEMS SHALL BE PERMITTED BY THE LOCAL JURISDICTION.
2. THE SINGLE LINE TRACKER SHALL BE PERMITTED BY THE LOCAL JURISDICTION.
3. ALL SYSTEMS SHALL BE PERMITTED BY THE LOCAL JURISDICTION.

NO.	DATE	DESCRIPTION
1	10/15/2014	ISSUED FOR PERMIT
2	10/15/2014	ISSUED FOR PERMIT
3	10/15/2014	ISSUED FOR PERMIT
4	10/15/2014	ISSUED FOR PERMIT
5	10/15/2014	ISSUED FOR PERMIT
6	10/15/2014	ISSUED FOR PERMIT
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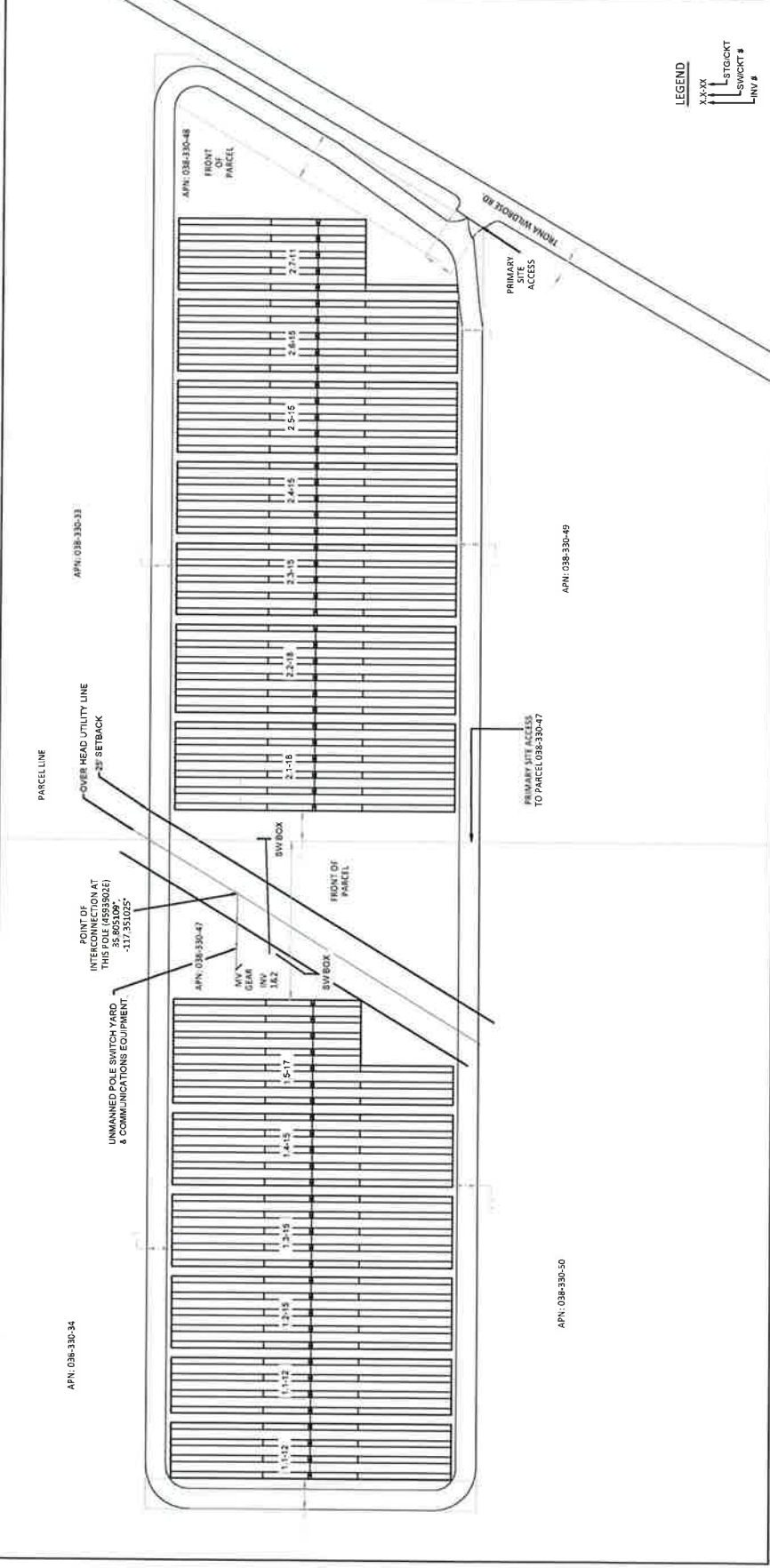
ELECTRICAL SITE PLAN
SHEET NO:
E-3.0



3 1/4"=1'-0"
SWITCH BOX EAST



2 1/4"=1'-0"
SWITCH BOX WEST



1 1"=50'-0"
ELECTRICAL SITE PLAN