

Agenda

County of Inyo Planning Commission

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://zoom.us/j/98022130186?pwd=c1E4dkNET2ZNVUJzcVNzVmVENWNodz09>
 You can also dial in by phone at 1-669-900-6833 and then enter Access Code: 980 2213 0186. 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

**FRANK STEWART
 CAITLIN (KATE) J. MORLEY
 TODD VOGEL
 SCOTT STONER
 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
 CLINT QUILTER
 GRACE CHUCHLA

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

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).

July 22, 2020

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.
4. **APPROVAL OF MINUTES** – Approval of minutes from the May 27, 2020 Planning Commission Meeting.

Action
 Item

5. **CONDITIONAL USE PERMIT- 2020-02/SAGE & FIRE** - The applicant has applied for a Conditional Use Permit. The applicant has met the application requirements for a CUP in Lone Pine, in Inyo County. The applicant is seeking approval for a cannabis dispensary, which is permitted as a conditional use for the property, following approval from the Inyo Planning Commission.

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 MAY 27, 2020 MEETING

COMMISSIONERS:

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

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

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CLINT QUILTER
MIKE ERRANTE

PLANNING DIRECTOR
COUNTY COUNSEL
SENIOR PLANNER
ASSISTANT PLANNER
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, May 27, 2020, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:03 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 10:03 a.m.

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

Staff present: Cathreen Richards, Planning Director; Steve Karamitros, Senior Planner; Ryan Standridge, Associate Planner; Paula Riesen, Project Coordinator and Grace Chuhla, 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 10:05 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:06 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the February 27, 2020, meeting of the Planning Commission.

- Chair Kate Morley asked for a correction of the spelling of her last name. Chair Morley also asked for a correction of two items, where the minutes stated Commission instead of Commissioner.

MOTION: Commissioner Todd Vogel made the motion to approve the minutes, with the changes requested by Chair Morley. The motion was seconded by Chair Kate Morley to approve the Minutes, from February 27, 2020.

The Motion passed 4-0 at 10:06 a.m.

ITEM 5: **GENERAL PLAN AMEDMENT- 2019-01/ZONE RECLASS-2019-02/TENTATIVE PARCEL MAP-422/OLANCHA LAKE ZONING** - The applicant (Olancha Lake LLC) is requesting to merge six parcels, which requires a Tentative Parcel Map. This parcel merger also requires a Zone Reclassification and General Plan Amendment to create the correct land use designations for a proposed future commercial RV camping business.

This Item has been postponed at this time due to changes in the project.

ITEM 6 **CONDITIONAL USE PERMIT- 2020-01/GBUAPCD and Variance 2020-01/GBUAPCD** - The applicant (Great Basin Unified Air Pollution Control District) has applied for a Conditional Use Permit for a project located at 866 E. Locust St., in Lone Pine. The applicant is seeking approval to construct a 33-foot air monitoring tower, which is permitted as a conditional use. The project also requires a 3-foot height Variance; both require approval by the Inyo Planning Commission.

Steven Karamitros, Senior Planner, presented staff report.

Chair Morley opened the Public Hearing at 10:17 a.m.

With no one wanting to speak Chair Morley closed the Public Hearing at 10:18 a.m.

MOTION: Chair Morley asked for a motion, Commissioner Stewart made a motion to approve with the provisions of the findings (for the CUP) and the variance findings 1-7, and conditions of approval for the CUP and VAR 1-3. The motion was seconded by Commissioner Stoner.

County Counsel, Grace Chuchla emailed Chair Morley to remind her that for Zoom meetings the voting has to be done by Roll Call with each Commissioner saying Yes or No.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.
Frank Stewart – Yes
Todd Vogel – Yes
Kate Morley – Yes
Scott Stoner – Yes

The Motion passed 4-0 at 10:19 a.m.

ITEM 4:
Revisited

A Correction for the Approval of Minutes for February 26, 2020.

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

Frank Stewart – Yes
Todd Vogel – Yes
Kate Morley – Yes
Scott Stoner – Yes

MOTION: The Motion passed 4-0 at 10:22 a.m.

ITEM 7:

TELECOM PLAN-2020-01/SMARTLINK – The Applicant Smart Link LLC, representing ATT, has submitted an application to update ATT’s existing Telecom Plan to add a co-location site in west Bishop on a tower recently approved for and built by Verizon Wireless. The update to ATT’s telecom plan also includes a future site within the Bishop City limits. ATT is required to include this site in their telecom plan, but the County has no jurisdiction over its approval. This project is Exempt for CEQA.

Cathreen Richards, Planner Director, presented staff report.

Chair Morley opened the Public Hearing at 10:26 am

No one from the public wished to comment; the hearing closed at 10:27 a.m.

Chair Morley asked if the height of the new extension exceeds the existing Tower?

Director Richards stated that the new extension was not taller than the one that is already there.

Commissioner Stoner knew the tower was on the agenda so he drove by to see for himself what it looked like. He was impressed how well it was disguised; he really had to search to see the tower.

Ms. Richards drove through the area and did not notice it either and asked Ryan when they were going to do the work, and she said the job was already complete. Director Richards stated the tower is camouflaged very well.

MOTION: Commissioner Vogel made a motion to approve Telecom Plan Update-2020-01/Smartlink with findings 1-5, and conditions 1-2. Commissioner Stewart made the second.

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

Frank Stewart – Yes
Todd Vogel – Yes
Kate Morley – Yes
Scott Stoner – Yes

The Motion passed 4-0 at 10:28 a.m.

ITEM 8: **2019 ANNUAL PROGRESS REPORT** - Staff will give a presentation to The Planning Commission summarizing the Inyo County 2019 Annual Progress Report.

Associate Planner, Ryan Standridge, presented staff report.

Chair Kate Morley thanked the Planning Department for of all of the hard work that went into bringing the projects to the Commission.

COMMISSIONERS' REPORT/COMMENTS –

Commissioner Frank Stewart had three items to report on to the Board.

1. Road Department is still on schedule to replace the Pine Creek Bridge this fall.
2. There was a fire out in 40 acres and the fire department which is the Conservation Camp had to drive all the way around to respond to the fire because the bridge is still out.
3. Road Department did a Chip seal on Birchim Lane and the mix was poorly done and they need to redo project.

Commissioner Todd Vogel, asked if there have been any new updates to the IMACA-Homeless Parking Project?

Director Richards stated that there have been no changes, and since Covid-19 they have not been able to conduct public outreach so it has been put on the back burner.

DIRECTOR'S REPORT –

With lack of items to bring to the Commission Director Richards recommended canceling June's Planning Commission meeting.

Chair Morley, asked if Item # 5 - **GENERAL PLAN AMEDMENT- 2019-01/ZONE RECLASS-2019-02/TENTATIVE PARCEL MAP-422/OLANCHA LAKE ZONING** from today's agenda be alright if we carried it over to the next meeting in July.

Senior Planner, Steven Karamitros stated that the project keeps changing and has to go back to be checked by CEQA again, so it is basically starting all over again.

Senior Planner, Steven Karamitros said the next project will be Sage & Fire and it should be ready for July's Planning Commission.

Planning Director Richards stated the July Planning Commission Date is in the schedule for July 22, 2020. We are not sure at this time if it will be at the Board of Supervisors Chambers in Independence, or through Zoom Meeting it is all dependent on Covid-19 status.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 10:40 a.m. The next meeting will be July 22, 2020, 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.

Frank Stewart – Yes

Todd Vogel – Yes

Kate Morley – Yes

Scott Stoner – Yes

Motion passed 4-0.

Prepared by:
Paula Riesen
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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: July 22, 2020

SUBJECT: Conditional Use Permit (CUP) 2020-02/Sage & Fire

EXECUTIVE SUMMARY

The applicant has applied for a CUP to operate a retail cannabis establishment located at 1900 S. Main Street, in the community of Lone Pine. The applicant has been approved by the Board of Supervisors for a Cannabis Retail Business License.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Alex Scherer – 7863 SVL Box, Victorville CA 92395

Property Owner: Chetan Abrol – 13261 Spring Valley Parkway #205, Victorville CA 92395

Site Address: 1900 South Main Street, Lone Pine, CA 93545

Community: Lone Pine

A.P.N.: 026-100-02

General Plan: Retail Commercial (RC)

Zoning: Highway Services & Tourist Commercial, 1 acre min, Architectural Design Control (C2-1.0-D)

Size of Parcel: 0.86 acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Lee’s Frontier Deli; vacant building in the rear	Retail Commercial (RC)	(C2-D) Highway Services & Tourist Commercial - Architectural Design Control overlay
North	Undeveloped	Agriculture (A)	(OS-40) & (RR) Open Space & Rural Residential
East	Commercial lumber yard	Retail Commercial (RC) & Heavy Commercial (HC)	(C2-D) Highway Services & Tourist Commercial & (C4-D) Heavy Commercial- Architectural Design Control overlay
South	Residential	Agricultural (A)	(RR) Rural Residential
West	Residential	Agriculture (A)	(OS-40) & (RR) Open Space & Rural Residential

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2020-02/Sage & Fire 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 retail dispensary and delivery service located at 1900 South Main Street in the community of Lone Pine. This establishment will sell both recreational and medicinal cannabis products including: flowers, extracts, concentrates, edibles and topicals. The property is zoned C2-1.0-D (1 acre minimum & architectural design control), which allows for retail cannabis activities with a CUP and is located behind Lee’s Frontier Liquor & Deli. The surrounding area is zoned Commercial to the east and Residential to the west and south. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county exclusion areas.

Site Location Map



Lee's Frontier Liquor & Deli



Current building for business



Sage & Fire, post-remodel



General Plan Consistency

The goal of this project is to allow for a commercial cannabis retail establishment. The project is consistent with the General Plan designation of RC as it allows for retail and wholesale commercial uses, services, office, public and quasi-public uses and similar

compatible uses. The proposed Sage & Fire commercial cannabis, retail store, is a retail establishment and is compatible with the RC General Plan designation. It is also compatible with the General Plan's Economic Development Element's Goal ED-3.1: Encourage the development of retail-establishments that will reduce resident spending out of the County for retail purchases, services and entertainment. The applicant expects to serve both local clientele as well as visitors, keeping local and visitor spending within Inyo County, which is consistent with Goal ED 3.1. The applicant has stated that Sage & Fire will hire and train approximately 13 people to staff the retail establishment, during its initial opening phase. The goal is then to increase the number of staff to 24 people. Wages will range from \$15-\$29/hour.

Zoning Ordinance Consistency

The C2 zoning designation allows for a variety of highway and tourist related enterprises adjacent to major routes of travel that encourage attractive development and are compatible with adjacent residential land uses. The C2 zone also allows, with a conditional use permit, commercial cannabis retail activities. In addition, this property falls within an Architectural Design Control District (Lone Pine). Per section 18.69.030 ICC, this property has been designated for an architectural design review of the proposed retail building, to assure "a generally harmonious architectural design to all buildings, landscape features, and uses within [the] designated districts." On May 28, 2020 the Lone Pine Architectural Design Review Board reviewed the proposed designs for the remodel of the building and voted unanimously to approve the design. The C2 Zone requires 1-parking space for every 300-square-foot of usable floor area. The total square footage of the remodeled Sage & Fire retailer will be 1,200 ft², requiring 4 parking spaces; however, the applicant will be sharing the parking lot with Lee's Frontier Liquor & Deli, also located at 1900 South Main Street. The commercial buildings on this property, combined, total 6,063 ft² of usable floor area, requiring a total of twenty spaces. There are currently more than twenty spaces; therefore, Sage & Fire meets the parking requirements of the C2 District.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-02/Sage & Fire is Categorically Exempt under CEQA Guidelines 15301, Existing Facilities – Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The CUP is being applied for to operate a retail cannabis business within an existing building located in a fully developed retail shopping center (no expansion or change of the existing site or use) causing it to be Exempt.

NOTICING & REVIEW

The application for CUP 2020-02/Sage & Fire has been reviewed by the appropriate county departments and no issues were reported. Sage & Fire was approved for a business license by the Board of Supervisors on February 11, 2020 after a thorough review and scoring by the Commercial Cannabis Permitting Office. This included reviews by the Environmental Health and Sheriff's departments.

CUP 2020-02/Sage & Fire was noticed on July 9, 2020 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. 2020-02/Sage & Fire, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion beyond that existing at the time of the lead agency’s determination. . . . The CUP is being applied for to permit a commercial cannabis retail store within an existing commercial building located on an already developed shopping center (no expansion or change of the intended existing use) at the site.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).
[Evidence: The goal of this project is to allow for a commercial cannabis retail establishment on a parcel of land with an RC General Plan designation. The project is consistent with the RC designation as it allows for retail and wholesale commercial uses, services, office, public and quasi-public uses and similar compatible uses. The proposed Sage & Fire commercial cannabis, retail store, is a retail establishment, which is compatible with the RC General Plan designation. It is also consistent with the General Plan’s Economic Development Element’s Goal ED-3.1: Encourage the development of retail-establishments that will reduce resident spending out the County for retail purchases, services and entertainment. Sage & Fire expects to serve both local cliental as well as visitors, keeping local and visitor spending within Inyo County, which is also consistent with Goal ED 3.1.; and therefore, is consistent with policies and objectives under the County’s General Plan.]

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(Q) allows, with a conditional use permit, commercial cannabis retail activities. The applicant has applied for the conditional use permit to operate Sage & Fire 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-2.0 states: 'Bring more destination spending into Inyo County', and 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. The applicant expects Sage & Fire to serve both local cliental as well as visitors keeping local and visitor spending within Inyo County, which 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 retail cannabis establishment to operate in an already developed commercial center. It is related to the other retail uses at the site and will not cause impacts on transportation or service facilities in the vicinity, as these facilities were planned for as they relate to the shopping center.]
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 commercial cannabis retail establishment. This retail establishment will not change or increase the current level or general type of allowed uses at the shopping center site and the proposed security plan for Sage & Fire was reviewed by the Sheriff's Department as a business license requirement; therefore, it 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. The applicant has applied for a public water supply permit through the Inyo County Environmental Health Department. The applicant will continue working with Environmental Health to ensure compliance with all water quality monitoring, reporting, and distribution requirements; and, to ensure that the septic system plan has capacity for the anticipated increased use from the business staff and traveling public.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: A commercial cannabis retail activity requires a conditional use permit per Inyo County Code Section 18.48.030(Q) and is therefore necessary for the operation of Sage & Fire.]

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 2020-02/Sage & Fire. 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. Compliance with Environmental Health requirements

The applicant shall continue working with the Inyo County Environmental Health Department on their Public Water Supply Permit. In addition, the applicant shall continue working with Inyo County Environmental Health to ensure compliance with all water quality monitoring, reporting, and distribution requirements. The applicant shall continue working with Environmental Health to ensure that the septic system plan has capacity for the anticipated increased use from the retail business staff and traveling public.