

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 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 Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

July 9, 2013

8:30 a.m. PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENT

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] - Crystal Allen, an individual v. County of Inyo, a governmental entity; and DOES 1-50, Inyo County Superior Court Case No. SICVCV13-54820.**
3. **PERSONNEL [Pursuant to Government Code §54957]. Public Employee Performance Evaluation – Title – County Counsel.**
4. **PERSONNEL [Pursuant to Government Code §54957]. Public Employee Appointment – Title – County Counsel.**
5. **PERSONNEL [Pursuant to Government Code §54957]. Public Employee Appointment – Title – Agriculture Commissioner/Weights and Measures.**
6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.**
7. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.**
8. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults.**
9. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion.**

10. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishon.
11. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - *City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.* Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution.
12. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - *Owens Valley Committee v. County of Inyo; Inyo County Board of Supervisors, et al.; CG Roxanne, LLC, and Does 21 through 100*, Inyo County Superior Court Case No. SICVPT 1354991.
13. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**

OPEN SESSION

14. **PUBLIC COMMENT**
15. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)
16. **INTRODUCTION** – Jamie Robertson, Engineering Assistant in the Public Works Department, will be introduced to the Board.

CONSENT AGENDA (Approval recommended by the County Administrator)

17. **CORONER**

Request approval of Amendment No. 1 to the Contract between the County of Inyo and Eva S. Wasef, M.D., increasing the amount of the Contract by \$7,760 for a total amount not to exceed \$17,760, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign.

18. **PUBLIC WORKS**

Request approval of Amendment No. 1 to the Lease between the County of Inyo and the U.S. Department of Agriculture, U.S. Forest Service, for the Independence Airport Interagency Helitack Base; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.

19. Request Board approve Parcel Map No. 397 and accept the offered 60-foot wide right-of-way and 10-foot wide drainage easement delineated thereon; accept the easement deeds from Andrew K. Holmes for the existing required extension of Reina Road and the existing required drainage ditch by approving a Resolution titled "A Resolution of the Board of Supervisors for Acceptance of Easements for Road and Drainage Purposes", for APN 009-3501-13; and a Resolution titled "A Resolution of the Inyo County Board of Supervisors for Acceptance of Easements for Road and Drainage Purposes" for APN 009-350-08; and authorize the Chairperson to sign any other documents associated with the acceptance of these easements.

DEPARTMENTAL (To be considered at the Board's convenience)

20. **COUNTY ADMINISTRATOR – Film Commissioner** – Request Board accept the oral presentation by Mr. Chris Langley, Inyo County Film Commissioner, of the June 1, 2013 Film Commissioner's Report.
21. **WATER DEPARTMENT** - Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the positions of Seasonal Field Assistant exists as certified by the Water Director, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the positions could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of eight seasonal Field Assistant Is at Range 050PT (\$13.90 - \$16.87 per hour) for the period of October 1, 2013 through March 31, 2014, contingent upon the Board's adoption of a FY 2013-14 budget.

22. **PUBLIC WORKS** – Request Board consider changing the name of the Lone Pine Airport and direct staff to process the name change if the Board authorizes a change.
23. **PLANNING** – Request Board conduct a workshop and provide direction to staff on the regulation of information service antennas and Inyo County Code 18.76 Regulation of Wireless Communications Facilities.
24. **PLANNING** – Request Board receive a presentation about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision and provide input, and approve the Public Outreach Plan and authorize the Planning Department to implement.
25. **CLERK OF THE BOARD** – Request approval of the minutes of the June 18, 2013 Board of Supervisors Meeting.

TIMED ITEMS (Items will not be considered before scheduled time)

- 11:30 a.m. 26. **BOARD OF EQUALIZATION MEETING** (*The Board will convene as the Board of Equalization – separate agenda published*).
- 11:45 a.m. 27. **SHERIFF** – Request Board A) waive the first reading of an ordinance titled “An Ordinance of the County of Inyo, State of California, Amending Section 10.36.90 of the Inyo County Code to Authorize Removal of Vehicles in Violation of that Section” which will allow for the removal of vehicles parked for more than seventy-two hours; and B) schedule the enactment for 11:45 a.m., July 16, 2013, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

CORRESPONDENCE - ACTION

BOARD MEMBERS AND STAFF REPORTS

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

28. **PUBLIC COMMENT**

CORRESPONDENCE - INFORMATIONAL

29. **AUDITOR-CONTROLLER** – Notice that in accordance with Section 26905 and 26921 of the Government Code and your orders of February 5, 1950 and January 3, 1956, an actual count of money in the hands of the Treasurer was made on June 28, 2013 and that the count showed the funds to be in balance, pending written verification of inactive accounts.
30. **U.S. DEPARTMENT OF INTERIOR – FISH AND WILDLIFE SERVICE** – Response to letter on Service's proposal to list and designate critical habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog and the Yosemite Toad.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

For Clerk's Use Only: AGENDA NUMBER 17
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FROM: Leon B. Brune, Inyo County Coroner

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Approval of Amendment #1 to the current Coroner contract between the County of Inyo and Eva S. Wasef, M.D.

DEPARTMENTAL RECOMMENDATIONS:

Request your Board approve Amendment #1 to the current contract between the County of Inyo and Eva S. Wasef, M.D., increasing the amount of the contract by \$7,760.00, for a total contract amount not to exceed \$17,760.00, contingent upon Boards adoption of future budgets, and authorize the chairperson to sign.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

On January 22, 2013, due to the lack of availability of Dr. Milton Jones to provide/perform necessary autopsy services for the County of Inyo, your Board approved the Coroner to enter into 2 new contract agreements with pathologists from Northern Inyo Hospital. The first contract was with Dr. Eva S. Wasef, M.D. and the second was with Kenneth L. Saeger, M.D. Both contracts were for the term of January 14 – December 31, 2013 and were both for a contract limit of \$10,000 each. In May, Dr. Saeger notified the Coroner that he would no longer be available to provide autopsy services for the Coroner and found that it was necessary for him to cancel his contract with the County. Due to the cancellation of Dr. Saeger's contract, Dr. Wasef will be performing all of the autopsies that were anticipated to be split between the two pathologists. The increased number of autopsies that will now be performed by Dr. Wasef until the end of her contract period of December 31, 2013, has made it necessary to increase her contract by the balance amount which remained from Dr. Saeger's contract, which is \$7,760.

ALTERNATIVES:

Your Board could approve the amendment as submitted or could disapprove and advise staff of further direction. This action is not recommended because Dr. Wasef's services are critical to the Coroner's functions.

OTHER AGENCY INVOLVEMENT:

FINANCING:

The funds for the increase in Dr. Wasef's contract are included in the Coroners Budget #023500 in Professional Services Object Code #5265 and are included in the requested FY 13/14 budget.

APPROVALS

COUNTY COUNSEL: AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)
Approved: [Signature] Date 7-1-13

AUDITOR/CONTROLLER ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)
Approved: [Signature] Date 7/2/13

PERSONNEL DIRECTOR PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)
Approved: [Signature] Date 7/2/13

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) Unavailable to Sign ^(KW) Date: _____

**AMENDMENT NUMBER 1 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eva S. Wasef, M.D.
FOR THE PROVISION OF Autopsy Services**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Eva S. Wasef, M.D. of San Marino, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Personal Services dated January 22, 2013, on County of Inyo Standard Contract No. 116 for the term from January 14, 2013 to December 31, 2013.

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below;

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

3. CONSIDERATION.

D. Limit upon amount payable under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement shall not exceed \$17,760.00 Dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit.

The effective date of this Amendment to the Agreement is _____.

All the other terms and conditions of the Agreement are unchanged and remain the same.

**AMENDMENT NUMBER 1 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Eva S. Wasef, M.D.
FOR THE PROVISION OF Autopsy Services**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND
SEALS THIS _____ DAY OF _____

COUNTY OF INYO

CONTRACTOR

By: _____

By: Eva S. Wasef
Signature

Dated: _____

Eva S. Wasef, M.D.
Type or Print

Dated: 07/01/2013

APPROVED AS TO FORM AND LEGALITY:

[Signature]
County Counsel

APPROVED AS TO ACCOUNTING FORM:

[Signature]
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

[Signature]
Director of Personnel Services

APPROVED AS TO RISK ASSESSMENT:

[Signature]
County Risk Manager



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 18
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- Consent Departmental Correspondence Action
 Public Hearing Schedule time for Closed Session Informational

FROM: Public Works

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Amendment to Forest Service Lease at Independence Airport

DEPARTMENTAL RECOMMENDATIONS:

- 1 Approve an amendment to the Lease with the United States Department of Agriculture, U.S. Forest Service for the Independence Airport Interagency Helitack Base.
- 2 Authorize the Chairperson to sign the lease amendment contingent upon all signatures being obtained.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

The current Lease Agreement with the United States Department of Agriculture, U.S. Forest Service (Forest Service) is for the term of November 1, 2009, to October 31, 2014. During a prior lease period, the Forest Service occupied a building on the airport. During their occupancy, they started to remodel the building. It became impractical or impossible for the Forest Service to complete the remodel. During the negotiations for the current lease, several options were considered, including the Forest Service paying a fee in lieu of restoring the building. The approved lease included a provision for the Forest Service to restore the building. The Forest Service has again determined that restoring the building is impractical and has requested that the option of reimbursing the County be reconsidered. The lease being offered for the Board's consideration revises the lease payment to reimburse the County \$85,000, the amount previously used in the negotiations, in lieu of restoring the building. The payments will be included in nearly equal amounts as part of the remaining three lease payments to be paid.

ALTERNATIVES:

The Board could choose not to approved the amendment. That would leave the Forest Service with the requirement to restore the building.

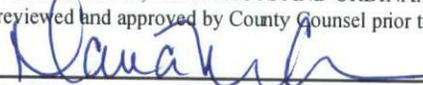
OTHER AGENCY INVOLVEMENT:

County Counsel for review of the Lease Agreement.
Auditors Office.

FINANCING:

The lease payments are deposited into Budget Unit 150300, Object 4311 (Rents).

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)
	 Approved: <u>yes</u> Date <u>7/1/13</u>
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)
	 Approved: <u>yes</u> Date <u>7/2/13</u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)
	Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 7/2/13

AMENDMENT NUMBER 1 TO
LEASE BETWEEN THE COUNTY OF INYO AND
THE UNITED STATES DEPARTMENT OF AGRICULTURE – U.S. FOREST SERVICE
FOR THE LEASE OF THE LEASE OF SIX PARCELS OF LAND OCCUPIED BY THE INDEPENDENCE
AIRPORT INTERAGENCY HELITACK BASE

WHEREAS, the County of Inyo (hereinafter referred to as "County) and the United States Department of Agriculture – U.S. Forest Service (hereinafter referred to as "Lessee")_have entered into a Lease of the Independence Airport Interagency Helitack Base for a term of November 1, 2009 to October 31, 2014.

WHEREAS, County and Lessee desire to amend the lease.

County and Lessee hereby amend such Lease as follows:

Section 14. B. is amended to read in full: Lessee shall reimburse County \$85,000 for the value of the County's property (dwelling unit) located on parcel two. The reimbursement will be reimbursed to the County in 3-payments. The first payment in the amount of \$28,334 will be added to the lease payment due by the 30th day of July 2013. The second payment in the amount of \$28,334 will be added to the lease payment due by the 30th day of July 2014. The third payment will be made in the amount of \$28,332 on October 30, 2014.

The effective date of this Amendment to the Lease is June 1, 2013.

All other terms and conditions of the Lease are unchanged and remain the same.

AMENDMENT NUMBER 1 TO
LEASE BETWEEN THE COUNTY OF INYO AND

**THE UNITED STATES DEPARTMENT OF AGRICULTURE – U.S. FOREST SERVICE
FOR THE LEASE OF THE LEASE OF SIX PARCELS OF LAND OCCUPIED BY THE INDEPENDENCE
AIRPORT INTERAGENCY HELITACK BASE**

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the ____ day of July,
2013.

COUNTY

County of Inyo

LESSEE

U.S.D.A. – Forest Service

By: _____

By: _____

By: _____

Print Name

Date: _____

Date: _____

Approved as to form and content:

County's Lease Administrator

Approved as to form and legality

County Counsel

Approved as to account form and content:

County Auditor-Controller

Approved as to insurance and risk management:

County Risk Manager



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:

AGENDA NUMBER

19

Consent Departmental Correspondence Action

Public Hearing Schedule time for Closed Session Informational

FROM: Public Works Department

FOR THE BOARD MEETING OF: July 9th, 2013

SUBJECT: Approval of Parcel Map No. 397

DEPARTMENTAL RECOMMENDATIONS:

1. Approve Parcel Map No. 397 and accept or reject the offered 60 foot wide right-of-way and 10 foot wide drainage easement delineated thereon.
2. Accept Easement deeds from Andrew K. Holmes for the existing required extension of Reina Road and the existing required drainage ditch.
3. Authorize the Chairman to sign the attached Resolution and any other documents associated with acceptance of these easements.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

Tentative Parcel Map No. 397 was conditionally approved at the March 31, 2011 meeting of the Inyo County Planning Commission. The map is a request by Andy Holmes to divide one parcel into four one-acre parcels and a remainder parcel of 7.02 acres. The parcels are located south of the intersection of Mesa Vista Drive and Reina Road, within the already developed community of Alta Vista-Mustang Mesa. The zoning for the parcels are as follows:

R-1 (One-Family Residences), one-acre minimum parcel size. It is also consistent with the requirements of the 2001 General Plan land use designation of Residential Rural High Density (RRH), one dwelling unit per acre.

The acceptance of the Offer of Dedication on Parcel Map No. 397 for a portion of Reina Road which is a continuation of the existing Reina Road will affect the current maintenance/access. Public Works required this road extension be built to County standards and the Road Department intends to bring it into the County Maintained Mileage System upon acceptance. Since this will benefit the County, it is recommended that your Board accept this Offer of Dedication.

The Final Parcel Map has been reviewed by Public Works staff and the County Surveyor and has been found to conform to all requirements. The required Planning Department conditions of approval have been met.

The acceptance of easement deeds by Andrew K. Holmes for the recently constructed portion of Reina Road and the recently constructed drainage will affect current maintenance-access. Public Works required this road extension be built to County standards and the Road Department intends to bring it into the County Maintained Mileage System upon acceptance. Since this will benefit the County, it is recommended that your Board accept this Offer of Dedication.

ALTERNATIVES:

Section 66458 of the Government Code states that the legislative body shall, at the meeting it receives the map or, at the next regular meeting after the meeting at which it receives the map, approve the map if it conforms to the Subdivision Map Act and also conforms to the local subdivision ordinance. If the map does not conform, the legislative body shall disapprove the map. Further, if the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension of time, and the map conforms to all requirements, the map shall be deemed approved. With that said, your Board may:

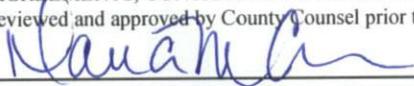
1. Not approve the map at this time and approve the map at the next regular meeting.
2. Not approve the map and allow it to be deemed approved. This is not recommended because the map conforms to the Planning Commission and Planning Department requirements.

OTHER AGENCY INVOLVEMENT:

Planning Department and the Planning Commission for review of the Tentative Map.
County Surveyor
County Counsel for review of this Agenda item.

FINANCING:

Time to prepare the ARF and review the maps and documents.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) Approved: <u></u> Date <u>7/1/13</u>
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: <u>N/A</u> Date <u> </u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: <u>N/A</u> Date <u> </u>

DEPARTMENT HEAD SIGNATURE:  Date: 7/2/13
 (Not to be signed until all approvals are received)

RESOLUTION NO 2013-_____

**A RESOLUTION OF THE INYO COUNTY BOARD OF SUPERVISORS
FOR ACCEPTANCE OF EASEMENTS
FOR ROAD AND DRAINAGE PURPOSES**

WHEREAS, the County required the Reina Road extension and drainage ditch to be built per Parcel Map 397; and

WHEREAS, through this process, the owners of the easement is offering an easement deed to the County for road and utility purposes; and

WHEREAS, Andrew K. Holmes has offered an easement deed of those portions of Lot Line adjustment Parcel 1 of Lot Line Adjustment No. 2012/Holmes Recorded October 31, 2012 as instrument NO. 2012-0003288 of official records more particularly described as follows: COMMENCING at the southwest corner of the above described parcel; THENCE along the west line of the above described parcel, North 00°33'46" East, 144.23 feet to the beginning point of a non-tangent curve, concave easterly and having a radius of 50.00 feet, a radial line to said beginning point bears North 89°26'14" West, and said beginning point also being the TRUE POINT OF BEGINNING; THENCE southerly along said curve, through a central angle of 36°52'12", an arc length of 32.18 feet to the beginning point of a tangent reverse curve, concave southwesterly and having a radius of 50.00 feet; THENCE southeasterly along said reverse curve, through a central angle of 90°00'00", an arc length of 78.54 feet to a point of intersection with said west line; THENCE along said west line, North 00°33'46" East, 100.00 feet to the TRUE POINT OF BEGINNING; depicted on Exhibit B of said easement deed; and

WHEREAS, through this process, the owners of the easement is offering an easement deed to the County for drainage purposes; and

WHEREAS, Andrew K. Holmes has offered an easement deed of those portions of Lot Line adjustment Parcel 1 of Lot Line Adjustment No. 2012/Holmes Recorded October 31, 2012 as instrument NO. 2012-0003288 of official records more particularly described as follows: COMMENCING at the southwest corner of the above described parcel; THENCE along the west line of the above described parcel, North 00°33'46" East, 144.23 feet to the beginning point of a non-tangent curve, concave easterly and having a radius of 50.00 feet, a radial line to said beginning point bears North 89°26'14" West; THENCE southerly along said curve, through a central angle of 36°52'12", an arc length of 32.18 feet to the beginning point of a tangent reverse curve, concave southwesterly and having a radius of 50.00 feet; THENCE southeasterly along said reverse curve, through a central angle of 44°26'29", an arc length of 38.78 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said reverse curve, through a central angle of 45°33'31", an arc length of 39.76 feet to a point of intersection with said west line; THENCE along said west line, South 00°33'46" West, 44.23 feet to said southwest corner; THENCE along the south line of said above described parcel, North 89°56'01" East, 76.29 feet; THENCE leaving said south line, North 28°35'50" West, 85.67 feet; THENCE North 81°51'56" West, 15.11 feet to the TRUE POINT OF BEGINNING; depicted on Exhibit B of said easement deed; and

WHEREAS, the easement generally is for the land occupied by the recently constructed Reina Road the recently constructed drainage ditch.

NOW, THEREFORE, BE IT RESOLVED that the easement offered by Andy K. Holmes is accepted by the Inyo County Board of Supervisors.

PASSED AND ADOPTED THIS _____ DAY OF JULY, 2013 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

*Linda Arcularius, Chairman
Chairperson, Inyo County Board of Supervisors*

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

by: _____
Patricia Gunsolley, Assistant

RECORDING REQUESTED BY

ANDREW K. HOLMES

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

INYO COUNTY ROAD DEPARTMENT
PO DRAWER Q
INDEPENDENCE, CA 93526

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX - NONE
UNINCORPORATED AREA
PROPERTY ID NO. 09-350-13
COUNTY OF INYO EXEMPT - REV. & TAX. C.A. 11922
NO FEE - COUNTY BUSINESS - GOV, CODE 6103

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

ANDREW K. HOLMES

HEREBY GRANT(S) TO

THE COUNTY OF INYO, A BODY POLITIC AND POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA

THE PERMANENT EASEMENT IN AND TO THE REAL PROPERTY SITUATE IN THE COUNTY OF **INYO**, STATE OF CALIFORNIA: DESCRIBED IN EXHIBIT A AND SHOWN ON EXHIBIT B ATTACHED AND MADE A PART HEREOF BY REFERENCE.

THE PURPOSE OF THE EASEMENT SHALL BE FOR STREET RIGHT OF WAY, INCLUDING SIDEWALKS AND APPURTENANCES, AND TO ERECT, INSTALL, CONSTRUCT, REMOVE, REPAIR, REPLACE RECONSTRUCT, MAINTAIN AND USE, FOR PUBLIC SERVICE PURPOSES, AND ANY AND ALL MATERIALS, FIXTURES, APPLIANCES, EQUIPMENT, PIPES, PIPELINES, WIRES CABLES, INCLUDING FIBER OPTICS, NECESSARY FOR THE TRANSMISSION, DISTRIBUTION AND DELIVERY OF ELECTRICITY, WATER, SEWER, STORM WATER, GAS, CABLE TELEVISION, COMMUNICATION, AND INFORMATION SERVICE UTILITIES OVER, ALONG, UPON, UNDER AND ACROSS THE PARCEL OF REAL PROPERTY DESCRIBED IN EXHIBIT A AND SHOWN ON EXHIBIT B.

DATED: JUNE 24, 2013

STATE OF CALIFORNIA
COUNTY OF Inyo

Andrew K. Holmes
ANDREW K. HOLMES

On June 24, 2013 before me,
Christine Cortez, notary public
personally appeared Andrew K. Holmes

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his)her/their authorized capacity(ies), and that by (his)her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

SIGNATURE Christine Cortez



EXHIBIT "A"

EASEMENT FOR ROAD, UTILITY AND DRAINAGE PURPOSES

LEGAL DESCRIPTION

APN 009-350-13

THOSE PORTIONS OF LOT LINE ADJUSTMENT PARCEL 1 OF LOT LINE ADJUSTMENT NO. 2012-02/HOLMES RECORDED OCTOBER 31, 2012 AS INSTRUMENT NO. 2012-0003288 OF OFFICIAL RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

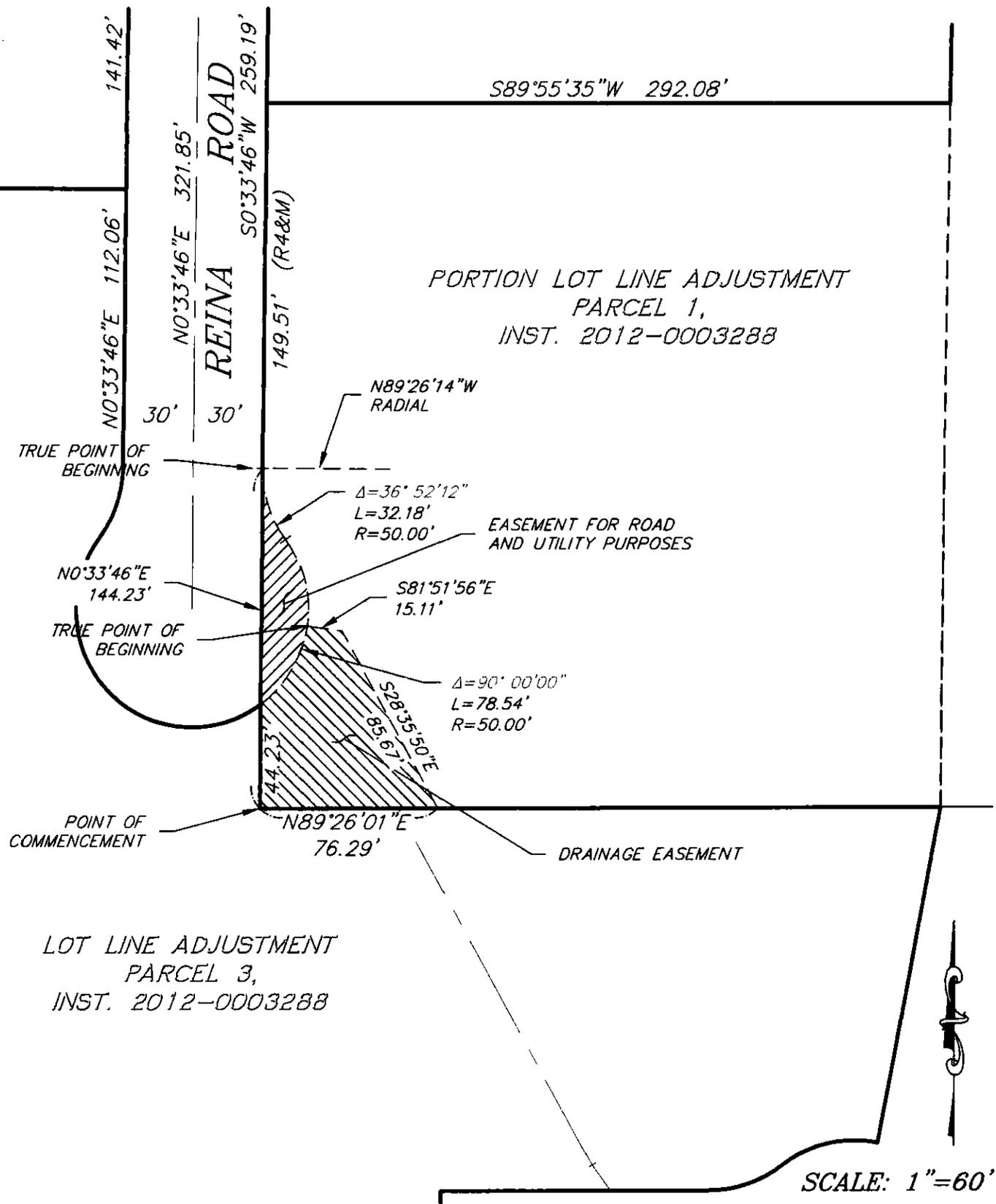
being an easement for road and utility purposes, over under, upon and across that portion of the above described parcel more particularly described as follows:
COMMENCING at the southwest corner of the above described parcel;
THENCE along the west line of the above described parcel, North $00^{\circ}33'46''$ East, 144.23 feet to the beginning point of a non-tangent curve, concave easterly and having a radius of 50.00 feet, a radial line to said beginning point bears North $89^{\circ}26'14''$ West, and said beginning point also being the TRUE POINT OF BEGINNING;
THENCE southerly along said curve, through a central angle of $36^{\circ}52'12''$, an arc length of 32.18 feet to the beginning point of a tangent reverse curve, concave southwesterly and having a radius of 50.00 feet;
THENCE southeasterly along said reverse curve, through a central angle of $90^{\circ}00'00''$, an arc length of 78.54 feet to a point of intersection with said west line;
THENCE along said west line, North $00^{\circ}33'46''$ East, 100.00 feet to the TRUE POINT OF BEGINNING;
CONTAINING 1159 square feet of land, more or less.

being an easement for drainage purposes over, under, upon and across that portion of the above described parcel more particularly described as follows:
COMMENCING at the southwest corner of the above described parcel;
THENCE along the west line of the above described parcel, North $00^{\circ}33'46''$ East, 144.23 feet to the beginning point of a non-tangent curve, concave easterly and having a radius of 50.00 feet, a radial line to said beginning point bears North $89^{\circ}26'14''$ West;
THENCE southerly along said curve, through a central angle of $36^{\circ}52'12''$, an arc length of 32.18 feet to the beginning point of a tangent reverse curve, concave southwesterly and having a radius of 50.00 feet;
THENCE southeasterly along said reverse curve, through a central angle of $44^{\circ}26'29''$, an arc length of 38.78 feet to the TRUE POINT OF BEGINNING;
THENCE continuing along said reverse curve, through a central angle of $45^{\circ}33'31''$, an arc length of 39.76 feet to a point of intersection with said west line;
THENCE along said west line, South $00^{\circ}33'46''$ West, 44.23 feet to said southwest corner;
THENCE along the south line of said above described parcel, North $89^{\circ}56'01''$ East, 76.29 feet;
THENCE leaving said south line, North $28^{\circ}35'50''$ West, 85.67 feet;
THENCE North $81^{\circ}51'56''$ West, 15.11 feet to the TRUE POINT OF BEGINNING;
CONTAINING 3803 square feet of land, more or less.

EXHIBIT "B"

RECORDING INFORMATION:

ROAD, UTILITY & DRAINAGE EASEMENTS SKETCH
UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA



JSP
4.0289

triad/holmes associates

RESOLUTION NO 2013-_____

**A RESOLUTION OF THE INYO COUNTY BOARD OF SUPERVISORS
FOR ACCEPTANCE OF EASEMENTS
FOR ROAD AND DRAINAGE PURPOSES**

WHEREAS, the County required the Reina Road extension be built per Parcel Map 397; and

WHEREAS, through this process, the owners of the easement is offering an easement deed to the County for road and utility purposes; and

WHEREAS, Andrew K. Holmes has offered an easement deed of the easterly sixty (60.00) feet over the following described property, Lot Line Adjustment Parcel 1 of Lot Line Adjustment No. 2010 as per Lot Line Adjustment No. 2010-01/Holmes recorded August 19, 2010 as instrument No. 2010-0002393 of official records; depicted on Exhibit B of said easement deed; and

WHEREAS, the easement generally is for the land occupied by the recently constructed Reina Road.

NOW, THEREFORE, BE IT RESOLVED that the easement offered by Andy K. Holmes is accepted by the Inyo County Board of Supervisors.

**PASSED AND ADOPTED THIS _____ DAY OF JULY, 2013 BY THE
FOLLOWING VOTE:**

AYES:
NOES:
ABSTAIN:
ABSENT:

*Linda Arcularius, Chairman
Chairperson, Inyo County Board of Supervisors*

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

by: _____
Patricia Gunsolley, Assistant

RECORDING REQUESTED BY

ANDREW K. HOLMES

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

INYO COUNTY ROAD DEPARTMENT
PO DRAWER Q
INDEPENDENCE, CA 93526

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX - NONE
UNINCORPORATED AREA
PROPERTY ID NO. 09-350-08
COUNTY OF INYO EXEMPT - REV. & TAX. C.A. 11922
NO FEE - COUNTY BUSINESS - GOV, CODE 6103

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

ANDREW K. HOLMES

HEREBY GRANT(S) TO

THE COUNTY OF INYO, A BODY POLITIC AND POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA

THE PERMANENT EASEMENT IN AND TO THE REAL PROPERTY SITUATE IN THE COUNTY OF INYO, STATE OF CALIFORNIA: DESCRIBED IN EXHIBIT A AND SHOWN ON EXHIBIT B ATTACHED AND MADE A PART HEREOF BY REFERENCE.

THE PURPOSE OF THE EASEMENT SHALL BE FOR STREET RIGHT OF WAY, INCLUDING SIDEWALKS AND APPURTENANCES, AND TO ERECT, INSTALL, CONSTRUCT, REMOVE, REPAIR, REPLACE RECONSTRUCT, MAINTAIN AND USE, FOR PUBLIC SERVICE PURPOSES, AND ANY AND ALL MATERIALS, FIXTURES, APPLIANCES, EQUIPMENT, PIPES, PIPELINES, WIRES CABLES, INCLUDING FIBER OPTICS, NECESSARY FOR THE TRANSMISSION, DISTRIBUTION AND DELIVERY OF ELECTRICITY, WATER, SEWER, STORM WATER, GAS, CABLE TELEVISION, COMMUNICATION, AND INFORMATION SERVICE UTILITIES OVER, ALONG, UPON, UNDER AND ACROSS THE PARCEL OF REAL PROPERTY DESCRIBED IN EXHIBIT A AND SHOWN ON EXHIBIT B.

DATED: JUNE 24, 2013

STATE OF CALIFORNIA
COUNTY OF Inyo

Andrew K. Holmes
ANDREW K. HOLMES

On June 24, 2013 before me,

Christine Cortez, notary public

personally appeared Andrew K. Holmes

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

SIGNATURE Christine Cortez



EXHIBIT "A"

EASEMENT FOR ROAD AND UTILITY PURPOSES

LEGAL DESCRIPTION

APN 009-350-08

THE EASTERLY SIXTY (60.00) FEET OVER THE FOLLOWING DESCRIBED PROPERTY

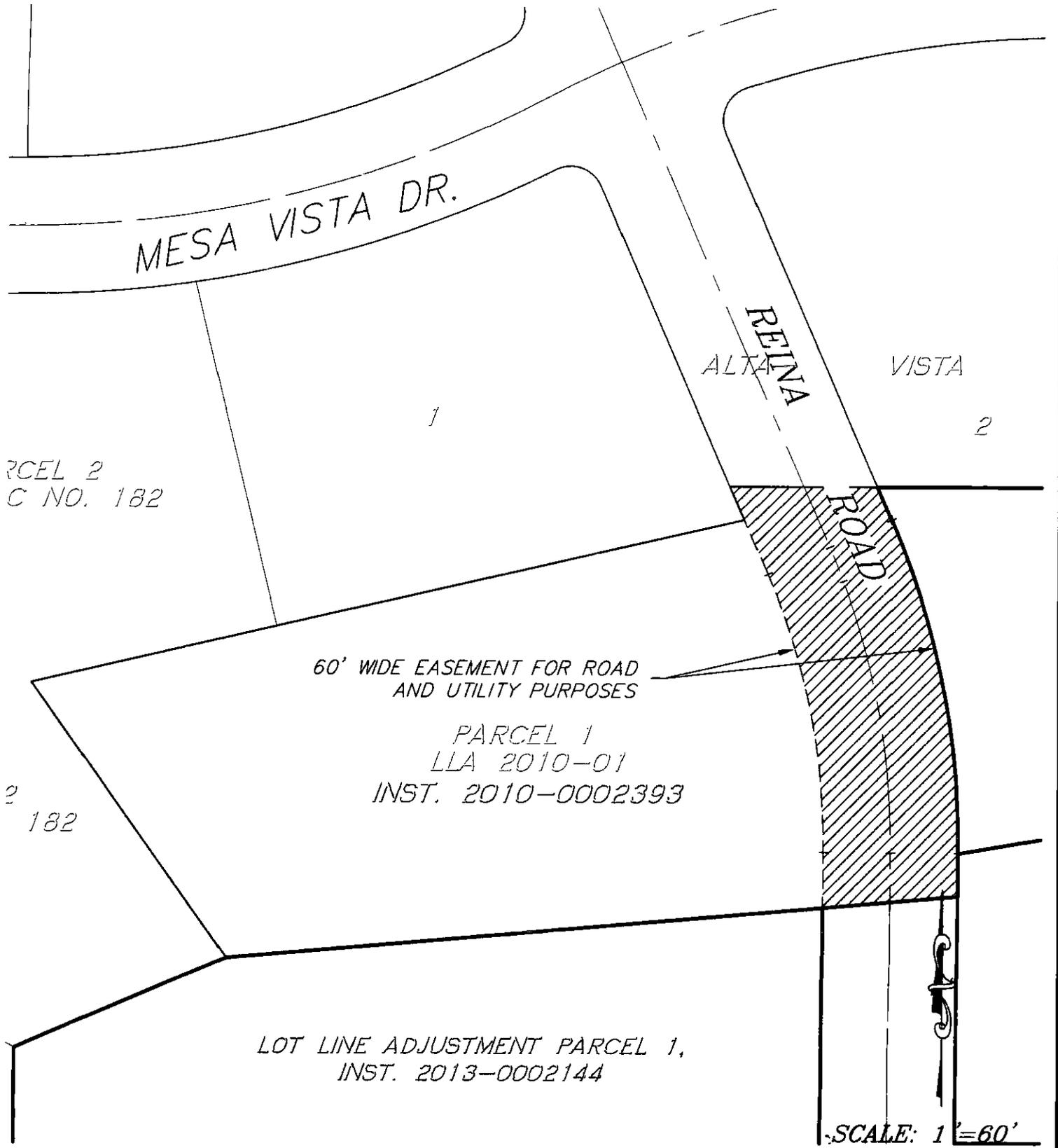
**LOT LINE ADJUSTMENT PARCEL 1 OF LOT LINE ADJUSTMENT NO. 2010-01 AS PER LOT
LINE ADJUSTMENT NO. 2010-01/HOMES RECORDED AUGUST 19, 2010 AS INSTRUMENT
NO. 2010-0002393 OF OFFICIAL RECORDS.**

EXHIBIT "B"

RECORDING INFORMATION:

ROAD & UTILITY EASEMENT SKETCH

UNINCORPORATED TERRITORY OF INYO COUNTY, CALIFORNIA



SCALE: 1"=60'

trad/holmes associates

JSP
4.0289



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 21

- X Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Water Department

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Recruitment of Eight Seasonal Field Assistants

DEPARTMENTAL RECOMMENDATION: Request Board find that consistent with the adopted Authorized Position Review Policy; A) The availability of funding for the requested positions exists as certified by the Water Director and concurred with by the County Administrator and the Auditor-Controller; and B) and where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of eight seasonal Field Assistant I at Range 050PT (\$13.90 - \$16.87 per hour) for the period of October 1, 2013 through March 31, 2014, contingent upon the adoption of FY 2013/2014 budget.

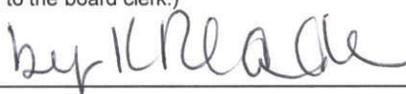
SUMMARY DISCUSSION: The Water Department has annually hired seasonal field assistants to assist with Saltcedar eradication that has been conducted since 1998. The purpose of this program is to remove salt cedar in the Owens Valley and assist in restoring native vegetation along the Lower Owens River Project.

ALTERNATIVES: The Board could decide not to approve the request. This alternative would prevent the Water Department from complying with current contractual obligations with the Wildlife Conservation Board grant and the requirements of the Long Term Water Agreement annual maintenance and control effort of the Saltcedar Control program.

OTHER AGENCY INVOLVEMENT: The Inyo County Personnel Department will assist with the recruitment of the requested positions.

FINANCING: Funds were budgeted in the FY 2013-2014 Wildlife Conservation Grant budget (621700) and Salt Cedar budget (024502) for eight Seasonal Field Assistants contingent on the adoption of the 2013/14 budget.

APPROVALS

COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>6/21/13</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: <u>✓</u> Date <u>6/20/13</u>

DEPARTMENT HEAD SIGNATURE:  Date: 7/1/13
 (Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)



AGENDA REQUEST FORM

BOARD OF SUPERVISORS

COUNTY OF INYO

- Consent Departmental Correspondence Action
- Public Hearing Schedule time for Closed Session Informational

For Clerk's Use
Only:

AGENDA NUMBER

27

FROM: Public Works Department

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Change of Name of the Lone Pine Airport to the Lone Pine –Death Valley Airport

DEPARTMENTAL RECOMMENDATIONS:

That your Board consider a name change of the Lone Pine Airport direct staff to process the name change if that is your decision.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

Previously, the Southern Inyo Airport Advisory Committee recommended changing the name of the "Lone Pine Airport" to the "Lone Pine – Death Valley Airport". The reason for the Advisory Committee's recommendation is apparently to acknowledge the proximity to Death Valley and to be used as a marketing tool to gain tourist to the airport. The Board of Supervisors denied the previous request for the name change at the meeting of October 16, 2012. There were probably a variety of reasons for the denial of that request but one of comments made by a member of the Board of Supervisors was that they could support a name change if it were Lone Pine – Mt. Whitney Airport. At that time the staff report indicated that if approved the name change would be forwarded to the Caltrans Division of Aeronautics. Approval by Caltrans Division of Aeronautics is not required, however a general lack of support has been expressed. The hesitancy seems to be a concern that it might lead to confusion because there are two airports in Death Valley and the Shoshone Airport is closer to Death Valley than is Lone Pine. The counter argument is that Lone Pine is the closest airport with services. This year, the Southern Inyo Airport Advisory Committee asked that the recommendation be submitted to the Board of Supervisors for reconsideration. If your Board approves, the request will be forwarded to Caltrans Division of Aeronautics who will process the request. In addition, the request will be forwarded to the FAA to update their records and published information.

ALTERNATIVES:

OTHER AGENCY INVOLVEMENT:

Caltrans Division of Aeronautics
Southern Inyo Airport Advisory Committee
Owenyo Services
FAA

FINANCING:

There is no direct expense other than staff time to change the name, however, there may be undetermined expenses when signage is changed.

APPROVALS

COUNTY COUNSEL:

AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)

 Approved: yes Date 7/2/13

AUDITOR/CONTROLLER

ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)

Approved: N/A Date _____

PERSONNEL DIRECTOR

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

Approved: N/A Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 7-2-13



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

23

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for XX .m. Closed Session Informational

FROM: Inyo County Planning Commission and Planning Department

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Information Services Antennas and Inyo County Code (ICC) 18.76 Regulation of Wireless Communications Facilities

DEPARTMENTAL RECOMMENDATION: Request the Board of Supervisors: conduct a workshop and provide direction to staff on the regulation of information service antennas and Inyo County Code (ICC) 18.76 Regulation of Wireless Communications Facilities.

SUMMARY DISCUSSION: On April 16, 2013 your Board held a hearing to consider the appeal of Conditional Use Permit 2012-04/Branson. The appeal focused on the argument that the Regulation of Wireless Communications Facilities Inyo County Code (ICC) 18.76 should have been applied to CUP 2012-04/Branson. Staff reviewed ICC 18.76 when the application was submitted and found that it did not apply to the type of antenna the applicant was proposing and that ICC 18.76 was primarily intended for mobile telephone services and cell towers. Staff had also found that several other CUP applications for the exact same type of tower/antenna projects had been processed as CUPs and were deemed not subject to the requirements of ICC 18.76. These wireless internet repeater antennas are small and are commonly located on relatively short tri-pole towers, utility poles, or attached to buildings. The antenna tower applied for under CUP 2012-04 was 30-feet, while a typical cell tower in the County is 40-80-feet.

As the Digital 395 project comes to completion, staff is anticipating that the issues surrounding the current interpretation of ICC 18.76 will resurface. The Board also indicated during the appeal of CUP 2012-04/Branson that, it too, is concerned about the possible influx of requests for wireless internet service antennas, as well as, how ICC 18.76 is being applied.

Issues

The interpretation consistently used by staff of ICC 18.76 and its application to wireless internet service antennas has focused, primarily, Federal Telecommunications Act (FTA) of 1996 and the definitions in the FTA which are incorporated into ICC 18.76.

1. FTA

The FTA primarily governs the installation of telecommunication towers, for example cellular telephone towers, imposing regulations on the industry, including requirements of co-location. In order to achieve the goal of providing unfettered access to telephone services, the FTA limits the authority of local agencies, like the County, to deny a request to build a tower. Five limitations are placed on the County when considering an application for a tower (1) the County cannot discriminate among providers of functionally equivalent services; (2) the County may not enact ordinances which either prohibit or have the effect of prohibiting the provisions of personal wireless services; (3) any request must be acted upon with a reasonable period of time, taking into account the nature and scope of the request; (4) any decision to deny a request shall be in writing and supported by substantial evidence contained in the record; and (5) the County may not regulate or deny an application on the basis of the environmental effects of radio frequency emissions if the proposed facility complies with FCC regulations concerning such emissions.

In addition to the above, the 2012 payroll tax deduction extension approved by Congress and signed by the President, includes further limitations on the County with respect to modifications of existing towers. Specifically, the County "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (112 P.L. 96, Sec. 6409.) Allowable modifications include collocation of new transmission equipment, removal of transmission equipment and replacement of transmission equipment. The law does not define a "substantial change".

The FCC and courts have determined that the jurisdiction of the FTA hinges on whether the information being transmitted is "telecommunications services" or "information services". Basically, "telecommunications services" are those in which the information transferred is delivered without change in the form or content of the information. For instance, telephone services are "telecommunications services" because the information, i.e. the voice message, is delivered without change in the form or content of the information. On the other hand, "information services" are those services which generate, convey and process information, such as email or computer search programs.

The FTA provisions governing installation of towers applies only to "telecommunications services"; "information services" fall outside the FTA regulatory scheme and, as such, are not subject to the limitations placed on local jurisdictions when siting such facilities. The Federal Communications Commission's Declaratory Ruling, adopted March 22, 2007 clarified that the definition of "personal wireless services" does not include "information services". Based on the definitions of these two types of services, the FCC determined that "*wireless broadband internet access service*" is classified as an "*information service*" and not as a "*telecommunications service*", effectively taking wireless internet service antennas (broadband) out of the regulatory framework covering telecommunications services.

2. FTA AND ICC CHAPTER 18.76

In determining the scope of Chapter 18.76, staff was guided by the various definitions set forth in the code. Chapter 18.76 specifically incorporates the definitions set forth in the FTA into the definitions of "personal wireless service facility" (18.76.040(J)) and "wireless communications" (18.76.040(K)), used in Chapter 18.76. Because the FTA does not define "wireless broadband internet access service" as "personal wireless services", staff determined that Chapter 18.76 does not apply to wireless internet towers.

3. DIGITAL-395

With the eminent completion of the Digital-395 project that is providing fiber optic cables throughout the County, there has been some speculation that a proliferation antennas will be necessary to deliver high speed internet to the people of Inyo County. The new fiber optic infrastructure provided by the Digital-395 is an invaluable opportunity for greater access to education, health care, emergency services and employment opportunities for the citizens of Inyo County. This new infrastructure will allow for additional access and improved service that can be of great economic benefit to the County by offering the means for existing businesses, governments and organizations to operate more efficiently; enabling local businesses the ability to provide improved internet access to their customers, which is a key component to a tourist based economy; providing for more work at home opportunities that is ideal for rural Inyo County for both the people who currently live here and want to expand their employment choices, as well as, a way to attract new professionals to the County. Staff has found no supporting evidence that a multitude of new antennas will be necessary to deliver the improved high speed internet services. The manner in which staff processes the applications for these antennas, can ultimately affect when and where they get built, which can, in turn, affect the timely access to the improved services. Over

regulating the siting of these antennas could result in delaying or completely negating their potential benefits.

The Current Process

When an application for a wireless internet service antenna is submitted, staff processes it, as appropriate, per the zoning district it is proposed to be built in. Antennas are an allowed use in the Heavy Commercial (C4) and Light Industrial (M2) zones; as conditional uses, under the Public/Quasi-public use category, in the Open space (OS), Rural Residential (RR), One Family Residential (R1), Multifamily (R2), Multiple Residential (R3), Single Residence and Mobile Home Combined (RMH), Central Business (CB), Administrative-Professional Office (C3) and General Industrial and Extractive (M1) districts; and, are not an allowed use or as a conditional in the General Commercial – Retail (C1), Highway Service and Tourist Commercial (C2) or Commercial Recreation (C5) districts. The application review ensures that a proposed project will meet the development standards for the applicable zoning district, including setback and height requirements (height requirements vary by district, but 40-feet or 3-stories is highest allowed, per the Inyo County Code). The application review also looks at the surrounding Zoning and General Plan Districts, as well as, the surrounding current land uses and includes a California Environmental Quality Act (CEQA) review. The CEQA review requires an evaluation of a project's potential effects on: aesthetics resources; biological resources; hazards & hazardous materials; mineral resources; public services; greenhouse gas emissions; agriculture & forestry; cultural resources; hydrology/water quality; noise; recreation; utilities/service systems; air quality; geology/soils; land use/ planning; population /housing; and, transportation/traffic. The CEQA review is noticed for public, State and Federal agency review. This includes military bases and operations and airports. Historically, it has been aesthetic resources (views) that have been identified as being potentially affected by these antenna/towers, and in response, conditions of approval regarding the impacts on views have commonly been included in these project approvals.

Inyo County Code 18.76 Regulation of Wireless Communication Facilities

Antennas that provide telecommunication services are required to follow the standards and procedures set forth in ICC 18.76 (please see attachment A). Currently these standards are not being applied to information services antennas. Staff believes that in order to include these antennas, ICC 18.76 would need to be amended to include within its scope *information services*.

The primary difference in the provisions of ICC 18.76 to the current process that staff uses for wireless internet serving antennas, is the requirement for wireless communications plans. The wireless communications plans are required to have several elements that would not be addressed directly or indirectly by the way staff currently processes wireless internet serving antennas. These elements include:

- a description of the number, type, dimensions, and radio frequencies of all antennas and equipment cabinets/structures present or proposed for use by the applicant at or near the site;
- a map depicting all existing wireless communications facilities within two miles of the proposed facility or site;
- a statement as to whether the proposed wireless communications facility is intended to increase the quality or capacity of wireless communications service in an area to which such service has already been extended, or to extend wireless communication service to an unserved area and, in the case of an application for approval of a new wireless communications facility, a certification or other proof that the facility will forthwith be utilized to provide wireless communications service; such other proof shall consist of a lease for the use of the facility, or a letter of intent to enter into such a lease, executed by a provider of wireless communications services;

- a statement as to whether and, if so, how the facility is or will be designed to allow for co-location, as well as a description of how or to what extent the facility and the site upon which it is proposed to be located will meet the General Requirements set forth in Section 18.76.100.
- for applications for facilities intended to extend wireless communications services to an unserved area, a map based on either radio frequency propagation or similar engineering data, or drive tests at the proposed site and its vicinity, showing estimated coverage of the proposed facility;
- a statement verifying that the radio-frequency radiation and electromagnetic field emissions of or associated with the proposed facility will, when operating at full strength and capacity, fall within the applicable standards adopted by the Federal Communications Commission and, if the proposed facility is to be co-located with other wireless communications facilities, a similar verification with respect to the cumulative emissions from those facilities;
- the applicant's certification that it has provided notice of the application to the Department of Defense installations listed below, to the Owens Valley Radio Observatory, and to the operators of all general aviation airports within five miles of the site of the proposed facility or activity and a description or copy of any response: Air Force Flight Test Center at Edwards Air Force Base, China Lake Naval Air Weapons Station, Bicycle Lake Army Airfield at Fort Irwin.
- a plan for the removal of the facility and reclamation of the site upon which it is or will be located, including a time frame for doing so; and,
- in the case of a facility proposed to be located on land owned by the United States, either written approval of the facility from an authorized representative of the federal agency that administers that land, or a statement from that agency stating that it will not consider the proposal until the applicant has first obtained approval thereof from Inyo County pursuant to this chapter.

Once the wireless communications plan is completed and submitted the application must then be processed as a conditional use permit.

Summary and Conclusion

ICC 18.76 was primarily created for the perceived influx of cell towers that would be coming to the County and used the FTA as the basis for regulating it. At that time, technology directed the need for many cell towers to deliver enough service capacity to meet the expected demands. Much of 18.76 focuses on how many towers, in all, will be necessary for service delivery, and thereby, promotes co-location to limit the number of antennas. It is also sensitive to the unique landscapes and spectacular views that make Inyo County, Inyo County, as well as, requires reclamation plans for the sites they are built on. Although, ICC 18.76 makes sense for telecommunications antennas, especially within the context of the time it was written, it does not necessarily make sense for information services antennas. Most of the necessary upgrades to antennas, in response to the expanded service Digital-395, can occur on existing antenna towers and poles. New antennas/towers would likely be limited to areas where there currently is no service and to facilities that need to be replaced. Information services antenna projects can continue be regulated with the County's current zoning code through the enforcement of regulations per zoning designation, and with conditional use permits, zoning variances and CEQA requirements. They can be further regulated with conditions of approval that could include reclamation plans, and if possible and/or applicable, co-location requirements.

Recommended Actions

Staff is recommending that the Board continue to regulate information services antennas as they have been historically: with the current tools provided for by the Inyo County Code and CEQA regulations.

ALTERNATIVES: The Board may consider the following alternatives.

1. *Include information service antennas in ICC 18.76.* This is not recommended. It would require applying the FTA standards, and the FTA standards do not directly apply to information service antennas. There is also no benefit in trying to force information service antenna applicants to provide the equivalent of full telecommunications plans with their applications as large networks of antennas are not necessary to provide information services like they are for communication services.
2. *Develop new regulations for information service antennas and add to the Inyo County Code.* This is not recommended. Creating a new set of regulations would not likely provide a more efficient or thorough process than the use of the tools currently provided by the Inyo County Code and CEQA regulations. It is also not anticipated that a significant number of new antenna sites will be necessary to provide information services. Except for currently unserved areas, new antenna sites will not likely be needed. The primary changes required for increased information services are replacing existing antennas with upgraded models that can handle a larger bandwidths.
3. *Direct staff to investigate additional, specific, alternatives as provided by the Board.*

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: General fund resources are utilized for work on Zoning Code issues.

<u>APPROVALS</u>	
COUNTY COUNSEL: <i>yes</i>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) <i>Nauahm On 7/2/13</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

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

Joshua [Signature]

Date: 7-2-13

Attachments:

- A. Inyo County Code 18.76 – Regulation of Wireless Communications Facilities.

Inyo County Code

Up **Previous** **Next** **Main** **Collapse** **Search** **Print** **No Frames**
Title 18 ZONING

Chapter 18.76 REGULATION OF WIRELESS COMMUNICATIONS FACILITIES

18.76.010 Findings.

In enacting this ordinance the board of supervisors finds that:

A. The scenic beauty of Inyo County is a resource that benefits both those who reside in the county as well as those who visit it, and that aesthetic beauty and the benefits it provides can and will be diminished by the unregulated placement of wireless communications facilities in the county.

B. The unregulated placement of wireless communications facilities in the unincorporated part of the county may result in incompatible land uses and may cause a threat to the health, safety, and welfare of county residents.

C. The unregulated placement of wireless communications facilities in the unincorporated part of Inyo County may impede and pose a hazard to general aviation airports in the county as well as to the missions of the various U. S. Department of Defense facilities within and adjacent to the county; specifically, the United States Air Force’s Flight Test Center at Edwards Air Force Base, the Department of the Navy’s Naval Air Warfare Center Weapons Division at China Lake, and the Army’s Bicycle Lake Army Airfield at Fort Irwin, as well as to those of the California Institute of Technology’s Owens Valley Radio Observatory.

D. County-wide wireless communications coverage and capability is and will be beneficial to the health, welfare, safety, and convenience of Inyo County residents as well as to those who visit or do business in the county.

E. For these reasons, the addition of this chapter to the Inyo County Code is necessary to establish and provide county policies, procedures, and standards to govern the location, construction, appearance, modification, and removal of wireless communications facilities and their ancillary facilities in the unincorporated part of Inyo County. (Ord. 1052 § 1 (part), 2002.)

18.76.020 Purpose and authority.

A. The purpose of this chapter is to facilitate the provision of county-wide wireless communications while addressing the concerns set forth in Section 18.76.010; specifically, to:

1. Ensure that sufficient wireless communications facilities are established to allow for countywide wireless communications for the safety and convenience of the public;
2. Implement Inyo County’s goals of supporting and expanding tourism while maintaining the county’s natural environment and rural quality of life;
3. Require that those who intend to construct or operate wireless communications facilities in Inyo County to submit plans concerning those facilities to the county prior to the construction thereof;
4. Avoid the over-concentration of wireless communications facilities on the limited amount of privately owned open space, residential, and commercial land in Inyo County;
5. Enhance the ability of providers of wireless communications services to provide such services in an efficient manner, with minimal adverse impact to the visual and economic character of the county;
6. Protect residential areas and residential land uses from any adverse impacts of wireless communications facilities and the other structures and construction that support those facilities;
7. Avoid damage and injury to persons and property that could result from the structural failure of wireless

communications facilities and/or supporting structures, through the careful engineering and siting of such facilities and structures;

8. Minimize the number of wireless communications facilities, support structures, and ancillary facilities in the county;

9. Ensure that, to the extent feasible, all wireless communications facilities and ancillary facilities in Inyo County are located and designed in a manner that minimizes their visual impact through careful design, siting, landscaping, and the use of alternative designs and camouflaging;

10. Encourage the placement and joint use or "co-location" of wireless communications facilities on existing structures, as opposed to the construction of new structures and facilities;

11. Avoid any incompatibility between wireless communication facility-generated radio emissions and the United States military's operations and test programs at Edwards Air Force Base, China Lake Naval Air Weapons Station, and the Fort Irwin National Training Center and the civilian radio astronomy operations of the California Institute of Technology at the Owens Valley Radio Observatory;

12. Avoid the blight of abandoned wireless communications facilities by ensuring that those who construct or install such facilities post adequate financial mechanisms to assure that such facilities, if abandoned, can be removed and the affected sites reclaimed;

13. Minimize light pollution from wireless communications facilities.

B. This chapter is enacted pursuant to the authority given the board of supervisors by Section 7 of article XI of the California Constitution, Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)), the Planning and Zoning Law of California (Government Code § 65000 et seq.), and, with respect to lands owned by the United States, by the authority of local governments to apply and enforce environmental laws thereon as recognized by the U.S. Supreme Court in *California Coastal Commission v Granite Rock Company*, 480 U.S. 572 (1987). (Ord. 1052 § 1 (part), 2002.)

18.76.030 Scope and applicability.

A. Any person who proposes to construct, install, establish, modify, or expand a wireless communications facility in the unincorporated part of Inyo County shall be subject to and comply with all applicable provisions of this chapter.

B. Any telecommunications facility existing in the unincorporated part of Inyo County on the effective date of the ordinance enacting this chapter shall, to the extent it is not in compliance with the provisions of this chapter, be considered and treated as a nonconforming use; and on that date the owner or operator of, and any other person responsible for, any such facility shall be subject to and comply with this chapter including, without limit, the requirement for submission and approval of a wireless communications plan in accordance with Section 18.76.050.

C. The provisions of this chapter shall apply to, and be met by the proponent of, any application or proposal for the modification, expansion, installation, or construction of a wireless communications facility submitted to the Inyo County Planning Department during the time that the interim urgency ordinances enacted by Inyo County concerning such facilities were in effect.

D. The provisions of this chapter shall apply to, and be met by the proponent of, any application or proposal for the modification, expansion, installation, or construction of a wireless communications facility on land in the unincorporated part of the county owned by the United States but, by such declaration of applicability, the county of Inyo asserts only environmental-review authority, and not land-use authority, over such lands.

E. Exemptions. Persons who own, operate, or are responsible for the communications facilities listed below shall be exempt from the provisions of this chapter:

1. Any facility used, exclusively, for public safety purposes by a Public Safety Network or for non-commercial governmental purposes by a public entity;
2. Any facility used exclusively for the transmission of television and/or radio broadcasts;
3. Any tower antenna that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas;
4. Any parabolic dish antenna used exclusively for transmission or reception of radio signals associated with satellites. (Ord. 1052 § 1 (part), 2002.)

18.76.040 Definition of terms.

The following terms have the following meanings in this chapter:

A. "Alternative Design" means the design or configuration of a wireless communications facility such that it is not readily recognizable as communications equipment.

B. "Ancillary facilities" means all of the buildings, structures, cabinets, vaults, and equipment associated with or required for operation of wireless communications facilities and systems including, without limit, repeaters, equipment housing, fencing, ventilation, and other mechanical equipment; this term shall be interpreted broadly in the administration of this chapter.

C. "Antenna" means any exterior apparatus designed or intended for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals, or other communication signals; a parabolic dish antenna used for satellite communications is not included within this definition.

D. "Applicant" means any person who seeks or who has applied for issuance of any permit or approval required by this chapter, regardless of whether that person has already received a permit or approval pursuant to this chapter.

E. "CEQA" means the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the regulatory Guidelines promulgated hereunder.

F. "Co-location" means the placement of two or more wireless communications facilities in the same or proximate location or on the same support structure.

G. "Height" means, when referring to ground-mounted wireless communications facilities, the distance between the lowest natural undisturbed ground surface at the base of the facility and the top of the facility or the top of the highest antenna or piece of equipment attached thereto, whichever is greater; for building-mounted wireless communications facilities, "height" means the distance between the top of the building on which the facility is mounted and the top of the facility or any or screening structure, whichever is higher. In determining whether a building-mounted facility exceeds or will exceed the height limitations of the zoning district in which it is or will be located, the height of the facility is the combined height of the building and the facility and/or screening structure.

H. "Monopole" means a type of tower or structure supporting a wireless communications facility or facilities that is self-supporting and made of a single shaft of wood, steel, concrete, or other material and a platform or racks for the placement of panel antennas.

I. "Mount" means the structure or surface upon which a wireless communications facility is mounted, and includes the following types of mounts:

1. Building-mount: A mount in which the facility is placed on the roof or side of a building;
2. Ground-mounted: A mount in which the facility is mounted on the ground;
3. Structure-mounted: A mount in which the facility is mounted on or in a structure other than a building.

J. "Personal wireless service facility" means a facility for the provision of personal wireless services (PCS) as that term is defined in the Telecommunications Act of 1996.

K. "Wireless communications" means any personal wireless services, as that term is defined in the Federal Telecommunications Act of 1996, including FCC-licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed to provide wireless communications services; the term does not include services of any amateur radio facility owned and operated by a federally-licensed amateur radio station operator or used exclusively for "receive-only" antennas, nor does it include noncellular telephone service.

L. "Wireless communications facility" means a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices and includes any transmission tower, antenna, or other facility designed or used for that purpose. For purposes of this chapter, amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not "wireless communications facilities." (Ord. 1052 § 1 (part), 2002.)

18.76.050 Wireless communications plans and subsequent applications.

A. Any person wishing to construct, install, expand, or modify any wireless telecommunications facility in the unincorporated part of Inyo County shall, prior to such activity, apply for and gain approval by the Inyo County planning commission of a wireless communications plan in accordance with this chapter.

B. To be considered by the planning commission, a proposed wireless service plan shall include, at a minimum, the following:

1. A detailed description of the applicant's existing wireless communications facilities in Inyo County, by size, type, frequency range, configuration design, coverage area, and relationship to other such facilities;
2. A detailed description of the applicant's plans with respect to wireless communications facilities in Inyo County including the types, configurations, locations, and coverage areas of the facilities it intends to modify, expand, install, construct, operate, lease, or deploy, and the present or anticipated commitments received by the applicant from wireless communications service providers with respect to the use of such facilities;
3. The applicant's commitment to and its methods for meeting, to the maximum extent feasible, the standards and measures in this chapter concerning the design, location, configuration, deployment, and removal of wireless communications facilities in Inyo County, as well as the remediation of former facility sites, and a description of its policies and practices for doing so, all on both a county-wide and facility-specific basis;
4. The applicant's certification that it has provided a copy of its proposed plan to the Department of Defense installations listed below, to the Owens Valley Radio Observatory, and to the operator of every general aviation airport in Inyo County, and a description or copy of any response:
 - a. Air Force Flight Center at Edwards Air Force Base,
 - b. China Lake Naval Air Weapons Station,
 - c. Bicycle Lake Army Airfield at Fort Irwin.
5. The name and address of the applicant's agent for the receipt of correspondence and notices from Inyo County pursuant to this chapter.

C. Information in an applicant's proposed or approved wireless communications service plan that is either proprietary or a trade secret shall be clearly designated as such by the applicant and shall not be disclosed by the county to third parties unless authorized in writing by the applicant or required by law.

D. Upon a determination by the planning director that an applicant's proposed wireless communications plan

is complete, the planning commission shall hold a public hearing to consider whether to approve the plan; the planning commission shall be the decision-making body with respect to that act, and its consideration of the plan shall be a discretionary act under CEQA.

E. After discharging its duties as the environmental review board in accordance with Section 15.12.040, the planning commission shall approve the wireless communications plan if it finds:

1. That the plan is in substantial compliance with the requirements of this chapter;
2. That the applicant has made a good faith effort and commitment to meeting the standards and goals of this chapter;
3. That none of the entities listed in subsection B.4. have interposed an objection to the plan; and
4. That execution of the plan will not pose or create a threat to the health, safety, or welfare of the public.

F. Following approval by the planning commission of an applicant's wireless communications facilities plan, the applicant may submit to the Inyo County planning director applications for the modification, expansion, installation, or construction of wireless communications facilities in the unincorporated part of Inyo County in accordance with Section 18.76.070.

G. The planning director shall review the application and determine whether the activity proposed will require a conditional use permit pursuant to this chapter and/or a variance pursuant to Chapter 18.81; if it does, the application will be processed accordingly, unless the applicant modifies the application to eliminate that requirement.

H. If the planning director determines that the activity proposed does not require a conditional use permit or a variance and that it is or will be in substantial conformance with the applicant's approved wireless communications plan, the director shall, except as provided in subsection J., approve and issue a permit for that activity; otherwise the director shall deny the application; in either case the director's decision shall be a ministerial act under CEQA.

I. In order to provide notice to the public and to commence the period for filing any appeal, the planning director shall post notice of the director's approval of any application pursuant to this chapter in a manner similar to that followed with respect to the notice of exemption filed under CEQA.

J. If the planning director determines that extraordinary or unique circumstances attend an application for an activity not requiring a conditional use permit or variance, the director shall forward the application for consideration by the planning commission at a public hearing; in that case the planning commission's consideration of the application shall be a discretionary act under CEQA and, in making its decision on the application, the commission shall apply the standards and be guided by the factors set forth in Section 18.76.060 concerning conditional use permits; for purposes of this section, any application which proposes the construction of a road or substantial new construction shall be considered to be an application to which extraordinary circumstances attend.

K. Once approved, a wireless communications plan may be amended only upon application to, and approval by, the planning commission; in considering whether to approve such an amendment, the planning commission shall be guided by the relevant portions of this chapter. (Ord. 1052 § 1 (part), 2002.)

18.76.060 Conditional use permits.

Any person desiring to modify, expand, install, or construct a wireless communications facility in the unincorporated portion of Inyo County that will be either:

- A. Located within, or within three hundred feet of, any residential zoning district, i.e., R-1, R-2, R-3, RR, RR-0.5, or RMH; or
- B. Located within an OS, C-1, C-2, C-3, C-4, C-5, M-1, or M-2 zoning district and which, if constructed, will

exceed the maximum height allowed in that district for principal permitted uses, shall first procure a conditional use permit in accordance with this chapter and Chapter 18.81; no conditional use permit may be sought unless the applicant has a planning commission-approved wireless communications plan on file with the planning department. (Ord. 1052 § 1 (part), 2002.)

18.76.070 Application requirements.

A. Any person wishing to modify, expand, install, or construct a wireless communications facility in the unincorporated portion of Inyo County shall, pursuant to Section 18.76.050 F. and regardless of the type of approval sought, provide the following to the Inyo County planning department:

1. A reference to the portion of the applicant's approved wireless communications plan in which the proposed activity is described and a statement as to how the desired activity or facility is consistent with that plan, as well as a map showing how the proposed facility relates to the applicant's network, if any, of existing and/or proposed facilities sites as described in that plan;
2. Site plans for the proposed activity or facility, drawn to scale, including any landscaping plans;
3. A statement that the applicant owns the site or has permission from the landowner to engage in the activity or construct the facility applied for;
4. A description of all easements on the affected property;
5. A U.S. Geological Survey topographic map or other similarly-detailed survey, showing topographic contours, the proposed facility and any existing at the site, and all existing and proposed ancillary facilities, roads, fencing, etc.; the map shall depict the site upon which the construction or activity is proposed to be located or occur and the area within a minimum of three hundred feet in all directions thereof;
6. A description of the number, type, dimensions, and radio frequencies of all antennas and equipment cabinets/structures present or proposed for use by the applicant at or near the site;
7. A map depicting all existing wireless communications facilities within two miles of the proposed facility or site;
8. A statement as to whether the proposed wireless communications facility is intended to increase the quality or capacity of wireless communications service in an area to which such service has already been extended, or to extend wireless communication service to an unserved area and, in the case of an application for approval of a new wireless communications facility, a certification or other proof that the facility will forthwith be utilized to provide wireless communications service; such other proof shall consist of a lease for the use of the facility, or a letter of intent to enter into such a lease, executed by a provider of wireless communications services;
9. A statement as to whether and, if so, how the facility is or will be designed to allow for co-location, as well as a description of how or to what extent the facility and the site upon which it is proposed to be located will meet the General Requirements set forth in Section 18.76.100 including, to the extent relevant:
 - a. A description of how the proposed facility has been designed and/or will be installed or constructed so as to be as inconspicuous as possible, including landscaping plans,
 - b. Sample exterior materials and colors of the proposed facility and any ancillary facilities and associated structures such as equipment cabinets and fences,
 - c. Visual impact demonstrations including before and after photo-simulations showing the height, location, and appearance of the proposed facility, as viewed from residences and public thoroughfares and places in the vicinity both at night and during the day.
10. A statement describing the applicant's site selection process and explaining why the applicant is seeking to locate the facility on the site proposed;

11. For applications for facilities intended to extend wireless communications services to an unserved area, a map based on either radio frequency propagation or similar engineering data, or drive tests at the proposed site and its vicinity, showing estimated coverage of the proposed facility;

12. A statement verifying that the radio-frequency radiation and electromagnetic field emissions of or associated with the proposed facility will, when operating at full strength and capacity, fall within the applicable standards adopted by the Federal Communications Commission and, if the proposed facility is to be co-located with other wireless communications facilities, a similar verification with respect to the cumulative emissions from those facilities;

13. The applicant's certification that it has provided notice of the application to the Department of Defense installations listed below, to the Owens Valley Radio Observatory, and to the operators of all general aviation airports within five miles of the site of the proposed facility or activity and a description or copy of any response:

- a. Air Force Flight Test Center at Edwards Air Force Base,
- b. China Lake Naval Air Weapons Station,
- c. Bicycle Lake Army Airfield at Fort Irwin.

14. A plan for the removal of the facility and reclamation of the site upon which it is or will be located, including a time frame for doing so;

15. In the case of a facility proposed to be located on land owned by the United States, either written approval of the facility from an authorized representative of the federal agency that administers that land, or a statement from that agency stating that it will not consider the proposal until the applicant has first obtained approval thereof from Inyo County pursuant to this chapter.

B. An applicant may combine or consolidate the maps, data, statements, and other items required by this section as long as that information is fully and clearly provided.

C. In addition to the above requirements, if an applicant is proposing to place or construct a wireless communications facility on or within three hundred feet of a residentially-zoned parcel of land, the planning department may, prior to formal acceptance of the application for the facility, convene a "Pre-Development Meeting" concerning the proposed facility among the applicant, members of the planning department and other affected county departments, and representatives of other interested public agencies to address any special or unique concerns posed by the application. (Ord. 1052 § 1 (part), 2002.)

18.76.080 Review and approval factors—Conditional use permits.

A. In addition to the considerations in Section 18.81.100, the Inyo County planning commission shall consider the following factors in determining whether to approve an application for a conditional use permit for a wireless communications facility:

1. The height of the proposed wireless communications facility, and its proportionality to and compatibility with existing structures;
2. The proximity of the proposed facility to any residences and/or residential district boundaries;
3. The zoning and the nature of existing uses on adjacent and nearby properties;
4. The nature, type, and extent of surrounding tree coverage, foliage, and other landscape features;
5. The design of the facility, with particular regard for design characteristics that will reduce or eliminate its conspicuousness and/or obtrusiveness;
6. The proposed ingress and egress to the site of the facility;
7. The availability and suitability of existing facilities and structures, especially whether suitable alternative sites, for which a conditional use permit would not be required, are available to the applicant.

B. The planning commission shall not approve a conditional use permit for the modification, expansion, installation, or construction of a wireless communications facility unless it finds, in addition to the determinations required by Section 18.81.100, that the applicant has, to the maximum extent feasible, designed and configured the facility to meet the requirements and standards set forth in Section 18.76.100 and, in the case of a facility to be installed or constructed in a residential zoning district, that the location of the facility in that district is necessary to provide wireless communications services in that area. (Ord. 1052 § 1 (part), 2002.)

18.76.090 Term, expiration, and renewal of conditional use permits.

A. Conditional use permits for wireless communications facilities issued pursuant to this chapter shall expire ten years after their issuance unless the planning commission specifies a lesser period when it approves the permit.

B. Conditional use permits for such facilities may be renewed by the planning commission for additional periods if it finds either that:

1. The facility has not had and will not have a significant adverse effect on surrounding land uses or the public; or
2. Despite its adverse effects, replacement or modification of the facility to remove its deleterious effects is not reasonably feasible and removal of the facility would result in a significant and irreplaceable loss of wireless communication coverage.

C. Notwithstanding the forgoing in this section, the planning commission shall renew a conditional use permit when it is shown to the satisfaction of the commission that failure to do so would deprive the owner, operator, or other responsible person of a reasonable return on the investment made by that person in the permitted facility and in reliance on the conditional use permit; however, any such renewal shall be for the minimum period necessary for the owner, operator, or other responsible person to recoup that investment. (Ord. 1052 § 1 (part), 2002.)

18.76.100 General requirements.

A. Regardless of the type of county approval required, the following standards, as they may be deemed applicable by the planning department, shall be met with respect to any wireless communications facility that is modified, expanded, installed, operated, or constructed in the unincorporated part of Inyo County, and shall be conditions of approval in any permit issued by the county with respect to any such facility:

1. Separation from Residential Use: No wireless communications facility that is designed to be taller than the maximum height allowed for principal permitted uses in the zoning district in which the facility is to be located shall be placed or erected closer than a distance equal to one hundred ten percent of the height of the facility from any residence.
2. Minimization of Visual Impact: All wireless communications facilities governed by this chapter shall be designed, configured, installed, and constructed so as to minimize their visibility. To this end, the applicant for a county permit for any such activity and the owner or operator of, or other person responsible for, any such facility shall, to the maximum extent reasonably feasible, observe and implement the following measures with respect thereto:
 - a. Co-location/Alternative Design of Facilities: The applicant shall co-locate facilities when it is feasible to do so and when it will mitigate or minimize the adverse effects of the facility on land use compatibility, visual resources, public safety, and/or other environmental factors. Co-location is not required when it will create or increase such adverse effects or technical evidence demonstrates to the satisfaction of the planning director or the planning commission, as the case may be, that it is not feasible due to physical, spatial, or technological

limitations. Fiscal constraints or competitive conflicts are not considered justifiable reasons for not co-locating a new facility. No new wireless communications facility may be installed on an undeveloped site unless the facility will blend in with the surrounding natural and/or manmade environment in such a manner so as to be effectively unnoticeable, unless reliable evidence demonstrating all of the following is provided to the planning director or the planning commission, as the case may be:

- i. A clear and convincing need for the facility;
 - ii. The infeasibility or undesirability of co-locating the facility; and
 - iii. The inability to develop an alternative design for the facility.
- b. **Ridgeline Sites:** Wireless communications facilities shall be sited below ridgeline and be designed to minimize their profile, e.g. screened, depressed, or located behind berms that match the landscape at the site.
- c. **Alternative-Design/Use of Camouflage:** Wireless communications facilities and all ancillary facilities shall be designed and constructed or installed using such alternative-design techniques, architectural treatments, and/or camouflaging or screening as will, to the greatest extent possible, minimize their visual impact and allow them to blend in with the existing landscape.
- d. **Colors/Painting:** The paint or other finish applied to wireless communications facilities and ancillary facilities, and to all buildings, poles, towers, antenna supports, antennas, fencing, equipment, gates, and other components associated with a wireless communications facility and/or the site upon which it is located and/or the materials out of which they are made, shall be of such non-reflective colors as will, to the greatest extent possible, minimize their visual impact and allow them to blend in with the existing landscape.
- e. **Support Facilities:** Freestanding, above-ground wireless communications support facilities including equipment shelters shall be no taller than one story and shall be designed and constructed to resemble a structure or facility typically found in the area, or to otherwise blend in with the surroundings; the design must be approved by the Inyo County planning director before a building permit for the structure may be issued.
- f. **Lighting:** Outside lighting is prohibited on wireless communications facilities, ancillary facilities, and supporting structures, and at the site upon which those facilities and structures are located except, and only, to the extent required by the Federal Aviation Administration, the Federal Communications Commission, the Department of Defense, or the Uniform Building Code; to the extent such lighting is required by any of these entities or by the Uniform Building Code, it shall, to the maximum extent feasible, be directed towards the ground and neither cast glare onto adjacent properties, nor disperse into the night sky, nor be a hazard to birds. If necessary, any such required lighting shall be shielded or placed within cowling to prevent it from causing these effects.
- g. **Dish Design:** Open-mesh design shall be utilized for microwave dishes whenever possible.
- h. **Area Disturbance/Landscaping:** Disturbance of/to the landscape and terrain shall be avoided, minimized, and mitigated to the degree feasible in the construction, installation, use, and maintenance of any facility governed by this chapter. All applicants and permit holders shall reclaim disturbed landscape areas immediately following construction of the facility. Disturbance of areas surrounding the site shall be avoided or minimized by utilizing existing disturbed areas for the storage of construction materials and equipment, flagging boundaries of the construction area, and notifying workers of these boundaries and other limits of construction and the need to minimize site damage and disturbance.
- i. **Vegetation:** Wireless communications facilities shall be constructed and installed in such a manner as to maintain and enhance vegetation at the site and existing vegetation shall, to the degree reasonably feasible, be used to screen the facilities. Native and/or fire-resistant, noninvasive adapted vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations, when necessary or desirable to provide screening for the facilities and/or to prevent erosion.
- j. **Facade-Mounted Facilities:** Facade-mounted wireless communications facilities shall be camouflaged or

incorporated into the building upon which it is placed as part of the dominant design element of the building.

k. **Building-Mounted Facilities:** Facilities attached to buildings or structures shall be painted to match the existing structure, unless they are used as a design element consistently throughout the building and will add visual interest to the building. When used as a design element, dummy elements may be required to be installed in order to retain the architectural continuity of the building.

3. **Compatibility with Military Operations:** Any applicant proposing to install or construct a wireless communications facility that will exceed eighty-five feet in height shall, before submitting an application for approval of such facility to Inyo County, notify the Air Force Flight Test Center at Edwards Air Force Base, the Frequency Management Office at the China Lake Naval Air Weapons Station, and the National Training Center and Aviation Air Traffic Control Office at the Bicycle Lake Army Airfield at Fort Irwin of the application and receive written approval thereof from each of those installations.

If an applicant provides such notification but receives no response within forty-five days thereof, Inyo County shall deem the application approved by the military installation failing to respond.

4. **Harm to Animals:** All wireless communications facilities, and all ancillary facilities and other structures associated with or auxiliary to such facilities shall be designed, configured, located, installed, and constructed so as to minimize their deleterious effects on birds and other animals to the greatest extent possible.

5. **Security:** Ground-mounted wireless communications facilities shall have appropriate security fencing, gates, and locks. In the instance of a proposed siting on school grounds, day care facility grounds, or in a park or recreational facility, the wireless communications facility, including vehicular ingress and egress, shall be as isolated from, and as minimally intrusive on, those facilities as possible.

6. **Roads:** Existing roads shall be utilized for the construction of wireless communications facilities and, once a facility is constructed, for access to the facility for any reason; if no roads exist, they shall be designed and constructed so as to minimize their visibility and erosion-causing effects.

7. **County Zoning Preferences:** The county has determined that wireless communications facilities are more compatible with certain land uses than with others, and therefore establishes the following preferential hierarchy to be followed by an applicant, to the extent feasible, when selecting sites for the location of such facilities: the applicant shall attempt first to select sites in the public zoning district, then those in an industrial/manufacturing zoning district, then those in a commercial zoning district, and lastly those in the open space zoning district; sites within a residential zoning district are disfavored.

8. **County Mounting-Style Preferences:** The county has determined that certain types of wireless communications facility mountings have less visual impact than others, and therefore establishes the following preferential hierarchy to be followed by an applicant, to the extent feasible, when designing or selecting among mounts for such facilities: the applicant shall attempt first to use a facade mount, then a roof mount, then a ground mount, and lastly a free-standing monopole.

9. **Construction Standards:** The design, construction, modification, installation, and expansion of any wireless communication facility or ancillary facility governed by this chapter shall be in conformance with the Uniform Building Code.

10. **Conflict with Federal Law:** An applicant need not comply with the requirements of this section to the extent they are preempted by federal law. (Ord. 1052 § 1 (part), 2002.)

18.76.110 Financial assurances.

A. The planning director or the planning commission, as the case may be, shall, as a condition of approval of any permit issued pursuant to this chapter for the installation or construction of any wireless communications facility, require the applicant to post a financial assurance mechanism to assure the removal of the facility and reclamation of the site upon which it is located in the event the facility becomes abandoned.

B. The financial assurance mechanism shall be held until the wireless communications facility is removed, and shall be made payable to the Inyo County planning department, which shall use the mechanism solely for the purposes described in subsection A.

C. The financial assurance may take the form of a surety bond, an irrevocable letter of credit, a certificate of deposit, cash, or such other form as the planning department determines is adequate; in any event, the mechanism shall meet the applicable financial assurance guidelines and regulations developed and promulgated under the Surface Mining and Reclamation Act of 1975 (Public Resources Code § 2710 et seq.).

D. The amount of the financial assurance mechanism shall be calculated based on the reasonably-anticipated cost to remove the facility and to reclaim the site upon which it is located; the amount of the mechanism may be adjusted in the event the facility is modified, a portion thereof is removed, the site upon which it is located is partially reclaimed, or for any other legitimate reason.

E. No wireless communications facility shall be installed, constructed, or operated unless the financial assurance mechanism required to be posted in connection with that facility is in full force and effect. (Ord. 1052 § 1 (part), 2002.)

18.76.120 Notification of transfer of ownership.

Any person to whom a permit has been issued pursuant to this chapter shall notify the planning department in writing of the particulars of any purchase, sale, transfer, merger, acquisition, or other event affecting ownership of the entitlements and privileges associated with or arising from that permit; such notification shall be provided within six months of the ownership-affecting event. (Ord. 1052 § 1 (part), 2002.)

18.76.130 Abandoned facilities.

Any wireless communications facility that is not operated on a functional basis for a period of twelve consecutive months shall be deemed abandoned, and the owner or operator of, or other person responsible for, the facility shall remove same within ninety days of its receipt of notification of the planning department's determination that the facility has been abandoned. Failure of owner, operator, or other responsible person to timely remove the facility following its receipt of such notice of abandonment shall result in the institution of proceedings for forfeiture of the financial assurance mechanism posted in connection with the facility. (Ord. 1052 § 1 (part), 2002.)

18.76.140 Modification and revocation of permits.

If the Inyo County planning commission finds, following a public hearing, that the conditions of approval of any conditional use permit or other permit or authorization issued pursuant to this chapter have not been fulfilled, or that the use or uses allowed by any such permit has or have resulted in a substantial adverse effect on the general welfare of the public or any persons owning, occupying, or using property adjacent or proximate to the site of the permitted activity, or is detrimental to the provision of public facilities or services, the commission may modify or revoke the permit. If the permit is revoked, the owner or operator of, or other person responsible for, the subject facility shall promptly remove same and reclaim the site upon which it was located to the satisfaction of the Inyo County planning director. (Ord. 1052 § 1 (part), 2002.)

18.76.150 Responsibility for inspection costs.

The owner or operator of, or other person responsible for, a wireless communications facility authorized by a permit issued pursuant to this chapter shall be responsible to the county of Inyo for the payment of all reasonable

costs associated with the necessary inspections of the conditions of approval associated with the permit, including costs incurred by the Inyo County planning department, the Inyo County public works department, and any other department of Inyo County. (Ord. 1052 § 1 (part), 2002.)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

24

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Inyo National Forest Plan Update/Revision

RECOMMENDATION: Receive a presentation from staff about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision and provide input, and approve the Public Outreach Plan and authorize the Planning Department to implement.

SUMMARY DISCUSSION: The Inyo National Forest (INF) is working on updating its Forest Plan.¹ Staff will report on recent activities relevant to coordination for the Plan Update.

At its June 11, 2013 meeting the Board directed staff to prepare a Public Outreach Plan in response to input from the Planning Commission and the Natural Resource Advisory Committee. Staff has prepared the draft Plan for the Board's consideration.

OTHER AGENCY INVOLVEMENT: Department of Agriculture, U.S. Forest Service; Mono, Fresno, Madera, and Tuolumne counties; other interested persons and organizations.

FINANCING: General fund resources are utilized to monitor planning work in the Forest. Resources for Willdan's assistance with the effort are funded by operating transfer from the Geothermal Royalties fund.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

¹ Refer to <http://inyoplanning.org/InyoNationalForest.htm> for more information about the County's participation in the Plan Update/Revision.

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

A handwritten signature in blue ink, appearing to read "Joseph West", is written over a horizontal line.

Date: 7-2-13

Attachment: Draft Public Outreach Plan

Draft Public Outreach Plan – Inyo National Forest Plan Update/Revision
Prepared by Inyo County – July 9, 2013

The Inyo County Planning Department will lead the County's public outreach effort for the Inyo National Forest Plan Update/Revision. This outreach effort is designed to engage the public at key junctures in coordination with the Forest Service's (FS) public participation efforts. The County's outreach generally will be (1) ongoing, (2) focused, and (3) staged.

Purpose: Due to the vast amounts of information being presented, the effort is intended to focus the County citizenry's input while minimizing participation fatigue over the many years of the Plan update process.

Ongoing

Ongoing outreach will be accomplished through targeted mailings, phone calls, and emailings to a list of interested individuals and organizations. Other tools include press releases, fliers, and potentially social media interactions. A periodic newsletter may also be considered. The contact lists will be compiled from existing databases and augmented with known entities with interest in Forest issues. This ongoing outreach will be coordinated with the focused and staged efforts described below, including with release of focused studies prepared by the County and the FS' work on the Plan.

Focused

Focused outreach will occur at key junctures throughout the process to inform the public and County decision-makers about important issues being considered and solicit input. These include when the County is focusing in on important policy issues to assist decision-makers in asserting the County's stance. The focused outreach may include meeting with local chambers of commerce, civic groups, volunteer organizations, special districts, the City of Bishop, the City of Los Angeles, and other interested community organizations. It is expected that materials will be prepared by County staff to assist with the effort, including technical information produced by the FS and the County to inform the citizenry and narrow input to relevant topics. The focused outreach is anticipated at the following key junctures: (1) prior to end of the comment period for the Topic Papers, (2) prior to the Assessment Report, (3) two-to-three times during preparation of the draft Plan and EIS, (3) during the EIS public review period, and (4) prior to the Record of Decision. County staff will also periodically update the Natural Resource Advisory Committee (NRAC), the Fish and Wildlife Commission (FWC), the Agricultural Resources Advisory Board (ARAB), the Planning Commission (PC), and the Board of Supervisors (BOS).

Staged

Staged outreach will occur during major milestones in the Plan effort, including the Assessment Report, the Draft Plan/EIS, and the Record of Decision. This outreach effort will be coordinated with public review of FS documents, and will incorporate input gathered during the ongoing and focused outreach efforts. This stage will be the most intensive of the three, and will include press releases and other media efforts. As with the focused and ongoing efforts, outreach to the County's contact lists will be undertaken to inform and solicit input for the decision-makers consideration. Staff will present information to interested organizations, time permitting. Input will be gathered and funneled through the NRAC, FWC, ARAB and PC to the BOS for final determination of County policy.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

25

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: CLERK OF THE BOARD

By: Patricia Gunsolley, Assistant Clerk of the Board

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - Request approval the minutes of the Board of Supervisors Meeting of June 18, 2013.

SUMMARY DISCUSSION: - The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested, the minutes will be made available to the public via the County's web page at www.inyocounty.us.

ALTERNATIVES: - Staff awaits your Board's changes and/or corrections.

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

APPROVALS

BUDGET OFFICER:	BUDGET AMENDMENTS <i>(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)</i>
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

27

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11:45 Closed Session Informational

FROM: Bill Lutze, Sheriff

FOR THE BOARD MEETING OF: July 9, 2013

SUBJECT: Amendment of section 10.36.090 of the Inyo County Code

DEPARTMENTAL RECOMMENDATION:

Request the Board waive the reading of an ordinance entitled "An Ordinance of the County of Inyo, State of California, Amending Section 10.36.090 of the Inyo County Code to Authorize Removal of Vehicles in Violation of That Section" which will allow for removal of vehicles parked for more than seventy-two hours; and set July 16, 2013 at 11:45 a.m. at the Board of Supervisor's Room in Independence for time and place of enactment.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Inyo County Code § 10.36.090 was adopted in 1962 and amended in 1973. It prohibits parking of a vehicle upon any road, street or alley for more than a consecutive period of two hundred and forty hours. Currently, Section 10.36.090 allows removal of illegally parked vehicles pursuant to Vehicle Code § 22652(a). Section 22652(a) no longer pertains to the removal of illegally parked vehicles and the reference to it invalidates the portion of section 10.36.090 allowing removal of vehicles. The purpose of this ordinance is to cite to the appropriate Vehicle Code Section that currently allows the removal of a vehicle parked more than 72 hours in violation of a local ordinance -- Vehicle Code § 22651(k).

ALTERNATIVES:

Your Board could choose not to waive the first reading of the ordinance.

OTHER AGENCY INVOLVEMENT:

California Highway Patrol, Bishop Police Department, California Department of Fish and Game, Cal FIRE

FINANCING:

N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: _____ Date <u>6.17.13</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) N/A Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 6-19-13

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF INYO, STATE OF CALIFORNIA,
AMENDING SECTION 10.36.090 OF THE INYO COUNTY CODE TO AUTHORIZE REMOVAL
OF VEHICLES PARKED IN VIOLATION OF THAT SECTION**

The Board of Supervisors of the County of Inyo, State of California, do ordain as follows:

SECTION ONE. AUTHORITY.

California Vehicle Code Sections 21100 *et seq.*, 22506 and 22651(k) authorize the County to regulate parking on County highways. Vehicle Code Section 22651(k) authorizes the removal of vehicles parked for more than seventy-two hours in violation of a County ordinance.

SECTION TWO. PURPOSE.

Inyo County Code § 10.36.090 was adopted in 1962 and amended in 1973. It prohibits parking of a vehicle upon any road, street or alley for more than a consecutive period of two hundred and forty hours. Currently, Section 10.36.090 allows removal of illegally parked vehicles pursuant to Vehicle Code § 22652(a). Section 22652(a) no longer pertains to the removal of illegally parked vehicles and the reference to it invalidates the portion of section 10.36.090 allowing removal of vehicles. The purpose of this ordinance is to cite to the appropriate Vehicle Code Section that currently allows the removal of a vehicle parked more than 72 hours in violation of a local ordinance -- Vehicle Code § 22651(k).

SECTION THREE. SECTION 10.36.090 AMENDED.

Section 10.36.090 (Use of roads or streets for prolonged parking or storage prohibited) is amended to read as follows:

“No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any road, street or alley for more than a consecutive period of two hundred and forty hours, except as may be specifically allowed by resolution of the board of supervisors. Any vehicle parked in violation of this section is subject to removal pursuant to Vehicle Code § 22651(k) or a successor statute.”

SECTION FOUR. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of this Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board voting for and against the same.

PASSED AND ADOPTED this ___ day of _____, 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda Arcularius, Chair
INYO COUNTY BOARD OF SUPERVISORS

ATTEST: Kevin Carunchio
Clerk of the Board

BY: _____
Patricia Gunsolley, Assistant Clerk of the Board