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**STAFF REPORT**

**AGENDA ITEM NO.:** 9 (Action Item – Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** April 27, 2005

**SUBJECT:** Conditional Use Permit No. 2001-19/  
General Plan Amendment No. 2001-03/  
And Zone Reclassification No. 2001-  
04/Crystal Geysers Roxane (Beverage  
Bottling Plant)

**EXECUTIVE SUMMARY**

The project is a conditional use permit, general plan amendment and zone reclassification to develop a light industrial beverage bottling plant. The development would occur on a 30-acre portion of a 120.4-acre parcel; however, the applicant has proposed the General Plan Amendment and zone change over the entire parcel. The property is located approximately 3 miles south of Olancho, adjacent to, and west of, U.S. Highway 395 (see attached vicinity map and site plan).

The plant will produce approximately 10 million gallons of bottled beverages per year, and will employ approximately 40 people in a 2-shift operation. The General Plan designations for the property are Rural Protection and Residential Estate, 5.0 acre minimum) and the corresponding zone districts are Open Space, 40-acre minimum and Rural Residential, 5.0-acre minimum with a Mobilehome Overlay. The request is to re-designate the entire 120.4-acre property to “LI” (Light Industrial) and rezone the entire 120.4-acre property to M-2 (Light Industrial).

In August 2002, an Initial Study and Environmental Checklist was completed and a Notice of Determination was prepared stating that that the proposed project **would** have the potential for significant effects to the environment, and an Environmental Impact Report (EIR) would be required. The Draft EIR was released for public comment on December 29, 2004 and closed on February 14, 2005.

## PROJECT INFORMATION

**Supervisory District:** Fifth District

**Application** Conditional Use Permit No. 2001-19/;  
General Plan Amendment No. 2001-03/; and  
Zone Reclassification No. 2001-04/Crystal Geyser  
Roxane (Beverage Bottling Plant)

**Applicant Information:** Richard Weklytch, Principal  
c/o Thomas Platz, Vice President  
Triad Holmes Associates  
P.O. Box 1570  
Mammoth Lakes, CA 93546

**Project Location:** 4050 S. U.S. Highway 395, Olancha, three miles  
south of Olancha, west of, and adjacent to, U.S.  
Highway 395.

**Request:** Redesignate and rezone a 120.4-acre property as  
Light Industrial, and issue a Conditional Use Permit  
for the development of a 30-acre portion of the  
property as a beverage bottling plant.

**A.P.N.:** 033-110-17

**General Plan  
Designation:** Rural Protection [100.4 acres] and Residential  
Estate, 5.0 acre minimum [20 acres].

**Zoning:** OS-40 (Open Space, 40-acre minimum) [100.4  
acres] and RR-5.0-MH (Rural Residential, 5.0-acre  
minimum with a Mobilehome Overlay) [20 acres].

**Size of Parcel:** 120.4 acres

**Existing Land Use:** Los Angeles Department of Water and Power  
aqueduct crosses the property northwest to  
southeast in the southeast section of the property;  
an abandoned Southern Pacific railroad grade  
crosses the property northwest to southeast in the  
western portion of the property; a single family  
home used as an office and a caretaker's cabin; .

**Surrounding Land Use:** North, South, and West: undeveloped Bureau of  
Land Management land

East: cleared and graded site of Bone Dry Brewery and vacant BLM land.

**The specific actions requested are :**

- (A.) Approval of Conditional Use Permit No. 2001-19 to: allow a bottling plant on a 30-acre portion of the 120-acre site.
- (B.) General Plan Amendment No. 2001-3 from Rural Protection and Residential Estate to Light Industrial.
- (C.) Zone Reclassification No. 2001-4 from Open Space, 40-acre minimum (OS-40) and Rural Residential, 5.0-acre minimum, Mobilehome Overlay (RR-5.0-MH) to Light Industrial (M-2).

**Recommended Action:**

**Approve** Conditional Use Permit No. 2001-19/; General Plan Amendment No. 2001-03/; and Zone Reclassification No. 2001-04/Crystal Geyser Roxane (Beverage Bottling Plant) **for the proposed 30-acre development site only;**

and,

**Deny** Conditional Use Permit No. 2001-19/; General Plan Amendment No. 2001-03/; and Zone Reclassification No. 2001-04/Crystal Geyser Roxane (Beverage Bottling Plant) **for the balance of the 90.4-acre property**, subject to Findings and Conditions of Approval as recommended by staff.

**Alternatives:**

1.) **Approve** Conditional Use Permit No. 2001-19/; General Plan Amendment No. 2001-03/; and Zone Reclassification No. 2001-04/Crystal Geyser Roxane (Beverage Bottling Plant) **for the entire 120.4-acre property** with Findings and Conditions of Approval as revised by the Commission. Revisions may require continuance depending on the extent of the revision.

2.) **Deny** Conditional Use Permit No. 2001-19/; General Plan Amendment No. 2001-03/; and Zone Reclassification No. 2001-04/Crystal Geyser Roxane (Beverage Bottling Plant) thereby not

allowing development of the beverage bottling plant.

- 3.) **Continue** the action and direct staff to provide specific information at a future specified public hearing date.

**Project Planner:** Jan Larsen, Senior Planner

## **BACKGROUND**

Applications from Crystal Geysers Roxane for conditional use permit, general plan amendment and zone reclassification were deemed complete by Inyo County in February, 2002, and an Initial Study and Environmental Checklist completed. From this analysis, it was determined that an Environmental Impact Report (EIR) would be required because the project would have the potential to significantly impact the environment.

The first Draft EIR was submitted to the County on April 26, 2003; however, there was insufficient information on biological, hydrological, and air quality impacts. The analyses were completed by the fall of 2004. The Draft EIR was released for public comment on December 29, 2004 for a 45-day comment period which closed February 14, 2005. Comments were received from California Department of Fish & Game, City of Los Angeles Department of Water and Power, California Department of Transportation (Caltrans), and one citizen. The responses to these comments are available in the Final EIR, attached to this Staff Report.

The applicant proposes to import fruit and tea concentrates to the project site and add these concentrates to the well water pumped from the local groundwater basin. These beverages, including non-flavored well water, will then be bottled on site and exported from Inyo County in the form of manufactured/processed goods in bottles. Because the water is transferred in bottles, this project is exempt from the provisions of the Water Code . Section 18.77.010 (B).(3.) "Exemptions" says:

"A transfer or transport of water in the form of manufactured or processed goods or products, agricultural products, or in bottles or any other portable containers..." is exempt from the requirements of Section 18.77.

In 1992, Inyo County amended Section 18.56.040, Conditional Uses, of the M-2 zone to allow:

"(D.) Bottling Plant including retail and wholesale establishments for the distribution of bottled products manufactured or processed by the industry on the same site."

The proposed general plan designation and zone district extends beyond the area proposed for a bottling plant. There is no development proposed for the land outside the boundaries of the proposed Conditional Use Permit. Staff is concerned that the re-designation of land to a much more intense use category without an accompanying application for specific development could result in significant impacts to the environment. These impacts include, but are not limited to, biological resources, hydrogeological (groundwater draw-down, wastewater treatment and water quality), noise, lights & glare, traffic, solid waste disposal, dust and vehicle emissions, public services and utilities, and other impacts related to the development of the site in light industrial land uses. If the land which is not proposed for specific development is redesignated as proposed, the County would not have discretionary authority over permitted light industrial uses .

## **PROJECT DESCRIPTION**

### General Description

The applicants are proposing a bottling plant for mineral water, juices and teas on 30 acres in the southeast portion of a 120.4-acre parcel located approximately 3 miles south of Olancho, west of U.S. Highway 395. The plant will produce approximately 10 million gallons of bottled water, juices and tea beverages per year, and will employ approximately 40 people. This will be a 2-shift operation, and the applicant proposes to limit the hours of operation to a 16-hour (2-shift) workday from 6:0 a.m. - 2:00 p.m. (1<sup>st</sup> shift) and 2:00 p.m. -10:00 p.m. (2<sup>nd</sup> shift).

The project will include: a 2.9-acre (124,500 square feet), 35-foot tall metal industrial building which will house the beverage processing facilities; a 200-foot by 200-foot paved shipping-receiving area; a fenced 4-5 acre effluent disposal area; 3 storage tanks which stand 25-feet above the ground surface; a stormwater runoff retention basin; employee parking area; and, on-site treatment plant and septic systems for both bottling operations and employee waste. Plant operations sewage disposal will be treated to Lahontan Regional Water Quality Control Board standards. There will be a 219-foot by 300-foot truck staging and loading area and 25 spaces for employee and guest parking.

### Project Phasing

The 30-acre bottling plant development (the bottling plant of the project) will be constructed in two stages. The first stage will be construction of a 150,000 square foot building, all infrastructure, including the sewage treatment plant and septic system. The second stage of the bottling plant will be a 46,200 square foot warehouse addition to the processing building (see attached site plan). The warehouse phase will be constructed as demand warrants.

### Traffic

Transportation of raw materials (plastics, paper, fruit and tea concentrate, etc.) and finished product will be by truck. Approximately 20 trucks will enter and exit the facility

per business day (40 trips). Access to the plant will be via a new 24-foot wide paved road to U.S. Highway 395. Caltrans is requiring the applicant to improve U.S. Highway 395 by constructing a left-hand turn lane (northbound, south of the plant), acceleration lanes (southbound, south of the plant and northbound, north of the plant) and a deceleration lane (southbound, north of the plant) at the intersection with the plant access road. The existing 20-foot wide dirt road north of the proposed plant, which provides access to a single-family residence used as an office and a caretaker cabin will remain. Due to the proximity of the narrow bridge which crosses the LADWP aqueduct north of the plant, Caltrans will require that northbound tractor-trailer rigs travel south along U.S. Highway 395 to the first highway cross-over located approximately ½ mile south of the plant before they turn onto the northbound lanes of the highway.

### Water Supply

Two wells were drilled and completed at the project site in 1993, under a permit issued by Inyo County, for an observation well and a production well. Water will be pumped from the existing 16-inch diameter production well at a depth of approximately 500 feet (Well number “GR-2”, later named CG-2). The water table is located at approximately 90 feet below ground surface. The applicant estimates that the pumping will be at a rate of 49 acre-feet per year in 2005<sup>1</sup>. Maximum use will be up to 107 acre-feet per year at maximum production in 2009<sup>2</sup>. Based on pump tests, the well has the potential to supply water at rates exceeding those required for build out of the bottling plant (see Hydrology/Groundwater section below).

The proposed plant will employ a total of 40 employees, with 20 employees scheduled for each of the two shifts. Installation and operation of a State Small Water System<sup>3</sup> will be required prior to issuance of occupancy permits. Water for the manufacturing production lines and domestic use will be supplied by the production Well CG-2 which is located approximately 1,120 feet northwest of main plant building. Fire flow water and the 230,000-gallon tank storage water will be supplied by the second well located approximately 500 feet northwest of the plant building.

### Structures Fire Protection

A 230,000-gallon tank will be located on the west side of the plant for fire suppression, with a fire flow distribution system and hydrants as required by the Uniform Fire Code, Inyo County Public Works Department, and the Olancha Community Services District. The plant will be equipped with sprinklers, and all staff will be trained in fire emergency and safety procedures. All flammable materials will be stored and handled according to standard hazardous materials Best Management Practices, Uniform Fire Code, Uniform Building Code, and Olancha CSD, and all staff will be trained in the management of hazardous and flammable materials.

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<sup>1</sup> approximately 15.9 million gallons per year, or, a pumping rate of approximately 30 gallons per minute [gpm]

<sup>2</sup> approximately 35.1 million gallons per year, or, a pumping rate of approximately 65 gpm

<sup>3</sup> A community water system, by definition, must support a minimum of 15 service connections for yearlong use, or serve a minimum of 25 “service connections” for at least 60 days of the year.

## Wildland Fire Protection

The project site is surrounded by highly flammable blackbush scrub vegetation. In order to reduce potential wildland fire impacts, the applicant proposes measures such as building setbacks, a fuel modification program, safe and adequate circulation design, sprinkler systems for all buildings with an uninterruptible power supply, and the minimum number, location, and distribution of fire hydrants, minimum fire flows, and water pressure requirements. Landscaping on the project site will consist of xeric and low combustion species approved by the California Department of Forestry and Fire Protection. Trucks on the project site will be required to remain on paved surfaces.

## Stormwater Drainage

There are three “blue line” intermittent (dry) streams and washes that cross the property in a west to east direction. The drainage areas are not within any Federal Emergency Management Agency (FEMA)-identified flood zone. Therefore, storm drains, diversion, a retention pond, overflow structures, drainage swales, and other drainage techniques are proposed to retain the storm water on-site, or divert existing drainage so that it won't create problems on the site or impact surrounding property.

## Structures, Materials and Landscaping

The buildings and outside equipment will be soft 'desert-sand' colors that match the local background tones and hues. The buildings will be constructed with non-reflective surfaces, including roofs and windows, and the windows will be designed so they face away from the highway. The buildings, wastewater ponds, outside equipment and utilities such as propane tanks and solid waste containers will be landscaped or screened with materials such as sand-colored concrete block to reduce visibility from U.S. Highway 395 and nearby businesses. Landscaping mounds and screening will be required using native and common ornamental vegetation, such as cottonwood and poplar trees, blackbush scrub, sagebrush, rabbit brush, cactus, and native wild flowers, grasses, and forbs, and other vegetation characteristic of a rural ranch.

## Lighting

Lighting will comply with “dark skies” criteria to the greatest extent possible and still maintain public safety. All lighting will be fully shielded, attached to buildings, and limited in fixture number, intensity, and duration. To the greatest extent possible, lighting will be placed on switches, timers, or motion sensors, be of a low sodium orange/yellow/pink hue, and be located so as to minimize the lighting seen from U.S. Highway 395, local streets and roads, and the spring/seep south of the property that may be used by nocturnal wildlife. Lighting on entry driveways, evening offices and truck loading areas will be limited to that required for safety.

## Utility Lines

Electricity is provided by the Los Angeles Department of Water and Power. Propane will be used for space heating only - all tanks and distribution equipment, enclosed or otherwise, will be shielded from view. All new utility lines will be placed underground. Existing lines can accommodate the 30-acre bottling plant. Because we don't know what will be constructed on the remaining property proposed for light industrial, we do not know if existing power is adequate to serve that unknown development.

## Wastewater Treatment and Septic Systems:

The wastewater for the bottling plant will be processed by a Sequencing Batch Reactor packaged treatment plant (or similar system) and a secondary aerobic treatment system, such as a facultative lagoon, aerated pond system, or re-circulating sand filter system (see Appendix I of the Draft EIR). Wastewater will then be allowed to percolate into the soil, or be placed in a clay-lined evaporation pond, or be dispersed through a spray irrigation system over a 4 to 5 acre parcel adjacent to the manufacturing plant. Soil percolation tests indicate that soils at this site are capable of adequately absorbing the estimated 60,000 gallons of wastewater per day the bottling plant. Treated wastewater will meet or exceed the water quality standards of the local groundwater prior to percolation into the soil or be placed into the evaporation ponds, pursuant to the requirements of the Lahontan Regional Water Quality Control Board.

Domestic waste generated by staff and employees is estimated to be approximately 1,000 gallons per day (25 gallons per employee per day x 40 employees), and would be processed through a standard septic/leach field system. Because we don't know what will be constructed on the remaining property proposed for light industrial, we do not know what disposal systems will be installed to handle that waste.

All wastewater treatment systems will be inspected and permitted through the Inyo County Environmental Health Services Department.

## **SURROUNDING LAND USES**

The project site is surrounded by open lands under the jurisdiction of BLM to the north, south, and west, designated State and Federal Lands and zoned Open Space, 40-acre minimum parcel size (OS-40).

To the east, across U.S. Highway 395 is a 15-acre site designated as Light Industrial (LI) and zoned Light Industrial (M-2). The site was permitted for the proposed Bone Dry Brewery, and is cleared and graded. That building permit has expired. This site is also surrounded by open BLM lands on the north, east and south.

## **Project Analysis and Inyo County General Plan Compliance**

### Land Use

The General Plan Amendment to Light Industrial includes both the development of the 30-acre beverage bottling plant and an additional 90 acres proposed for unknown future development. The 30-acre site for the proposed bottling plant is within the area currently designated in the General Plan as Rural Protection and zoned Open Space, 40-acre minimum (OS-40).

The Rural Protection designation:

“is applied to land or water areas that are essentially unimproved and planned to remain open in character, provides for the preservation of natural resources, the managed production of resources, low intensity agriculture including grazing, park and other low-intensity recreation, wildlife refuges, hunting and fishing preserves, horse stables, cemeteries, greenbelts and similar and compatible uses. The minimum parcel size is generally 40 acres. Residential use is limited to one single family home per 40 acre or larger parcel” (Policy LU-2.95).

The proposed amendment to change the land use designation from “Rural Protection” to “Light Industrial” would allow for the development of industrial land uses such as industrial parks, warehousing, light manufacturing, public and quasi-public uses and similar compatible uses where there are no significant air, odor, water, visual or hazard issues (Inyo County 2001 General Plan, Land Use Element, Goal LU-4, Policy LU-4.1).

### Land Use General Plan Policies:

**Goal LU-4.** Provide appropriate types of industrial land uses that adequately serve the existing and/or future needs of the community and surrounding environs, and to promote and attract forms of non-polluting light industry.

**Policy LU-4.1. Light Industrial Designation.** This designation provides for industrial parks, warehousing, light manufacturing, public and quasi-public uses, and similar and compatible uses where there are no significant air, odor, water, visual or hazard issues. The FAR [floor area ratio] shall not exceed 0.50 (The FAR can be up to 1.2 under a conditional use permit).

**Policy LU-4.3. Adequate Water and Sewer Facilities.** The County shall require industrial sites to be served with adequate water service and sewage disposal facilities. Certain industrial developments may need to provide on-site secondary level treatment of the generated sewage or connect to an existing sewage treatment plant depending on the amount of sewage generated and the density of the development. There are certain industrial wastes that are not compatible with sewage wastes; therefore some industrial

facilities may need to provide separate treatment and disposal facilities for any generated waste.

**Policy LU-4.4. Pollution Standards.** The County shall require that all industrial uses use the most recent air, water, and noise pollution standards.

**Policy LU-4.5. Residential and Commercial Uses.** The County shall permit residential uses within an industrial classified area only for caretaker or superintendent of the enterprise. Commercial uses similar in character to the industrial use, particularly the Heavy Commercial uses, may be compatible in industrial designations.

**Policy LU-4.6. Circulation and Safety.** The County shall give high priority to maintaining traffic safety and a safe circulation pattern for all industrial uses. For residential areas, the County shall require that industrial related traffic is routed out and away from residential neighborhoods.

**Policy LU-4.7. Access and Parking.** The County shall require industrial development to have direct vehicle access to a publicly maintained roadway. The industrial site itself should be designed with adequate parking and loading areas. Visitor parking should be situated where it is safe and does not interfere with the operation of the facility.

**Policy LU-4.8. Planned Development.** The County shall encourage planned development and other flexible development techniques for any large or general industrial development.

**Policy LU-4.9. Landscaping.** The County shall require landscaping to screen industrial uses.

**Policy LU-4.10. Industrial Land Availability.** The County shall, where possible, maintain a suitable amount of land designated for industrial uses in each community. The industrial areas should, where feasible, provide a choice of sites.

**Goal LU-5.** Provide adequate public facilities and services for the existing and/or future needs of communities and their surrounding environs, and to conserve natural and managed resources.

General Plan Consistency Finding: The proposed project would change the General Plan land use designations and zoning classifications for the project site to permit light industrial uses. If the requests for such changes are approved, the proposed uses would then be consistent with the General Plan land use policies and goals.

The project is consistent with LU-4.5 (Residential and Commercial Uses), LU-4.6 (Circulation and Safety), and LU-4.7 (Access and Parking) in that it does not include residential uses, the project uses a Caltrans-standard circulation design for access to U. S. Highway 395, and provides on-site parking. The project would use native vegetation for screening, which is consistent with LU-4.9 (Landscaping).

The project is consistent with Policy LU-4.4 (Pollution Standards), because Conditions of Approval recommended in this Staff Report will require compliance with this policy.

The proposed project would change the land use designation on approximately 20 acres of the site from residential to light industrial uses. While the Housing Element contains provisions that encourage the development of adequate housing, and specifically mentions mobilehomes as deserving of support, this is not considered a conflict, especially in light of the other applicable provisions of the General Plan. Any mobilehome development that would occur on the parcel in question would be restricted to minimum 5-acre size, thus restricting the number of mobilehome residences (four residences on the 20 acres) that might be developed, and increasing the cost of such development to a level that would probably be above the level considered affordable to very-low or low income residents.

### Economic Development

**Goal ED-4.** Actively encourage the expansion of existing industry of all types (including resource industries, manufacturing and service industries), and actively recruit new businesses that will bring new jobs to the County.

**Policy ED-4.2 Manufacturing Growth.** Encourage existing manufacturers to expand and create new job diversity. Manufacturers include value-added (bottled) water and other processed mineral export operations.

General Plan Consistency Finding: The project is consistent with the Economic Development Element, which includes a goal of attracting resource industries and manufacturing that will bring new jobs to the County (ED-4). The project supports goal LU-4 in that it would provide a light industrial use that would provide employment for the Lone Pine/Cartago/Olancha area, and it meets the definition of light manufacturing as contained in Policy LU-4.1 (Light Industrial Designation). Location of the project on a site with a developed water supply along with use of on-site wastewater treatment would satisfy the requirements of Policy LU-4.3 (Adequate Water and Sewer Facilities).

Based on review and consideration of the applicable General Plan goals and policies related to land use, economic development and water resources, the project as proposed on the 30-acre portion of the property is consistent with the General Plan. The proposed use for the property conflicts with the existing General Plan land use designations for the project site and therefore an amendment is necessary to change the current designation from Rural Protection and Residential Estate, 5.0-acre minimum to Light Industrial, in order for this project to be consistent with the General Plan.

Staff cannot analyze General Plan consistency for the remaining 90-acre portion of the property as development type is unknown. Staff recommends that the General Plan amendment be denied for this portion of the property as we do not believe we have justification to make the required General Plan consistency finding.

### Traffic

The volume of traffic on U.S. Highway 395 varies greatly throughout the year (see the traffic study in Appendix E of the Draft EIR). The Annual Average Daily Traffic (AADT) volume in the study area is 5,600 vehicles per day, with 7,600 vehicles per day during the peak month. The midweek peak hour volume is from 300-400 Vehicles Per Hour (vph). The volumes increase on Fridays and holiday weekends. In summer and winter, the p.m. peak hour volume reaches 600 to 700 vph, with trucks comprising about 16% of the total daily traffic volume in the area.

A new 24-foot wide driveway will be constructed to serve the bottling plant. Twenty semi-trucks will enter and exit the project site each business day over a 16-hour time period for this first phase of development. In addition, 40 employees (20 per shift) will increase existing traffic counts. Most of the trucks will arrive from the south when they bring raw materials to the site, and travel south with finished goods. In addition, the applicant will install acceleration/deceleration lanes and left-hand turn lanes on U.S. Highway 395 in accordance with Caltrans requirements. Due to the proximity of a narrow bridge over the LADWP aqueduct just north of the driveway, Caltrans will also require that fully-loaded northbound trucks first travel south on U.S. Highway 395 to the first median break before turning north.

As additional light industrial development occurs on this site, further modifications to U.S. Highway 395 would be required. Because the volume of truck traffic resulting from the 90 acres is unknown, other improvements could be required, such as widening the bridge over the LADWP aqueduct, re-building the bridge to accommodate the truck traffic, lengthening the southbound right turn lane, and widening the driveway approach to U.S. Highway 395. Because we don't know what will ultimately be proposed for this larger portion of the land, necessary improvements cannot be identified.

"Level of Service" (LOS) is a quantitative measure of traffic operating condition quality. LOS assigns a letter grade "A" through "F", corresponding to progressively worsening operating conditions.<sup>4</sup> Inyo County General Plan policies state that the Level of Service on all roadways and highways in the County be maintained at a minimum of Level "C" or better<sup>5</sup>. Traffic projections for the bottling plant would not exceed Level C.

Further development of the parcel in unknown industrial uses may be able to be accommodated with a the four-lane widening of U.S. Highway 395. As mentioned

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<sup>4</sup> Refer to Table 3.2-3, page 3-14, of the Draft EIR for Level of Service definitions.

<sup>5</sup> Average traffic delays in the range of 15 to 25 seconds per vehicle at unsignalized intersections; the ability to maneuver and select operating speeds somewhat affected on open roadways.

previously, there are various uses listed for the M-2 Zone that are “principal permitted uses” under the Zoning Code for this district that could, if developed on the portion without a development proposal, result in traffic counts which exceed LOS “C” .

The following circulation-related goals and policies of the Inyo County 2001 General Plan apply to this project:

#### Roadways and Highways

**Goal RH-1.** A transportation system that is safe, efficient, and comfortable, which meets the needs of people and goods and enhances the lifestyle of the County’s residents.

**Policy RH-1.4. Level of Service.** Maintain a minimum level of service (LOS) “C” on all roadways and highways in the County.

**Policy RH-1.5. Proper Access.** Provide proper access to residential, commercial, and industrial areas.

**Policy RH-1.6. Minimize Environmental Impacts.** Insure that all transportation projects minimize adverse effects on the environment of the County.

#### Circulation

**Goal OCT-1.** Provide for the parking needs of local residents, visitors, and tourists.

**Policy OCT-1.1. Adequate Allocation of Parking.** Require development proposals to provide adequate parking for the intended uses.

General Plan Consistency Finding: The project is consistent with Policy OCT-1.1 (Adequate Allocation of Parking) by providing both employee and guest parking on site. However, a re-designation of the 90 acre portion of the property is possibly in conflict with Policy RH-1.4, which calls for a minimum level of service (LOS) “C” on all roadways and highways in the County, and potentially with Policies RH-1.5 and RH-1.6.

Traffic studies (Appendix E, Draft EIR) show that LOS “A” will be maintained at all times after full development of the bottling plant. However, the 90 acres with unknown development potential cannot be assessed for general plan consistency.

#### Air Quality

The project site is located in the Great Basin Valley Air Basin.

Inyo County is classified as in “serious non-attainment” of state and federal PM<sub>10</sub> standards<sup>6</sup>. The nearby Owens Lake is the major source of PM<sub>10</sub> emissions in the Owens Valley area.<sup>7</sup>

The following air quality-related goals and policies of the Inyo County 2001 General Plan apply to this project:

## **Public Safety Element of the General Plan Goals and Policies**

### **Air Quality**

**Goal AQ-1.** Provide good air quality for Inyo County to reduce impacts to human health and the economy.

**Policy AQ-1.1. Regulations to Reduce PM<sub>10</sub>.** Support the implementation of the State Implementation Plan [for air improved quality] and the agreement between GBUAPCD and the LADWP [Los Angeles Department of Water and Power] to reduce PM<sub>10</sub>.

**Policy AQ-1.2. Attainment Programs.** Participate in the GBUAPCD’s attainment programs.

**Policy AQ-1.3. Dust Suppression During Construction.** Require dust-suppression measures for grading activities.

**Policy AQ-1.4. Energy Conservation.** Encourage the use of energy-conservation devices in public and private buildings.

General Plan Consistency Finding: The project is consistent with General Plan policies and goals regarding air quality when the following Conditions of Approval are applied:

- During construction the following measures to control fugitive dust and emissions of particulates shall be employed:

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<sup>6</sup> Suspended particulate matter includes particles of 10 microns or less in diameter, known as PM<sub>10</sub> and which are small enough to be inhaled, pass through the respiratory system and lodge in the lungs.<sup>6</sup>

<sup>7</sup> States such as California that have areas that violate the standards must revise their State Implementation Plans to incorporate additional control measures to reduce air pollution. The 1988 California Clean Air Act (CCAA) requires local air pollution control districts to achieve and maintain both the federal and state ambient standards at the earliest practical date. For jurisdictions that have been classified as “non-attainment” for one or more pollutants, air quality attainment plans are to be prepared and submitted to the California Air Resources Board (CARB); the plans must either demonstrate attainment of the state ambient standards or provide a strategy for a five percent annual reduction in emissions of non-attainment pollutants in a given district. The *Owens Valley PM<sub>10</sub> Demonstration of Attainment State Implementation Plan* has been prepared by the Great Basin Unified Air Pollution Control District (GBUAPCD) to meet federal requirements in the Clean Air Act Amendments of 1990.

- Provision of equipment and staffing for watering of all exposed or disturbed soil surfaces or use of an appropriate dust palliative or suppressant;
  - Watering or treating of all disturbed but inactive portions of the site with an appropriate dust suppressant;
  - Covering or wetting down of materials transported by truck to control dust;
  - Daily clean-up of mud and dirt carried onto paved streets from the site;
  - Suspension of dust-producing activities during periods of sustained high winds (gusts exceeding 25 mph) when dust control measures are unable to avoid visible dust plumes; and,
  - Maintenance of all construction equipment in proper working order.
- A daily trip generation cap so that LOS “C” is not exceeded. If daily trip generation exceeds this level, conditions require that the applicant submit and present to the Planning Director for approval a Transportation Demand Management (TDM) plan that establishes a carpool matching program, vanpool commute program, and/or operational strategies (e.g., staggered work hours/days, flexible scheduling, and on-site services such as cafeteria/lunch room, break room, gym, showers, etc).

## Noise

Ambient noise level is defined as the composite of noise from all sources, near and far, which is existing in a given location.<sup>8</sup> The predominant existing source of noise on the project site is traffic on U.S. Highway 395.

Applicable Noise Element General Plan goal and policies are as follows:

**Goal NOI-1.** Prevent incompatible land uses, by reason of excessive noise levels, from occurring in the future. This includes protecting sensitive land uses from exposure to excessive noise and to protect the economic base of the County by preventing the encroachment of incompatible land uses within areas affected by existing or planned noise producing uses.

**Policy NOI-1.1.** The County shall utilize the noise levels shown in Table 9-7 [see Draft EIR, Table 3.4-1] for evaluating project comparability related to noise.

**Policy NOI-1.3.** Require that new development not increase the ambient exterior noise level measured at the property line above established County noise standards (as shown in Table 9-7 [Draft EIR, Table 3.4-1]), unless mitigation measures are included to reduce impacts to below County noise standards.

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<sup>8</sup> The Inyo County 2001 General Plan Noise Element primarily uses a weighted average of day and night noise measurements, referred to as Ldn.

**Policy NOI-1.4.** The development of new noise sensitive land uses adjacent to existing or planned transportation facilities or development of new transportation facilities adjacent to existing or planned sensitive land uses shall require a noise impact analysis in areas where current or future exterior noise levels from transportation sources exceed 65-dB Ldn. This study shall include recommendations and evidence to establish mitigation that would reduce noise exposure to acceptable levels.

**Policy NOI-1.7.** Contractors will be required to implement noise-reducing mitigation measures during construction when residential uses or other sensitive receptors are located within 500 feet.

General Plan Consistency Finding: The development of the project does not involve the placement of a noise sensitive land use adjacent to U.S. Highway 395, or exposure of residences and other sensitive receptors to excessive noise. It also does not involve the development of new transportation facilities adjacent to existing or planned sensitive land uses. Therefore, a formal Noise Impact Analysis, as described in Policy NOI-1.4, is not required for this project.

The project is consistent with General Plan Policy NOI-1.3, new development not increase the ambient exterior noise level measured at the property line above established County noise standards.

The construction noise that will be generated is a short-term impact and is subject to the following conditions:

- If noise-sensitive uses exist within 500 feet:
  - All construction vehicles and equipment (fixed or mobile, including generators) shall be equipped with properly operating and maintained mufflers;
  - Any generators or air compressors proposed to operate on a 24-hour basis and within 500 feet of residential units or sensitive receptors (such as schools) shall be placed within an enclosure to reduce nuisance noise;
  - All noise-generating construction activities shall be limited to weekdays, Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. Construction activities shall not be performed on weekends or federal holidays.
- Implement, as directed by Inyo County, appropriate additional noise mitigation measures, including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, installing acoustic barriers around stationary construction noise sources, and routing construction trucks away from noise-sensitive areas.
- Noise levels produced by stationary and mobile sources on the project site shall not exceed 70 dB Ldn at the property line.

- Applicants shall submit acoustical studies prepared by a qualified acoustical engineer demonstrating that operational noise will not exceed the standard in this measure prior to issuance of building permits.<sup>9</sup>

### Aesthetics/Visual Resources

The project site is covered by desert scrub vegetation, but has been extensively disturbed by previous human activity. U.S. Highway 395 borders the site on the east side. The Los Angeles Aqueduct crosses the northeast portion of the site. There is an existing 20-foot wide dirt road that leads to a single-family residence (used as an office) and a caretaker cabin.<sup>10</sup>

The only viewpoint to the project site is from U.S. Highway 395. The Sierra Nevada Range forms a close and dramatic backdrop to the west which draws the viewer's attention and dominates the viewshed. The foreground viewshed is relatively flat and featureless, and is dominated by desert scrub and the Los Angeles Aqueduct. The low flat areas of the Owens Valley can be seen to the east and the north with the Inyo Mountains visible in the distance. The southern view is mostly flat, with an occasional Joshua tree breaking the expanse. Looking southeast, the Coso Range can be seen in the distance.

Design and construction of structures, landscaping, and lighting requirements to minimize the impact to the aesthetics, ambience and viewshed of the property would reduce the impact of the proposed development, but the development of urban (light industrial) uses in this setting would still constitute a substantial change in the views along U.S. Highway 395. The impact will remain significant and unavoidable. Therefore, a **Statement of Overriding Consideration** has been provided as Attachment #1 to this staff report. This statement provides documentation that the visual impacts of the project have been mitigated to the extent possible, but remain significant and unavoidable even after mitigation.

The following visual resources goals and policies of the Inyo County 2001 General Plan apply to the project:

**Goal VIS-1.** Preserve and protect resources throughout the County that contribute to a unique visual experience for visitors and quality of life for County residents.

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<sup>9</sup> Inyo County Public Works (Building and Safety) Department will verify that noise-related contract specifications are in place before issuing demolition, grading, or building permits for any phase of the project. Public Works (Building and Safety) and Sheriff's Departments will respond to any noise complaints received and adjust measures as appropriate.

<sup>10</sup>Photographs of the project site area and views in the Owens Valley are included as Photoplates A, B, C and D in Chapter 3 of the Draft EIR.

**Policy VIS-1.3. Grading Impacts.** Man-made slopes should be treated to reflect natural hillside conditions in the surrounding area.

**Policy VIS-1.6. Control of Light and Glare.** The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e. lighting shall not emit higher than a horizontal level) and which are fully shielded. Where public safety would not be compromised, the County shall encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

**Visual Implementation Measure 6.0.** During review of development applications, the County will require that appropriate screening be included for mechanical equipment or outdoor storage.

**Goal SH-1.** Maintain a system of scenic routes that will preserve and enhance the quality of life for present and future generations.

**Policy SH-1.1.** Protect the Natural Qualities of Designated Scenic Routes. The natural qualities of designated scenic routes should be protected.

**Scenic Highway Implementation Measure 1.0.** Adopt standards within the County Zoning Ordinance for development within the vicinity of scenic routes that maintains the integrity of viewsheds in the County.

General Plan Consistency Finding: The views from U.S. Highway 395 of the project site are not unique and are shared by other properties in the general Olancho area. The project will be built on relatively flat ground and there will be no significant cut slopes. Policy SH-1.1 to protect “the natural qualities of designated scenic routes” is not applicable because this segment of U.S. Highway 395, although eligible for designation, has not been designated as a scenic route, and the County has adopted no special standards for development within the viewshed of U.S. Highway 395. The project does include vegetative screening of buildings and other facilities, which is consistent with Visual Implementation Measure 6.0. Further mitigation is proposed to control light and glare so the project will be consistent with Policy VIS-1.6.

Because there will be development where there is currently undeveloped open space, as a Condition of Approval, the County shall require developers to submit full-color architectural renderings, including signage, of all proposed bottling plant facilities. Photo simulations showing the "before" project site and the "after" project site shall also be provided along with a sample board of materials, the proposed color palette, and a landscaping plan. The photo simulations shall be from at least two angles, and from various distances (e.g., 500, 1,000, and 2,000 feet) from both the north and from the south along U.S. Highway 395. The simulations shall show relative height, location, and appearance of the proposed facilities as viewed from U.S. Highway 395. The renderings, sample boards, landscaping plans, and photo simulations shall be submitted for consideration and approval by the Planning Commission prior to approval of building permits.

These renderings and samples shall conform to the following design criteria and be required as Conditions of Approval:

- Buildings shall be constructed with non-reflective surfaces, including roofs and windows, and the windows shall be designed so they face away from the highway.
- Buildings shall be painted or otherwise covered in soft 'desert-sand' colors that match the local tones and hues.
- Buildings, wastewater ponds, outside equipment and utilities such as propane tanks, water tanks, solid waste containers, etc., shall be landscaped or screened with materials such as sand-colored concrete block to reduce visibility from U.S. Highway 395 or nearby businesses.
- Signs shall be externally illuminated. Signage shall not be painted or otherwise affixed to buildings.
- Landscaping and screening shall incorporate native and common ornamental vegetation, such as cottonwood and poplar trees, blackbush scrub, sagebrush, rabbit brush, cactus, and native wildflowers, grasses, and forbs.
- All driveways shall be paved in a light-colored material, and landscaped in native vegetation and vegetation common to the area (e.g., cottonwood and poplar trees, various native and ornamental shrubs, and native flowers and grasses) to the greatest extent possible.
- Use of local soils, rocks, and other materials that give the area a 'natural' look shall be included in the design. Cactus and other fire-resistant vegetation shall be strategically placed on the project site to minimize fire hazard while maintaining visual aesthetics.
- Lighting shall be installed with the lowest illumination feasible, using soft yellow/orange/pink lighting elements, low pressure sodium elements, or other lighting as approved by the Inyo County Planning Director. Baffles, shades, and hoods shall be used to direct all lighting downward, such that light does not escape in an upward direction, and is not reflected onto any off-site buildings or roadways. All light standards and fixtures within parking lots shall be of a cutoff or motion sensor/timed design. Prior to issuance of building permits, the Public Works (Building and Safety) Department will review proposed lighting fixtures to ensure compliance with this measure. The applicant shall submit a lighting plan for the bottling plant showing compliance with the above requirements and specifying the location and intensity of proposed exterior or outdoor lighting features. All signage shall be externally illuminated.
- The lighting plan shall be subject to review and approval by the Planning Director and Sheriff's Department to ensure that minimum safety standards are maintained while minimizing off-site lighting impacts.

Staff cannot find that the unknown development on the 90-acre portion of the property will be consistent with the General Plan.

## Fire Hazards/Risk of Upset

The project site is located within an identified Very High Fire Hazard Severity Zone, as identified on the State Responsibility Area 7.5 Minute “Haiwee Reservoir” quadrangle map. This is a “State Responsibility Area” for fire protection and thus is served by the California Department of Forestry and Fire Protection (CDF). The project site is also served by the local Olancho Volunteer Fire Department through the Olancho Community Services District. The project site is surrounded by highly flammable blackbush scrub vegetation.

The following Goals and Policies of the Inyo County 2001 General Plan apply to this project:

### Fire Protection

**Goal PSU-8.** To protect the residents of and visitors to Inyo County from injury and loss of life and to protect property from fires.

**Policy PSU-8.1. Fire Protection for New Development.** Prior to the approval of development projects, the County shall determine the need for fire protection services. New development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities can be provided.

**Policy PSU-8.2. Education.** The County shall identify key fire loss problems and design appropriate fire safety education programs to reduce fire incidents and losses.

**Goal WF-1.** Prevent wildfires and provide public safety from wildlife hazards.

**Policy WF-1.2. Limitations in Fire Hazard Zones.** Discourage development within high fire hazard severity zones.

**Policy WF-1.3. Fuel Modification.** Require fuel modification for structures within fire hazard zones.

**Wildfire Hazard Implementation Measure 4.0.** During review of development proposals, the County shall require building setbacks and fuel modification requirements within fire hazard zones as appropriate to the specific hazard zones.

**Wildfire Hazard Implementation Measure 5.0.** The County shall review all development plans and subdivision maps to provide recommendations for fire prevention and protection, including but not limited to safe circulation, ingress and egress, sprinkler requirements, and water pressure requirements.

General Plan Consistency Finding: The proposed project is consistent with General Plan Policy WF-1.2, which discourages development within high fire hazard severity zones, and with Policy PSU-8.1 (Fire Protection for New Development), Wildfire Hazard

Implementation Measure 4.0, and Wildfire Hazard Implementation Measure 5.0 because conditions are applied to the project which reduce fire hazards and adequate fire protection is available to the site.

In order to reduce potential impacts from fire and upset of hazardous materials and to ensure General Plan consistency, the following Conditions of Approval will be required:

- Vegetation surrounding all structures and along all roadways shall be cleared or otherwise maintained pursuant to the standards required by CDF and the Olancho Community Services District. Landscaping on the project site shall consist of xeric and low combustion species approved by the California Department of Forestry and Fire Protection. Trucks on the project site shall be required to remain on paved surfaces.
- Buildings constructed on the project site shall comply with applicable Fire Safe Regulations adopted and enforced by CDF and the Uniform Fire Code that relate to entry/exit, maintenance of defensible space measures, signing and building numbering, building spacing, water storage, fire flow, fire hydrants, and other requirements designed to promote fire protection. All buildings shall be equipped with automatic fire sprinklers with an uninterruptible power supply.
- As a part of the site design, all facilities proposed for the project site shall contain all required fire hazard prevention, fire fighting, and personal safety equipment, as required by the Uniform Fire Code. Prevention and safety equipment includes fire extinguishers, smoke alarms, and related equipment.
- The following drainage and spill control and containment features shall be incorporated into the bottling plant design:
  - Trench drains with storm water controls
  - Oil/wastewater separators
  - Spill containment
- The proposed wastewater treatment plant shall be required to comply with Uniform Building Code standards for construction. Health and safety regulations shall be in place relative to the storage and use of hazardous chemicals or substances at the plant site prior to issuance of building permits.
- Material Safety Data Sheets and Business Plans<sup>11</sup> must also be prepared and filed to obtain the required building permits.

## Population and Housing

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<sup>11</sup> Pursuant to State law, procedures for responding to any spill or release already exist. The Inyo County Public Works Department (Building & Safety) will insure plans include the required design features prior to issuance of building permits, and will monitor construction to ensure compliance with approved plans.

The application includes elimination of the Residential Estate zone, which would allow development of up to 4 mobilehomes on a 20-acre portion of the project site.

The Inyo County General Plan policy with respect to mobilehomes is as follows:

**Policy H-4.2.** The County shall continue to encourage mobilehomes as an affordable means of home ownership.”

General Plan Consistency Finding: The proposed change in zoning to Light Industrial on the 20 acres of Rural Residential, 5.0 acre minimum parcel size with a Mobilehome Overlay) would preclude the development of four individual mobilehomes on five-acre lots. It is unlikely that actual development of 4 mobilehomes in this remote location which requires development of a water supply, individual septic systems and other infrastructure will result in affordable housing. Therefore, land conversion from residential to light industrial uses will not impact housing supplies.

The proposed bottling plant would employ approximately 40 people for a 2-shift operation. It is anticipated that over 35 local residents who are already residing in the area from Ridgecrest to Lone Pine would be hired as employees. Therefore, the need for increases in housing and infrastructure for the bottling plant of the project would not be substantial. However, the completion of the additional the 90 acres with unknown development potential developments would require that additional employees be recruited, which could induce population growth. This growth would then require the expansion of roads and other infrastructure in these communities.

Staff finds that the bottling plant proposal is consistent with the General Plan, but cannot find that re-designation of the remainder of the property to allow for unknown industrial development is consistent with the General Plan.

### **Public Services and Facilities**

Fire Protection: As mentioned above, the project site is located within a “Very High Fire Hazard Area.” The nearest California Department of Forestry fire station is located approximately 39 miles from the site in Independence. The station is staffed during the declared fire season, which varies each year depending on the weather and wildland fuel conditions. One 3-person engine crew is present at the station, with an additional 3-person engine crew and 5 inmate crews present at the Owens Valley Conservation Camp located approximately 10 miles northwest of Bishop. Structural fire protection is provided by the Olancha Community Services District, which operates the Olancha/Cartago Fire Department Safety Division station, located approximately 3.2 miles north of the site in Olancha. Volunteers staff this station. Other fire stations within the vicinity of the project site that could also provide mutual aid include the Lone Pine Fire Protection District, Independence Fire Protection District, and Big Pine Fire Protection District.

Law Enforcement: The Inyo County Sheriff's Department provides law enforcement services to all unincorporated areas of the county, including Olancha and the project site. The nearest substation to the project site is located in Olancha, approximately 3.2 miles north of the project site. However, the nearest active substation is located in the community of Lone Pine, approximately 30 miles north of the project site. Response time to the project site fluctuates on a daily basis, depending on the location of officers when a call for service is received.

The Inyo County Sheriff's Department has 39 sworn officers, with one resident officer in Olancha who reports to the Lone Pine substation.

Solid Waste: The Lone Pine Landfill provides several solid waste disposal transfer bins for the community of Olancha. The Lone Pine Landfill is a "non-hazardous" disposal facility and is permitted to accept industrial refuse. The landfill is located approximately 30 miles north of the project site. The estimated life of the Lone Pine Landfill will extend to the year 2109. The Inyo County Integrated Waste Management Department confirmed that the landfill has adequate capacity to accept waste from the proposed project.

Road Maintenance and Snow Removal Service: Inyo County provides snow removal service for any roads improved to County standards and offered for dedication and accepted by the Inyo County Board of Supervisors. Maintenance of private roads within the project site would be the responsibility of the property owner. Maintenance and snow removal on U.S. Highway 395 is the responsibility of Caltrans.

Electricity, Gas, Telephone Service: The Los Angeles Department of Water and Power (LADWP) provides electricity service to the community of Olancha and would provide additional electricity services to the project site. There is no natural gas service available in the area, and none is proposed for the project. Propane service is available, but will be used for space heaters only. Verizon Communications Inc. provides telephone service to Olancha, and would provide additional telephone services to the project site.

Schools: The Olancha Elementary School District provides K-5 education for the residents of Olancha. Grades 6-12 instruction is provided in Lone Pine by the Lone Pine Unified School District for the residents of Olancha. The applicant estimates that approximately 90% of the employees required for the initial beverage bottling plant's operation could be recruited from the local population; therefore, additional school facilities would not be needed at this time. Because the Olancha Elementary School may need to be improved or expanded to accommodate additional students from unknown development, staff recommends denial of the requested land use designation for the 90 acre portion of the property. The Lone Pine Unified School District does not collect impact fees for additional student populations.

Parks: The nearest County facility to Olancha is Diaz Lake, located two miles south of Lone Pine. Again, since most employees could be recruited from the local population, additional park facilities would not be needed for the bottling plant.

The following General Plan Public Services and Utilities Goals and Policies apply to this project:

### **Utilities and Infrastructure**

**Goal PSU-1.** Ensure the timely development of public facilities and the maintenance of adequate service levels for these facilities to meet the needs of existing and future County residents.

**Policy PSU-1.1. Facilities and Services for New Development.** The County shall ensure through the development review process that public facilities and services will be developed, operational, and available to serve new development. The County shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).

**Policy PSU-1.2. On-Site Infrastructure.** The County shall require all new development, including major modifications to existing development, to construct necessary on-site infrastructure to serve the project in accordance with County standards.

**Policy PSU-1.3. Facilities and Services for New Industrial Development.** The County shall require new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided.

**Policy PSU-1.4. Facilities and Services for New Commercial Development.** The County shall require new urban commercial and urban-density residential development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided.

**Policy PSU-1.5. Review for Land Use Changes.** When reviewing applications for land use designation changes (i.e., zone change, General Plan Amendment, specific plan amendment), the County shall thoroughly analyze the impacts of the proposed changes on all aspects of the infrastructure systems within the County, and require mitigation as appropriate. This shall include consultation with service providers who have infrastructure within the County.

**Policy PSU-1.6. Coordination.** The County shall require that the provision of streets, sewer, water, drainage, and other needed infrastructure be coordinated in a logical manner between adjacent developments so as to reduce design, construction and maintenance costs.

**Policy PSU-1.7. Undergrounding Utilities.** The County shall require undergrounding of utility lines in new development areas and as areas are redeveloped, except where infeasible for operational or financial reasons. The County will also work with utility providers to proactively place utilities underground as part of the utilities' ongoing maintenance program.

## Funding

**Goal PSU-2.** To ensure that adequate facility and service standards are achieved and maintained through the use of equitable funding methods.

**Policy PSU-2.1. Funding Sources.** The County shall identify and pursue alternative funding sources that can be used for capital improvement project construction and staffing ongoing maintenance of public improvements, including grant funding.

**Policy PSU-2.2. Fair Share of Costs.** The County shall require that new development pays its fair share of the cost of developing new facilities and services and upgrading existing public facilities and services. Exceptions may be made when new development generates significant public benefits (e.g., low income housing) or when alternative sources of funding can be identified to offset foregone revenues.

## Solid Waste Facilities

**Goal PSU-6.** To ensure the safe and efficient disposal or recycling of solid waste generated in Inyo County.

**Policy PSU-6.1. Solid Waste Reduction and Recycling.** The County shall promote maximum use of solid waste reduction, recycling, composting, and environmentally safe transformation of wastes.

**Policy PSU-6.2. Recycling Facility Location.** The County shall encourage the development of regional and community-based recycling facilities in heavy commercial and industrial areas.

**Policy PSU-6.3. Recycled Products.** The County shall encourage businesses to use recycled products in their manufacturing processes and consumers to buy recycled products. The County shall use recycled products or products containing recycled materials when possible.

## Communication Infrastructure

**Goal PSU-7.** To expand the use of information technology in order to improve personal convenience, reduce dependency on nonrenewable resources, take advantage of the ecological and financial efficiencies of new technologies, maintain the County's economic competitiveness, and develop a better-informed citizenry.

**Policy PSU-7.1. Provision of Services.** The County shall encourage the provision of communications and telecommunications service and facilities to serve existing and future needs.

**Policy PSU-7.2. Prewiring.** The County shall explore the feasibility of prewiring industrial areas and business parks for new information technologies.

#### Law Enforcement

**Goal PSU-9.** To provide adequate law enforcement services to deter crime and to meet the growing demand for services associated with increasing populations and commercial/industrial development in the County.

#### Gas and Electrical Facilities

**Goal PSU-10.** To provide efficient and cost-effective utilities that serve the existing and future needs of people in the unincorporated areas of the County.

**Policy PSU-10.1. Expansion of Services.** The County shall work with local gas and electric utility companies to design and locate appropriate expansion of gas and electric systems, while minimizing impacts to agriculture and minimizing noise, electromagnetic, visual, and other impacts on existing and future residents.

**Policy PSU-10.2. Improvements.** The County shall promote technological improvements and upgrading of utility services in Inyo County.

**Policy PSU-10.3. Provision of Services.** The County shall encourage the provision of adequate gas and electric service and facilities to serve existing and future needs.

#### Schools

**Goal PSU-11.** To ensure that adequate school facilities are available and appropriately located to meet the needs of Inyo County residents.

**Policy PSU-11.1. Provision of Facilities.** The County shall continue to support local school districts in providing quality education facilities that will accommodate projected changes in student enrollment.

**Policy PSU-11.2. Planning for New Facilities.** The County shall work cooperatively with local school districts in monitoring housing, population, and school enrollment trends and in planning future school facility needs, and shall assist the districts in identifying appropriate sites for new schools in the County.

#### Recreation

**Policy REC-1.4. Adequate Parkland.** The County shall provide adequate parkland throughout the County. The County shall require parkland dedication and/or developer impact fees for new subdivisions within the County to provide adequate recreation space for residents.

General Plan Consistency Finding: The proposed bottling plant is consistent with Policy PSU-1.3, which requires new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided.

The 90 acres with unknown development potential of the project may be inconsistent with Policy PSU-1.5 (Review for Land Use Changes), which calls for analysis of the impacts of the proposed changes on all aspects of the infrastructure systems within the County, and require mitigation as appropriate, when applications for land use designation changes (i.e., zone change, general plan amendment, specific plan amendment) are involved.

Both the bottling plant and the 90 acres with unknown development potential of the project would increase the need for additional fire protection and emergency response services. The bottling plant will have a fire flow storage tank supplied by a separate well providing sufficient water for fire suppression. The Olancha/Cartago fire station is not sufficiently staffed or equipped to provide the level of service required at multiple industrial sites.

Therefore, the 90 acres with unknown development potential would require development of additional fire protection facilities and staff cannot find that this portion of the project is consistent with the General Plan.

The proposed project could increase the demand for law enforcement staff and vehicles. However, the proposed the bottling plant project will consist of light manufacturing uses, with no residential or commercial uses proposed, so few calls for Sheriff's Department services are anticipated.

The project will generate solid waste and increase the demand for landfill capacity. Again, with a life expectancy of over 100 years, the Lone Pine Landfill has adequate capacity to accommodate waste disposal from the proposed project. Sierra Waste

The proposed project will generate minimal additional population and school enrollment, and impact local school facilities. Since the applicants estimate that approximately 90% of the employees required for the bottling plant beverage bottling plant's operation will be recruited from the local population, additional school facilities at this time will not be needed. Upgrades or possible expansion to the current school facilities in Olancha would have to be analyzed regarding the 90 acres with unknown development potential. General plan consistency cannot be found for this portion of the project.

The proposed project will generate additional population and increase use of existing parks and other recreational facilities and demand for new parks and recreational facilities. Since the applicants estimate that approximately 90% of the employees required for the bottling plant will be recruited from the local population, additional parks and recreational facilities will not be needed at this time. Again, upgrades or possible expansion of the parks and recreation opportunities in the area would have to be analyzed

for the 90 acres with unknown development potential and staff cannot find that this portion of the project is consistent with the General Plan.

The build out of the 90 acres with unknown development potential would require the construction and operation of an onsite fire station and expansion of other public services and facilities, such as law enforcement, schools, parks, and recreation opportunities. Staff cannot find the re-designation of the 90-acre portion of the project to be consistent with the General Plan.

### Hydrology/Groundwater

The project site is located in the southern portion of the Owens Valley Basin, in a groundwater sub-area that has been defined as the Owens Lake Sub-basin. Groundwater occurs at depths that range from near- surface to over 1,000 feet, depending on topographic position in the valley and proximity to nearby streams and gullies. Production in water wells is typically high due to the coarse nature of the aquifer materials, and many wells are capable of producing over 100 gallons per minute for extended periods. Well CG-2 was completed to a depth of 510 feet, and groundwater was encountered at a depth of about 90 feet. Based on pump tests, the aquifer has the potential to supply water at high rates to wells (see Appendix H of the Draft EIR).

The proposed Crystal Geysers Roxane Beverage Bottling Plant is located near the communities of Cartago and Olancho. There are approximately 300 residents in Olancho and Cartago, with about two dozen small businesses and half dozen ranches that use groundwater for domestic, commercial, and agricultural purposes. Each of these users draws water from the groundwater beneath the Owens Lake sub-basin. Since they use on-site systems for wastewater disposal, they return a small amount of water to the groundwater table.<sup>12</sup>

### Estimated Project Groundwater Usage

One way to determine if the cumulative withdrawal of groundwater might result in overdraft, is to compare the estimated existing and projected uses with the estimated natural recharge. Unfortunately, water meters are not used on local rural water wells, and accurate records are not available to quantify water usage. Therefore, estimates of water use are based on available records, and ‘typical’ water use for the various rural land uses in the area.

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<sup>12</sup> If the cumulative or total amount of groundwater used within a basin over time exceeds the average annual amount of aquifer recharge, then groundwater levels will drop. In practice there are seasonal and annual fluctuations in water tables, depending on the history of groundwater pumping and the amount of precipitation that falls on the basin and provides recharge. A measure of the capacity of an aquifer or basin to supply water over the long term is often called its “safe yield”. Safe yield is the annual extraction from the groundwater unit that will not, or does not:

- 1) Exceed the average annual recharge;
- 2) So lower the water table that the permissible cost of pumping is exceeded; and,
- 3) So lower the water table as to permit the intrusion of water of undesirable quality.

The proposed the bottling plant project is expected to pump approximately 153.8 acre-feet of groundwater per year at maximum capacity. Of this, approximately 30% will be gradually returned to the aquifer from on-site wastewater disposal. The net use over the long term is, therefore, about 107 acre-feet per year.<sup>13</sup>

Groundwater use for the 90 acres with unknown development potential was estimated at approximately 42 acre-feet per year. In addition to domestic water usage by visitors/employees, some water may be used non-domestically in cleaning, rinsing, or other operations. Non-domestic water use of 200 gallons per day per acre would be typical of light industry, warehousing, office, and other uses that do not use a water source in manufacturing or processing. Therefore, non-domestic water use would total about 17 acre-feet per year, for a projected total use for the 90 acres with unknown development potential of 59 acre-feet per year.

Total annual recharge to the southern part of the Owens Lake sub-basin is estimated to be 7,270 to 17,100 acre-feet per year. The proposed project water use combined with other existing local water uses is on the order of 1,423 acre-feet per year. This represents between roughly 10 to 20% of the average annual basin recharge. Therefore, even at build-out of the permitted light industrial uses proposed for the 90 acres with unknown development potential property, there is adequate groundwater available.

All water wells are inspected and permitted through the Inyo County Environmental Health Services Department. This department will also require updated water quality tests on a regular basis.<sup>14</sup>

In several places, especially on the alluvial fans on the west side of the valley, springs are present along fault lines. The springs typically support small riparian communities and are very important sources of water to wildlife, especially during the dry summer and fall months. The Olanca Spring is located approximately 1,500 feet south of the project's production well, Well CG-2 and it may or may not be impacted due to water being pumped from the production well for the bottling plant.

The following Goals and Policies of the Inyo County 2001 General Plan apply to this project:

### Water Resources Element

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<sup>13</sup> As a conservative analysis and for cumulative groundwater impact discussion purposes, wastewater recharge was *not* considered).

<sup>14</sup> Maximum Contaminant Levels (MCLs) are enforceable regulatory standards under the Safe Drinking Water Act and must be met by all public drinking water systems to which they apply, and is a Condition of Approval of the project.

**Goal WR-1** Provide an adequate and high quality water supply to all users within the County.

**Policy WR-1.1 Water Provisions.** The County shall review development proposals to ensure adequate water is available to accommodate projected growth.

**Policy WR-1.2 Domestic Groundwater.** Support sustainable groundwater extraction or domestic use in rural areas.

**Goal WR-3** Protect and restore environmental resources from the effects of export and withdrawal of water resources.

**Policy WR-3.2 Sustainable Groundwater Withdrawal.** The County shall manage the groundwater resources within the County through ordinances, project approvals and agreements, ensure an adequate, safe and economically viable groundwater supply for existing and future development within the County, protect existing groundwater users, maintain and enhance the natural environment, protect the overall economy of the County, and protect groundwater and surface water quality and quantity.

#### Public Services and Utilities

**Goal PSU-3.** To ensure that there will be a safe and reliable water supply sufficient to meet the future needs of the County.

**Policy PSU-3.1. Efficient Water Use.** The County shall promote efficient water use and reduced water demand by:

- Requiring water-conserving design and equipment in new construction;
- Encouraging water-conserving landscaping and other conservation measures;
- Encouraging the retrofitting of existing development with water-conserving devices;
- Providing public education programs;
- Distributing outdoor lawn watering guidelines;
- Promoting water audit and leak detection programs; and
- Enforcing water conservation programs.

**Policy PSU-3.2. Community Water Systems.** The County shall encourage the construction of community water systems rather than the reliance upon individual water wells.

General Plan Consistency Analysis: The project is consistent with Goal WR-1, Policy WR-1.1 (Water Provisions), Policy WR-1.2 (Domestic Groundwater), Goal WR-3, Policy WR-3.2 (Sustainable Groundwater Withdrawal), and Implementation Measure 7.0 in that adequate water quantity and quality have been determined as a result of several hydrogeological studies and water quality tests.<sup>15</sup>

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<sup>15</sup>Theoretical changes in water table conditions (“drawdown” or “cone of depression” effects of a pumping well) were estimated by using an industry-standard model called the Theis Equation. Using an assumed pumping rate of 79.15 gallons per minute (gpm), it was estimated that the maximum drawdown would be

The proposed bottling plant is consistent with General Plan Policy PSU-3.2 (Community Water Systems). However, the 90 acres with unknown development potential may pose a conflict with PSU-3.2.

To further ensure General Plan consistency, the following Conditions of Approval are required:

- The applicant shall develop and implement a groundwater monitoring program for an initial 5 year minimum period, with additional monitoring required for 5 years following the drilling and installation of any new water supply wells.
- The groundwater monitoring program shall include the drilling and installation of at least 3 observation wells within ½ mile to the north, south, and east of the CG-2 production well.
- If the monitoring wells show a consistent long term decline in groundwater levels that cannot be explained by climatic fluctuations, or similar trends in other wells, then the applicant shall be responsible for deepening the affected wells, resetting and replacing pumps at lower levels, or drilling and completing new replacement wells.
- Because of the biological significance of Olancha Spring, and the uncertainty over potential impacts of groundwater withdrawal, a program of groundwater and spring monitoring shall be conducted. If the data analysis shows that the CG-2 production well is having an effect on the spring, then the applicant shall develop a mitigation plan to offset the impacts.
- The applicant shall meet all water quality standards as set forth by the Inyo County Environmental Health Services Department, including updated water quality tests for substances listed under Title 22. Maximum Contaminant Levels (MCLs) shall be enforced under the Safe Drinking Water Act, which mandates regulations for the domestic State Small Water System for the bottling plant.

#### Drainage and Flooding/Water Quality

The project site is located on a gentle northeastward sloping alluvial fan that is transected by several northeast trending drainages. The mean annual precipitation for Haiwee (the closest weather station) is 6.69 inches, with the record high annual rainfall of 17.27

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approximately 2.1 feet at 500 feet from the CG-2 well. The drawdown analysis was repeated in October, 2001, using a lower pumping rate of 65.1 gpm, where drawdown was estimated to be 0.29 feet at a distance of 5,000 feet. A third analysis of the drawdown was done which focused on Olancha Spring. This analysis reported drawdowns of about 0.4 to 0.5 feet at that location.

inches. The watershed area for the project site consists of approximately 980 acres located west and southwest of the property on the flanks of the Sierra Nevada. The project drainage area is subject to rapid runoff and flash floods due to the combined effects of rainfall intensity, soil type, vegetation, soil saturation and topography. During many years, no significant flow occurs in the four drainage washes that transect the property. Surface drainage is restricted by the presence of the abandoned railroad bed and by the Los Angeles Aqueduct. Virtually all upstream drainage enters the site in the washes rather than by overland flow.

The following Goals and Policies of the Inyo County 2001 General Plan apply to this project:

**Inyo County General Plan Public Services and Utilities Goals and Policies related to Stormwater Drainage**

**Goal PSU-5.** To collect and dispose of stormwater in a manner that minimizes inconvenience to the public, minimizes potential water-related damage, and enhances the environment.

**Policy PSU-5.1. Project Design.** The County shall encourage project designs that minimize drainage concentrations and coverage by impermeable surfaces.

**Policy PSU-5.2. Maintenance.** The County shall require the maintenance of all drainage facilities, including detention basins and both natural and manmade channels, to ensure that their full carrying capacity is not impaired.

**Policy PSU-5.3. Natural Systems.** The County shall encourage the use of natural stormwater drainage systems in a manner that preserves and enhances natural features.

**Policy PSU-5.4. Runoff Quality.** The County shall improve the quality of runoff from urban and suburban development through the use of appropriate and feasible mitigation measures including, but not limited to, artificial wetlands, grassy swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, and other best management practices.

**Policy PSU-5.5. Drainage Disposal.** New development shall have surface drainage disposal accommodated in one of the following ways:

- Positive drainage – positive drainage to a County-approved storm drain or retention/detention facility.
  - On-site drainage – drainage retained on-site within the development.
- Drainage directly to a natural system (i.e., stream, creek) is discouraged and is subject to the Lahontan Regional Water Quality Control Board (LRWQCB) and California Department of Fish and Game (CDFG) provisions.

**Policy PSU-5.6. Drainage System Requirements.** Future drainage system requirements shall comply with applicable state and federal non-point source pollutant discharge requirements.

General Plan Consistency Finding: With conditions as recommended by staff, the proposed project is consistent with General Plan Policy PSU-5.5. The 90 acres with unknown development potential cannot be found to be consistent with Policy PSU-5.6.

In order to reduce potential impacts due to flooding and stormwater drainage and to maintain consistency with the General Plan, the following Conditions should be applied to this project:

- The applicant shall prepare and submit a drainage plan as part of the first development application, which includes appropriate flood protection, storm water detention/retention facilities designed to withstand storm flow during a 100-year design storm event.
- The applicant shall construct on-site detention or retention basins sufficient to result in no net increase in post-development stormwater flow.
- To protect surface water quality from degradation, the applicant and all subsequent developers on the site shall comply with and obtain approvals from the Lahontan Regional Water Quality Control Board.
- Drainage flows shall not affect LADWP's aqueduct easement.

With these conditions implemented and monitored, the bottling plant will not contribute to flood hazard or degrade water quality and is consistent with the General Plan. The 90-acre portion of the property cannot be evaluated for General Plan consistency in this regard.

### Biological Resources

#### Vegetation:

The proposed project site is mostly characterized as shadscale and blackbush scrub. The three larger washes that cross the site include a narrow transitional zone between the shadscale scrub and creosotebush scrub.

Vegetation at Olancha Spring consists of Mojave riparian forest and alkali meadow plant communities. These are widespread community types in the Mojave Desert, but are uncommon and are considered sensitive plant communities.

None of the plant species observed on the project site are state or federally listed or proposed rare, threatened or endangered species and none are otherwise considered special status plant species. No special status plant species are expected to occur in the study area, and no special status plant species have previously been reported in the project area.

Special status species, other than Federal and State threatened or endangered species or proposed threatened or endangered species, receive no legal protection. However, these species are considered during the planning process because they are either declining at a rate that could result in listing, historically occurred in low numbers, or are otherwise threatened.

#### Wildlife:

Thirty-five special status wildlife species were determined to have some potential to occur in the study area, based on distribution, locality records, and habitat requirements. Five of the 35 species are a State and/or Federal threatened or endangered species. These species are the Mojave population of the desert tortoise, the Swainson's hawk, the Southwestern willow flycatcher, the least Bell's vireo, and the Mohave ground squirrel (see Appendix N of the Draft EIR).

One Mohave ground squirrel was captured on the project site. A Swainson's hawk was observed soaring over the site. No desert tortoises were observed. A willow flycatcher (race unknown) was observed on the project site but was considered a migrant. Breeding Southwestern willow flycatchers and least Bell's vireos were not found. Twenty-nine additional special status wildlife species were observed, or were expected to occur at the project site or at Olancha Spring. None of these 29 species are State or federally listed as rare, threatened or endangered, but are recognized by various organizations as species of concern due to population declines or rarity or threats of habitat loss.

Focused Studies for these five special status species were conducted, with the results presented in Chapter 3.10 and Appendices K, L and N of the Draft EIR. Other vertebrate wildlife species that were observed or are expected to occur at the project site and Olancha Spring can be reviewed on Table 3.10-4 of the Draft EIR.

Since a Mohave ground squirrel was captured on the project site, the entire site is therefore considered occupied Mohave ground squirrel habitat. It is unlikely that the loss of approximately 30 acres of habitat would jeopardize the continued existence of the Mohave ground squirrel throughout its range. The project site is surrounded by mostly undisturbed native desert habitat, much of which is presumably occupied by Mohave ground squirrels. The cumulative impacts in the immediate vicinity of the project site, however, may lead to significant declines in the local Mohave ground squirrel population, which is at the extreme northwest portion of its range.

In order to mitigate for impacts to the Mohave ground squirrel, the following measures shall be required as a Condition of Approval for the bottling plant portion of the project:

- Compensatory mitigation for Mohave ground squirrel habitat loss at a rate of 3 acres protected for every one acre lost to development shall be accomplished by one and/or a combination of the following four measures:

- a) Acquire lands at a 3:1 ratio that support optimum Mohave ground squirrel habitat in Inyo County, at a location which would be approved by the California Department of Fish and Game (CDFG); and pay a one time endowment fee for the long-term management of these lands, the cost of which shall be negotiated between Crystal Geysler Roxane and the CDFG.
- b) Establish a permanent wildlife easement on the undeveloped portion of the 120.4-acre project site and eliminate livestock grazing by fencing the entire site.
- c) Purchase grazing leases on BLM grazing allotments in Inyo County within the range and in the habitat of the Mohave ground squirrel and eliminate livestock grazing on these lands.
- d) Restore disturbed native vegetation within the range and in the habitat of the Mohave ground squirrel on public or State lands in Inyo County.

Adhering to the requirements of Fish and Game to minimize the impact to the Mohave ground squirrel and squirrel habitat found on the property would reduce the impact of the proposed development. However, the development of light industrial uses in this rural, open space setting would still constitute a substantial change in the wildlife habitat on the 120-acre site. The impact will remain significant and unavoidable. Therefore, a **Statement of Overriding Consideration** has been provided as Attachment #1 to this staff report. This statement provides documentation that the impacts of the project have been mitigated to the extent possible, but remain significant and unavoidable even after mitigation.

In order to mitigate for the potentially significant impact of invasive noxious weeds, the following Condition of Approval shall be required:

- A monitoring and control program shall be established to prevent the spread of these species on-site, where if unchecked they could create off-site effects. Review of the detailed operating plan for the wastewater treatment plant effluent disposal area shall also be conducted to identify procedures that could be implemented to minimize potential invasion of noxious weed species.

Because no desert tortoises were found on or near the project site and because there are no historical records of tortoises in close proximity, the proposed the bottling plant project is not expected to impact desert tortoises or their habitat in the immediate area.

Most birds occupying the project site would probably flee the area during the bottling plant development. Western burrowing owl, however, may become trapped in underground burrows and die. If ground-disturbing activities occur during the breeding season, bird nests and their contents may be destroyed. Nesting species include 4 special status species: the Costa's hummingbird, loggerhead shrike and Brewer's sparrow are known to breed on the site, while the Le Conte's thrasher potentially may nest on the site.

While none of these species are protected under the California or Federal Endangered Species Acts, they are protected by the Migratory Bird Treaty Act of 1918.

Due to the increase in landscaping and irrigation/water features developed in the bottling plant, there may be an increase in several bird species. However, species such as European starlings and house sparrows are non-natives and aggressively compete for nest sites and forage.

In order to reduce the impact on birds from the development of the bottling plant, mitigation shall be required as a Condition of Approval as follows:

- All the bottling plant ground-disturbing activities shall be conducted during the non-breeding season for birds (from approximately mid July to mid February for most passerine species and from 1 September to 31 January for western burrowing owls) to reduce the incidences of take of bird nests, eggs, and dependent young, which are protected by the Migratory Bird Treaty Act of 1918. Thirty days prior to ground disturbing activities, the site shall be surveyed for western burrowing owls. If western burrowing owls are found during the non-breeding season, a qualified biologist shall relocate them to a nearby location on BLM land, following standardized CDFG protocols. If they are found during the breeding season, the owls shall not be relocated until it has been determined by a qualified biologist that the young have fledged and are feeding independent of their parents.

With the location of Olancha Spring immediately adjacent to the project site and in close proximity to the bottling plant and the future 90 acres with unknown potential development, increased noise, night-time lighting, and human visitation during construction and ongoing operations may disturb wildlife at the spring. Development of the project site may increase people's awareness of the spring and its accessibility by bringing more people in close proximity to it. There is currently much trampling of the spring's understory by livestock. Increased human use could potentially add to the existing impact on the habitat of the Owens Valley vole, which is known to inhabit the Olancha Spring wetlands, and to the (potentially occurring) Wong's springsnail. Both species have isolated populations that are restricted to wetlands within a very limited range.

To reduce impacts to the spring, from the development of the bottling plant, mitigation shall be required as a Condition of Approval as follows:

- Crystal Geyser Roxane shall enter into an agreement with the BLM to erect a livestock exclusion, yet wildlife-friendly, fence around the wetlands at Olancha Spring to offset impacts associated with the potential increase in noise, night-time lighting, human visitations, and hunting pressure. Outdoor lighting at the bottling plant shall be directed downward and away from the direction of the spring.

The following Inyo County 2001 General Plan biological resources goals, policies and implementation measures apply to this project:

**Goal BIO-1.** Maintain and enhance biological diversity and healthy ecosystems throughout the County.

**Policy BIO-1.1. Regulatory Compliance.** The County shall review development proposals to determine impacts to sensitive natural communities, of both local and regional concern, and special-status species. Appropriate mitigation measures will be incorporated into each project, as necessary.

**Policy BIO-1.2. Preservation of Riparian Habitat and Wetlands.** Important riparian areas and wetlands, as identified by the County, shall be preserved and protected for biological resource value.

**Policy BIO-1.3. Restoration of Biodiversity.** Encourage the restoration of degraded biological communities.

**Policy BIO-1.4. Limitations for ERA's.** The County shall discourage development in Environmental Resource Areas (ERA).

**Policy BIO-1.6. Wildlife Corridors.** The County shall work to preserve and protect existing wildlife corridors where appropriate.

**Policy Bio-1.7. Noxious Weeds.** Avoid activities that will promote the spread of noxious weeds in the County.

**Policy BIO-2.1. Coordination on Management of Adjacent Lands.** Work with other government land management agencies to preserve and protect biological resources while maintaining the ability to utilize and enjoy the natural resources in the County.

**Biology Implementation Measure 1.0.** The County shall review development proposals against the California Natural Diversity Data Base (CNDDDB) to assist in identifying potential conflicts with sensitive natural communities or special status species.

**Biology Implementation Measure 2.0.** On project sites that have the potential to contain sensitive natural communities or special-status species, the County shall require the project applicant to have the site surveyed by a qualified biologist. A report on the finding of this survey shall be submitted to the County as part of the application and environmental review process.

General Plan Consistency Finding: The bottling plant project is consistent with Biology Implementation Measures 1.0 and 2.

## Wastewater Treatment

Manufacturing plant wastewater for the bottling plant bottling plant is proposed to be processed by a Sequencing Batch Reactor packaged treatment plant (or similar system) and a secondary aerobic treatment system, (see Appendix I). Wastewater would then be allowed to percolate into the soil, placed in a clay-lined evaporation pond, or dispersed through a spray irrigation system over a 4 to 5 acre parcel adjacent to the manufacturing plant (see Chapter 3.9C of the Draft EIR). Approximately 60,000 gallons of manufacturing wastewater would be generated per business day for the bottling plant project.

The following Goals and Policies of the Inyo County 2001 General Plan apply to this project:

**Goal PSU-4.** To ensure adequate wastewater collection, treatment, and disposal.

**Policy PSU-4.4. Permitting Individual On-Site Systems.** The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be feasibly provided.

**Implementation Measure 7.0** New industrial development shall be reviewed to determine the appropriate mechanisms to reduce wastewater discharge. These mechanisms may include onsite treatment prior to discharge of materials.

General Plan Consistency Finding: The proposed bottling plant project is consistent with General Plan Policy PSU-4.4, which requires that individual on-site sewage disposal systems only be permitted if they do not threaten surface or groundwater quality.

To reduce any potential impact to groundwater quality and establish General Plan consistency, Conditions of Approval are recommended as follows:

- The wastewater treatment facilities for the bottling plant shall be designed and constructed to meet the requirements of the Lahontan Regional Water Quality Control Board. Monitoring wells shall be installed as required by Lahontan, and wastewater treatment facilities shall be designed to nitrify and denitrify the effluent so there would be no net impact on groundwater.
- The wastewater treatment facilities shall be designed to control and mitigate odors.

### Cultural Resources:

The project site is located within the area frequented by the Owens Valley Paiute and Coso Shoshone. By the 1860s, farming within the Owens Valley was well established and mining flourished with the discovery of gold at Cerro Gordo. Ranching and logging supplanted mining during the 1880s as the principal economic activities. Recreation and tourism also were to become important as people from southern California began to visit the area by the early 1900s.

A literature and records search for the project site was conducted by the Eastern Information Center in Riverside, California. According to the Eastern Information Center, a cultural resource survey had not previously been conducted *on* the property. However, several surveys have been completed *near* the project site, resulting in the identification and recording of several historic and prehistoric sites.

Thirteen different surveys have been reported for the area, three of which found no cultural resources at all, and two other reports, which include archaeological sites. None of the resources were found within a one-mile radius of the project site. However, one nearby site includes obsidian and other flaked stone tools and flakes, as well as groundstone, an incised pendant, and ceramic artifacts.<sup>16</sup>

If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources are not considered a significant effect on the environment.

If research identifies the existence or likelihood of Native American human remains within the project, the applicant must develop an agreement for treating or disposing of, with appropriate dignity, the human remains with the appropriate Native Americans.

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps must be taken, and are incorporated as Conditions of Approval of the bottling plant project:

If any evidence of human remains or a burial site is discovered, there shall be no further excavation or disturbance of the site or any nearby area until the coroner determines that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the following steps shall be taken:

1. The Coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

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<sup>16</sup> A detailed description of all cultural and historical resources located on or near the site is contained in Chapter 3.11 and Appendix J of the Draft EIR.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of the human remains and any associated graved goods .

The Inyo County 2001 General Plan, Conservation and Open Space Element, includes the following goals and policies for cultural resources:

**Historical-Cultural Policy.** Historical, cultural and archaeological resources are valuable; and where possible they should be protected and preserved.

**Policy CUL-1.3.** Preserve and protect key resources that have contributed to the social, political, and economic history and prehistory of the area, unless overriding circumstances are warranted.

**Goal CUL-1.** Preserve and promote the historic and prehistoric cultural heritage of the County.

In order to ensure consistency with the general plan, the following Conditions of Approval are recommended by staff for this project:

- If construction activity intrudes on the site described in Chapter 3.11 of the Draft EIR, a representative of a local tribe and a qualified archaeologist shall be present to ensure that important subsurface cultural deposits are not disturbed. Work in the immediate vicinity shall cease, and the Inyo County Planning Department shall be notified immediately. The qualified archaeologist shall prepare an evaluation of the significance of the find. The archaeologist shall submit appropriate recommendations to the Planning Department.
- The applicant shall include these requirements in any project construction contracts and specifications. A qualified archaeologist and local Native American, as appropriate, will be retained to serve as a monitor whenever ground-disturbing activities occur.

### **Inyo County Zoning Ordinance Compliance**

State law requires that local zoning be consistent with adopted general plans. The proposed use for the property conflicts with the existing zoning for the project site. Therefore the zoning will need to be changed from Open Space, 40-acre minimum (OS-40) and Rural Residential, 5.0-acre minimum, Mobilehome Overlay (RR-5.0-MH) to Light Industrial (M-2).

The stated purpose of the Open Space zone district is:

“...to encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire,

erosion, soil destruction, pollution, and other detrimental effects of intensive land use activities. It is the intent of this chapter to establish standards for land uses that will protect and preserve the environmental resources, scenic, natural features, and open space character of the County, while also providing for agricultural development and protection of existing agricultural areas from urban development or residential subdivision. It is also the intent of this chapter to preserve agricultural areas open space around the more intensive urban areas of the County, while providing for compatible multiple use of nonagricultural lands which are principally held by Federal and other public agencies.”

The stated purpose of the Rural Residential zone district is:

“...to provide suitable areas and appropriate environments for low density, single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. The Rural Residential zone is intended to be applied to the areas outside the urban communities of Inyo County which are without fully developed services and where individual residences are expected to be largely self-sustaining, particularly for water and sewage disposal.”

The purpose and intent of the M-2 zone district is:

“...to provide a zone for suitable and appropriate areas for light, less intense, small scale manufacturing activities which normally take place within structures. Limited amount of outdoor storage or activities are acceptable, provided they are clearly accessory and incidental to the main use.”

The zone reclassification from “Open Space”, and “Rural Residential-Mobilehome Overlay” to the M-2 Zone -“Light Industrial” would allow the following principal permitted activities:

“...[A]gricultural uses; all types of manufacture, processing, treatment or assembly of products other than those which may be obnoxious or offensive by reason of odor, dust, smoke, noise or other similar causes including mineral processing or ore stockpiling; wholesale business, storage building and warehouses; furniture manufacture; trucking terminal; laboratory, experimental or testing; wood lot; public and quasi-public buildings and uses of an administrative, recreational, educational, religious, cultural, or public utility or service nature; or any other use or service establishment determined by the Planning Commission to be of the same general character as the foregoing uses, and which would not impair the present or potential use of adjacent properties” (Inyo County Code, Title 18, Section 18.56.020).

The Zoning Code allows the following uses in the M-2 Zone with the approval of a Conditional Use Permit:

“Petroleum storage yard; dismantling or junkyard; race track; bottling plant (including retail and wholesale establishments for the distribution of bottled products manufactured or processed by the industry on the same site); billboard, electronic sign, informational kiosk, off-site advertising sign, off-site directional sign, and three-dimensional sign, in compliance with other provisions of the Code.”

The Inyo County Zoning Ordinance requires the following minimum development standards for property zoned Light Industrial (M-2):

Minimum Lot Size:	0.5 acre
Parcel Width:	75 feet
Front Yard Setback:	0 feet
Rear Yard Setback:	0 feet, except 10 feet if adjacent to Residential District and for mobile home
Side Yard Setback:	0 feet, except 5 feet for each story if adjacent to a Residential district and for mobile home
Height of Structures:	3 stories or 40 feet/principle; 2 stories or 25 feet/accessory
Parking:	1 per each full-time employee plus customer parking and loading space <sup>17</sup>

The applicant is requesting that the zoning classification for the entire project site be changed to permit the full range of light industrial uses. Because there is a conditional use permit associated with the 30 acres, staff recommends that the zone change be granted on that portion of the property. Staff does not recommend the zoning be changed on the remaining property where the nature of future development is unknown.

## **ENVIRONMENTAL REVIEW**

A Draft Environmental Impact Report (DEIR) was prepared for the project based on potential impacts as identified in the Initial Study. The DEIR was released for a 45-day review period on December 30, 2004, which closed on February 15, 2005.

### Public Comments

Four letters were received from the following: Caltrans, California Department of Fish & Game, Los Angeles Department of Water and Power, and Anna O. Zacher. Copies of the comment letters, along with staff's responses, are found in Chapter Three of the Final EIR for the project, which is an Attachment and included by reference herein to this staff Report.

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<sup>17</sup> as determined by the use and evaluation of the Planning Director

## Final EIR

A Final Draft EIR has been prepared, consisting of: public comment letters, staff responses to public comment letters, and any amendments/corrections made to the DEIR. The Final EIR was circulated to affected county departments and other agencies, and made available for public review on April 15, 2005. Copies were also sent to all Inyo County Libraries.

## Public Hearing Notice

Notice of the Planning Commission public hearing, was posted and published in the Inyo Register on Saturday, April 16, 2005. As of the date of this Staff Report, no comments have been received as the result of this Notice.

## Statement of Overriding Considerations:

A public agency may only approve a project that has unavoidable significant environmental effects if it finds that specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects of the project, and finds that those effects are therefore acceptable. The Statement of Overriding Considerations is the document by which an agency explains its determination that the benefits of the project outweigh the project's adverse environmental effects.

A Statement of Overriding Considerations for significant impacts which may not be mitigated has been provided as Attachment #1 to this staff report. This statement provides documentation that the visual impacts of the project, and mitigation for the loss of Mohave ground squirrel and associated habitat have been mitigated to the extent possible, but remain significant and unavoidable even after mitigation.

## **RECOMMENDED ACTION**

**Staff recommends approval of the bottling plant project and the General Plan Amendment, zone change and conditional use permit on the 30-acre portion of the property, and recommends that the Inyo County Planning Commission take the following actions:**

**Adopt the attached Resolution that recommends the Board of Supervisors:**

- 1. Adopt the Statement of Overriding Considerations.**
- 2. Adopt the Final Environmental Impact Report and certify that the provisions of the California Environmental Quality Act have been satisfied.**
- 3. Make certain findings noted below with respect to, and approve:**
  - a. Conditional Use Permit No. 2001-19/ with the conditions as recommended by staff;**
  - b. General Plan Amendment No. 2001-03/; and,**

- c. **Zone Reclassification No. 2001-04/Crystal Geyser Roxane for the 30-acre the bottling plant project.**
4. **Make additional Findings, as required by CEQA Guideline 15091, pertaining to potential significant environmental effects of a project, as noted below.**
5. **Adopt the recommended Conditions of Approval for the project.**

The Planning Commission may also:

- Approve the applicant's request to designate the entire 120 acres for light industrial land use. Staff does not recommend this action as it is not consistent with all General Plan policies and the potentially significant impacts cannot be fully assessed without a development proposal for the property.
- Request additional information from the applicant, and direct staff to set a continued hearing at the next regularly scheduled Planning Commission to occur 30 days after receipt of the requested additional information.
- Request additional information from staff, and continue the hearing until the next, or future, meeting of the Planning Commission.

#### **FINDINGS:**

Based on consideration of the applications for Conditional Use Permit No. 2001-19/ General Plan Amendment No. 2001-03/ and Zone Reclassification No. 2001-04/Crystal Geyser Roxane, the Draft EIR, the Final EIR, the staff report, and all oral and written comments received, staff recommends that the Planning Commission adopt the following findings, and approve those aspects of the project subject to the Conditions of Approval set forth below for the 30-acre bottling plant project:

1. The bottling plant project (30 acres) is consistent with the Inyo County General Plan. *[Evidence: The project includes proposals to amend the 2001 Inyo County General Plan Land Use designation on the property from Rural Protection (RP) and Residential Estate(RE) to Light Industrial(LI), and to similarly change the applicable Inyo County Zoning Ordinance zone classification from Open Space, 40-acre minimum and Rural Residential, 5.0 acre minimum with Mobilehome Overlay, to Light Industrial.*

*If these changes to the General Plan and the Zoning Ordinance are approved, the activity proposed to be conducted under a Conditional Use Permit will:*

- 1.) *Be consistent with the 2001 General Plan Land Use classification of Light Industrial and will therefore be consistent with most of the goals and objectives of the Inyo County General Plan; and*
- 2.) *Be consistent with the general requirements of the Inyo County Zoning Ordinance as well as the specific requirements of the Light Industrial zone.*

*The 30-acre project, as conditioned, is consistent with the General Plan for the reasons described in this staff report.*

2. The bottling plant project complies with the requirements for a Conditional Use Permit.

*[Evidence: The proposed use is necessary or desirable, will provide an additional 40 or more employment opportunities for the local area, and will increase the County's tax base without the need to expand County infrastructure or services. The applicant will develop all needed services facilities on-site, such as wastewater treatment and disposal, and there is adequate capacity available from all other service providers (fire, solid waste, electricity, parks, schools, etc.). The proposed use would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare in that there are no significant air quality, traffic, hazardous materials, noise, light/glare, geological/soils, or flooding impacts from the bottling plant project; the project also does not have the possibility to be materially detrimental to the public welfare because of the distances from existing business and residences, and the lack of conflicts with other land uses in the immediate area.]*

3. The requirements of the California Environmental Quality Act (CEQA) have been met for the bottling plant:

*[Evidence: In compliance with the requirements of the CEQA, a Draft Environmental Impact Report was prepared for the project and circulated to the State Clearinghouse, all affected agencies, and all interested parties for public review and comment pursuant to the provisions of the California Environmental Quality Act. The public comment period closed on February 15, 2005. Four comments were received. Following the close of the comment period, a Final EIR was produced, consisting of the Draft EIR, a list of persons and organizations who made comments, comments received, and responses to comments. A Statement of Overriding Considerations was adopted for unavoidable impacts, finding that the visual impacts of the project, and mitigation for the loss of Mohave ground squirrel and associated habitat, have been mitigated to the extent possible, but remain significant and unavoidable even after mitigation. )*

4. The site is physically suited for the proposed type, use and density of the bottling plant development.

*[Evidence: The proposed the bottling plant project is located in an area suitable for this type of development and will be compatible with the surrounding area. Public facilities, including power, water, septic, and fire protection, are adequate to meet the needs of the proposed the bottling plant project. A Level of Service "C" can be maintained for traffic.]*

5. The design or proposed improvements for the bottling plant project are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health problems.

*[Evidence: Although mitigation measures have been developed for the project, visual and biological impacts associated with the project have been identified as significant and*

*unavoidable even after mitigation. As a result, a Statement of Overriding Consideration has been prepared for the project, finding that specific economic and other considerations make project alternatives infeasible.*

*Other alternatives identified for the project, such as a further reduced project design, do not eliminate or significantly reduce the visual or biological impacts that have been identified for the project. The economic advantage of the proposed site is the quality of the water found at that site, which is considered site-specific. Other sites would not meet CEQA guidelines that define a reasonable alternative as one which “could feasibly accomplish most of the basic objective of the project.”]*

6. There is sufficient water supply available for the bottling plant project:  
*[Evidence: Three different hydrogeological analyses were conducted and there is sufficient water supply available for this project.]*

7. The design of the bottling plant improvements will not conflict with easements acquired by the public at large for access through or use of property.  
*[Evidence: The site design allows for sufficient setback from U.S. Highway 395 to accommodate the future 4-lane widening of this roadway. Generous setbacks are designed next to the Los Angeles Aqueduct, and all stormwater or wastewater facilities are located or designed to have no impact on this facility. The abandoned Southern Pacific railroad bed has adequate stormwater drainage elements, such as culverts, so there is no impact to this feature.]*

#### **FINDINGS REQUIRED BY CEQA GUIDELINE 15091, REGARDING IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

CEQA Guideline 15091 states that no public agency shall approve or carry out a project for which an environmental impact report identifies one or more significant effects, unless the public agency makes one or more of the following findings for each such significant impact:

- Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.
- Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

As a result of these CEQA Guidelines, recommended specified findings for each significant impact of the project are set forth below. Such findings serve to verify that each identified significant impact will be mitigated to a less than significant level, based on implementation of the mitigation measures recommended in the EIR. (See Appendix A to the FEIR).

1. Increased traffic: Impact #3.2-2, as identified in the EIR.

Facts: The proposed project will generate additional traffic in the area.

Mitigation Measures:

- The applicant shall comply will all requirements of Caltrans for the installation of acceleration and deceleration lanes and turn lanes. All northbound trucks shall proceed south on U.S. Highway 395 to the first median break prior to turning onto northbound lanes of U.S. Highway 395.
- Traffic volumes shall not exceed the Level of Service “C.”

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

2. Increased PM<sub>10</sub> (particulate matter) emissions: Impact #3.3-1, as identified in the EIR.

Facts: The proposed project will result increased PM<sub>10</sub> emissions from construction equipment and grading activities.

Mitigation Measures:

- During construction the following measures to control fugitive dust and emissions of particulates shall be employed:
  - Provision of equipment and staffing for watering of all exposed or disturbed soil surfaces or use of an appropriate dust palliative or suppressant;
  - Watering or treating of all disturbed but inactive portions of the site with an appropriate dust suppressant;
  - Covering or wetting down of materials transported by truck to control dust;
  - Daily cleanup of mud and dirt carried onto paved streets from the site;
  - Suspension of dust-producing activities during periods of sustained high winds (gusts exceeding 25 mph) when dust control measures are unable to avoid visible dust plumes; and,
  - Maintenance of all construction equipment in proper working order.
- The project shall establish a daily trip generation cap for the entire project (the 30-acre bottling plant plus development of the additional 90 acres), of 4,957 daily trips. If daily trip generation exceeds this level, the conditions of approval shall require that the applicant submit and present to the Planning Director for approval

a Transportation Demand Management (TDM) plan that establishes a carpool matching program, vanpool commute program, and/or operational strategies (e.g., staggered work hours/days, flexible scheduling, and on-site services such as cafeteria/lunch room, break room, gym, showers, etc).

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

3. Increased noise: Impact #3.4-1, as identified in the EIR.

**Fact:** There will be an increase in noise resulting from construction activities.

**Mitigation:**

- Contractor(s) shall implement the following measures during the bottling plant construction, if noise-sensitive uses exist within 500 feet:
  - All construction vehicles and equipment (fixed or mobile, including generators) shall be equipped with properly operating and maintained mufflers;
  - Any generators or air compressors proposed to operate on a 24-hour basis and within 500 feet of residential units or sensitive receptors (such as schools) shall be placed within an enclosure to reduce nuisance noise;
  - All noise-generating construction activities shall be limited to weekdays, Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. Construction activities shall not be performed on weekends or federal holidays.
  - Implement, as directed by Inyo County, appropriate additional noise mitigation measures, including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, installing acoustic barriers around stationary construction noise sources, and routing construction trucks away from noise-sensitive areas.
- Noise levels produced by stationary and mobile sources on the project site shall not exceed 70 dB Ldn at the property line.
- The applicants shall submit acoustical studies prepared by a qualified acoustical engineer demonstrating to the Inyo County Planning Department that operational noise will not exceed the standard in this measure prior to issuance of building permits.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

4. Aesthetics and altered views: Impact #3.5-1, as identified in the EIR.

Fact: Substantial alteration of views of the site from U.S. Highway 395 would occur by introduction of development on a site currently dominated by desert scrub vegetation and open space.

Mitigation:

- The applicant shall submit full-color architectural renderings, including signage, of all proposed facilities. Photo simulations showing the "before" project site and the "after" project site shall also be provided along with a sample board of materials, the proposed color palette, and a landscaping plan. The photo simulations shall be from at least two angles, and from various distances (e.g., 500, 1,000, and 2,000 feet) from both the north and from the south along U.S. Highway 395. The simulations shall show relative height, location, and appearance of the proposed facilities as viewed from U.S. Highway 395. The renderings, sample boards, landscaping plans, and photo simulations shall be submitted for consideration and approval by the Planning Commission prior to approval of building permits.
  - Buildings shall be constructed with non-reflective surfaces, including roofs and windows, and the windows shall be designed so they face away from the highway.
  - Buildings shall be painted or otherwise covered in soft 'desert-sand' colors that match the local tones and hues.
  - Buildings, wastewater ponds, outside equipment and utilities such as propane tanks, water tanks, solid waste containers, etc., shall be landscaped or screened with materials such as sand-colored concrete block to reduce visibility from U.S. Highway 395 or nearby businesses.
  - Signs shall be externally illuminated. Signage shall not be painted or otherwise affixed to buildings.
  - Landscaping and screening shall incorporate native and common ornamental vegetation, such as cottonwood and poplar trees, blackbush scrub, sagebrush, rabbit brush, cactus, and native wildflowers, grasses, and forbs.
  - All driveways shall be paved in a light-colored material, and landscaped in native vegetation and vegetation common to the area (e.g., cottonwood and poplar trees, various native and ornamental shrubs, and native flowers and grasses) to the greatest extent possible.
  - Use of local soils, rocks, and other materials that give the area a 'natural' look shall be included in the design. Cactus and other fire-resistant vegetation shall be strategically placed on the project site to minimize fire hazard while maintaining visual aesthetics.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the

completed environmental impact report. However, this impact remains significant and unavoidable. A Statement of Overriding Considerations is attached to this Staff Report.

5. Light and glare: Impact #3.5-2, as identified in the EIR.

**Fact:** The project will create new sources of light and glare, which could adversely affect nighttime views in the area.

**Mitigation:**

- Lighting shall be installed with the lowest illumination feasible, using soft yellow/orange/pink lighting elements, low pressure sodium elements, or other lighting as approved by the Inyo County Planning Director. Baffles, shades, and hoods shall be used to direct all lighting downward, such that light does not escape in an upward direction, and is not reflected onto any off-site buildings or roadways. All light standards and fixtures within parking lots shall be of a cutoff or motion sensor/timed design. Prior to issuance of building permits, the Public Works (Building and Safety) Department will review proposed lighting fixtures to ensure compliance with this measure. The applicant shall submit a lighting plan showing compliance with the above requirements and specifying the location and intensity of proposed exterior or outdoor lighting features. All signage shall be externally illuminated.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

6. Fire hazard and risk of upset: Impact #3.6-1, as identified in the EIR.

**Fact:** There will be an increased risk of wildland fires due to truck traffic and employee vehicles entering and exiting the site, and other activities at this location.

**Mitigation:**

- Vegetation surrounding all structures and along all roadways shall be cleared or otherwise maintained pursuant to the standards required by California Department of Forestry and the Olancho Community Services District. Landscaping on the project site shall consist of xeric and low combustion species approved by the California Department of Forestry and Fire Protection. Trucks on the project site shall be required to remain on paved surfaces.
- Buildings constructed on the project site shall comply with applicable Fire Safe Regulations adopted and enforced by California Department of Forestry and the Uniform Fire Code that relate to entry/exit, maintenance of defensible space measures, signing and building numbering, building spacing, water storage, fire flow, fire hydrants, and other requirements designed to promote fire protection.

All buildings shall be equipped with automatic fire sprinklers with an uninterruptible power supply.

- As a part of the site design, all facilities proposed for the project site shall contain all required fire hazard prevention, fire fighting, and personal safety equipment, as required by the Uniform Fire Code. Prevention and safety equipment includes fire extinguishers, smoke alarms, and related equipment.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

7. Accidents involving hazardous materials: Impact #3.6-4 and identified in the EIR.

**Fact:** There is the potential for upset and accidents involving transport and use of hazardous materials on the project site.

**Mitigation:**

- The following drainage and spill control and containment features shall be incorporated into the project design:
  - Trench drains with storm water controls
  - Oil/wastewater separators
  - Spill containment
- The proposed wastewater treatment plant shall be required to comply with Uniform Building Code standards for construction. Health and safety regulations shall be in place relative to the storage and use of hazardous chemicals or substances at the plant site prior to issuance of building permits.
- Material Safety Data Sheets and Business Plans must also be prepared and filed to obtain the required building permits.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

8. Flood hazard and stormwater runoff: Impacts #3.9A-1 and #3.9A-3, as identified in the EIR.

**Facts:** The project could expose persons and property to flooding, and could result in additional runoff to downstream properties.

**Mitigation:**

- The applicant shall prepare and submit a drainage plan as part of the first development application, which includes appropriate flood protection, storm water detention/retention facilities. The drainage plan shall preserve the four existing drainage washes crossing the property, with 50-foot setbacks on each side of the wash, demonstrate that proposed structures are protected from localized flooding, and that the site facilities have been designed to withstand storm flow during a 100-year design storm event. The drainage plan shall identify both pre-project and post-project flows and shall indicate specific measures to protect structures from flood damage.
- The applicant shall construct on-site detention or retention basins sufficient to result in no net increase in post-development stormwater flow. Such basins shall not encroach upon or affect the conveying capacity of the four existing drainage washes crossing the property and shall be described in the Drainage Plan required above.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

9. Surface water quality: Impact #3.9A-3, as identified in the EIR.

**Fact:** Surface water quality could be adversely affected during construction activities and site occupancy.

**Mitigation:**

- To protect surface water quality from degradation, the applicant and all subsequent developers on the site shall comply with and obtain approvals from the Lahontan Regional Water Quality Control Board for storm water discharges for construction and industrial related activities, including a Storm Water Pollution Prevention Plan, National Pollutant Discharge Elimination System Construction Stormwater Permit, and General Industrial Stormwater Discharge permit (if required).
- The applicant shall construct on-site detention or retention basins sufficient to result in no net increase in post-development stormwater flow. Such basins shall not encroach upon or affect the conveying capacity of the four existing drainage washes crossing the property and shall be described in the Drainage Plan required above.
- Drainage flows shall not affect LADWP's aqueduct easement. The applicant shall not locate effluent disposal areas, retention basins, and/or improvements within the easement unless written permission is received from LADWP following submittal of detailed drainage and grading plans. LADWP may require installation of curbs or asphalt berms to prevent soil erosion within the easement.

No improvements shall be constructed within 50 feet of the aqueduct easement. Any site runoff allowed to enter LADWP property or easements shall also comply with LADWP Guidelines for onsite oil/water separators.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

10. Lowered water levels: Impact #3.9B-1, as identified in the EIR.

**Fact:** There is a potential for well interference from the production well on adjacent, private wells, lowering water levels in these wells. If the wells are shallow and pumps set near the water table, the well could go dry.

**Mitigation:**

- The applicant shall develop and implement a groundwater monitoring program for an initial 5 year minimum period, with additional monitoring required for 5 years following the drilling and installation of any new water supply wells.
- The groundwater monitoring program shall include the drilling and installation of at least 3 small diameter observation wells within ½ mile to the north, south, and east of the CG-2 production well. The observation wells shall be monitored at least quarterly for groundwater levels. If possible, the wells shall be integrated into the groundwater monitoring network and database maintained cooperatively by LADWP and the Inyo County Water Department.
- Criteria for determining if an adjacent water supply is adversely impacted shall use the procedures outlined in the *Green Book for the Long-term Groundwater Management Plan for the Owens Valley and Inyo County*. This includes the use of any available groundwater models and aquifer tests, and the establishment of new monitoring wells drilled to the same depth as adjacent private wells to monitor groundwater depths.
- If the monitoring wells show a consistent long term decline in groundwater levels that cannot be explained by climatic fluctuations, or similar trends in other wells not thought to be potentially impacted by the CG-2 well, then the applicant shall be responsible for deepening the affected wells, resetting and replacing pumps at lower levels, or drilling and completing new replacement wells for any adversely impacted wells.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

11. Impact to Olancha Spring: Impact #3.9-B, as identified in the EIR.

Fact: Pumping of groundwater for the proposed project could lower the water table in the vicinity and impact Olancha Spring and its water-dependent vegetation.

Mitigation:

- Because of the biological significance of the spring, and the uncertainty over potential impacts of groundwater withdrawal from the CG-2 production well on the spring, the applicant shall conduct a program of groundwater and spring monitoring. Shallow observation or monitoring wells (20 foot deep) shall be established in the groundwater body supplying the spring and both sides of the fault to determine if the CG-2 production well is impacting the spring. A baseline of spring flow shall also be established. Monitoring shall be conducted quarterly for a minimum of 5 years, after installation of all wells on the site, with an annual report filed with the Inyo County Planning Department and Inyo County Water Department on the results of the monitoring, along with any conclusions and recommendations. If possible, the monitoring information shall be integrated into the spring monitoring database maintained by the Inyo County Water Department.
- The applicant shall ensure that monitoring well information shall be interpreted in conjunction with an analysis of rainfall patterns and trends in other shallow zone wells and spring observations being conducted by LADWP and Inyo County throughout Owens Valley, to verify that changes in spring flow and water levels in the perched water table are a result of the project, and not due to climatic fluctuations, fault movement, or other causes. Inyo County's Green Book shall be used as the basis for procedures for establishing the monitoring program and interpreting results, and developing follow up mitigations. If the data analysis shows that the CG-2 production well is having an effect on the spring, then the applicant shall develop a mitigation plan to offset the impacts. Suitable mitigations for minor impacts on flow could include enhancing, restoring, and protecting other natural springs and seeps located on the west side of the Owens Valley.
- In order to recognize a change in the wetland vegetation or wildlife populations that might be caused by the project, the applicant shall document baseline information on the current conditions at the spring, prior to project pumping. The baseline biological document shall include low level aerial photography of the spring to document the extent of the wetland vegetation; a survey to determine the plant species composition and structure at the spring; and a survey to obtain a population estimate for the Owens Valley vole and to determine if Wong's springsnail occurs. If the long term monitoring indicates biological impacts are occurring due to pumping, then the applicant shall be required to reduce pumping to a level that does not create such impacts, or provide other appropriate compensatory mitigations measures to the satisfaction of the CDFG and Inyo County, including enhancing and restoring other springs in southwest Owens Valley.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

12. Wastewater impact on groundwater: Impact #3.9C-1, as identified in the EIR.

**Fact:** The disposal of treated wastewater through percolation ponds has the potential to degrade the groundwater quality.

**Mitigation:**

- The applicant shall submit plans for wastewater treatment facilities which are designed meet the requirements of the Lahontan Regional Water Quality Control Board. Project applicants shall obtain Waste Discharge Requirements for wastewater treatment facilities from the Lahontan Regional Water Quality Control Board.
- The applicant shall install monitoring wells as required by Lahontan, and monitoring of groundwater for nitrate-nitrogen shall be performed to determine if there is a relationship between the rate of percolation in the ponds and nitrates in the groundwater. If rapid infiltration is the cause of elevated nitrate levels, the pond bottoms shall be engineered to control the rate of percolation. The area proposed for new percolation ponds shall be tested for percolation rates to determine that the area is adequate for disposal of treated wastewater. Alternatively, wastewater treatment facilities shall be designed to nitrify and denitrify the effluent so there would be no net impact on groundwater.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

13. Potential odors from wastewater treatment: Impact #3.9C-2, as identified in the EIR.

**Fact:** The operation of wastewater treatment facilities could create objectionable odors that are detectable off-site during plant upsets or unusual climatic conditions such as inversions or stable atmospheric conditions.

**Mitigation:**

- The applicant shall submit plans to ensure wastewater treatment facilities are designed to control and mitigate odors so that off-site detection is minimized. Facility design shall be reviewed and approved by the Regional Water Quality Control Board, Lahontan Region, and Inyo County Environmental Health Services Department to verify that appropriate odor control features are incorporated prior to the issuance of permits for all phases of this project.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

14. Impacts from improperly designed sewage disposal: Impact #3.9C-3, as identified in the EIR.

**Fact:** On-site sewage disposal systems for the bottling plant that are improperly sited or designed have the potential to adversely affect groundwater quality.

**Mitigation:**

- The applicants shall submit on-site sewage disposal system designs that can be reviewed and permitted by the Inyo County Environmental Health Services Department. The design shall be based on soil profile and percolation test data taken at the site of the proposed disposal systems. Special engineered designs may be required to achieve compliance with applicable regulations.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

15. Impacts to native vegetation: Impact #3.10-1, as identified in the EIR.

**Fact:** The bottling plant could impact native vegetation and allow the spread of noxious weeds.

**Mitigation:**

- The applicant shall establish a monitoring and control program to prevent the spread of non-native or noxious species on-site, where if unchecked they could create off-site effects, acceptable to the County. Review of the detailed operating plan for the wastewater treatment plant effluent disposal area shall also be conducted to identify procedures that could be implemented to minimize potential invasion of noxious weed species.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

16. Impacts to the Mohave ground squirrel: Impact #3.10-5, as identified in the EIR.

**Fact:** Vegetation removal and ground disturbance required for the bottling plant will impact individuals and the associated habitat.

**Mitigation:**

- Compensatory mitigation for Mohave ground squirrel habitat loss at a rate of 3 acres protected for every one acre lost to development shall be accomplished by one and/or a combination of the following four measures:

a) Acquire lands at a 3:1 ratio that support optimum Mohave ground squirrel habitat in Inyo County, at a location which would be approved by the California Department of Fish and Game (CDFG); and pay a one time endowment fee for the long-term management of these lands, the cost of which shall be negotiated between Crystal Geyser Roxane and the CDFG.

b) Eliminate livestock grazing by fencing the entire site.

c) Purchase grazing leases on BLM grazing allotments in Inyo County within the range and in the habitat of the Mohave ground squirrel and eliminate livestock grazing on these lands.

d) Restore disturbed native vegetation within the range and in the habitat of the Mohave ground squirrel on public or State lands in Inyo County.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report. However, this impact remains significant and unavoidable. A Statement of Overriding Consideration is attached to this Staff Report.

17. Impacts to desert tortoises and other reptiles: Impact #3.10-12, as identified in the EIR.

**Fact:** Vegetation removal and ground disturbance required for the bottling plant could impact individuals and their associated habitat.

**Mitigation:**

- Crystal Geyser Roxane shall enter into an agreement with CDFG and the U.S. Fish and Wildlife Service (USFWS) to provide fair share funding for a desert tortoise exclusion fence along portions of U.S. Highway 395 that traverse high-density desert tortoise areas. The quantity and location of fencing shall be negotiated among Crystal Geyser Roxane, the CDFG, and the USFWS.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

18. Impacts to birds: Impact #3.10-15, as identified in the EIR.

**Fact:** Ground-disturbing activities and removal of vegetation could impact birds, including the burrowing owl.

Mitigation:

- The applicant shall ensure that all ground-disturbing activities shall be conducted during the non-breeding season for birds (from approximately mid July to mid February for most passerine species and from 1 September to 31 January for western burrowing owls) to reduce the incidences of take of bird nests, eggs, and dependent young, which are protected by the Migratory Bird Treaty Act of 1918. Thirty days prior to ground disturbing activities, the site shall be surveyed for western burrowing owls. If western burrowing owls are found during the non-breeding season, a qualified biologist shall relocate them to a nearby location on BLM land, following standardized CDFG protocols. If they are found during the breeding season, the owls shall not be relocated until it has been determined by a qualified biologist that the young have fledged and are feeding independent of their parents.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

19. Impacts to wildlife at Olancha Spring: Impact #3.10-19, as identified in the EIR.

**Fact:** There could be impacts to the wildlife at Olancha Spring from increased noise, light and human visitation.

Mitigation:

- Crystal Geyser Roxane shall enter into an agreement with the BLM to erect a livestock exclusion, yet wildlife-friendly, fence around the wetlands at Olancha Spring to offset impacts associated with the potential increase in noise, night-time lighting, human visitations, and hunting pressure. Outdoor lighting at the bottling plant shall be directed downward and away from the direction of the spring.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

20. Impact to a registered cultural resource: Impact #3.11-5, as identified in the EIR.

**Fact:** Potential disturbance and destruction of Site CA-INY-323 could occur due to construction activities.

Mitigation:

- The applicant shall ensure that if project improvements intrude on the site registered as “Site CA-INY-323,” a large diffuse prehistoric site (as described in Chapter 3.11 of the Draft EIR), a representative of a local tribe and a qualified archaeologist shall be present to ensure that important subsurface cultural deposits are not disturbed whenever the following ground disturbing activities occur on the project site: grading, cutting, filling, trenching or any other ground-disturbing activity associated with project construction. The qualified archaeologist shall verify the presence of any previously unidentified cultural resources (e.g., unusual amounts of non-native stone [obsidian, fine-grained silicates, basalt], bone, shells, prehistoric or historic period artifacts [such as purple glass, beads, arrowheads, stone tools, etc.; concentrations of cans and bottles; structural remains]). Work in the immediate vicinity shall cease, and the Inyo County Planning Department shall be notified immediately. The qualified archaeologist shall prepare an evaluation of the significance of the find relative to CEQA impact evaluation criteria and identification of appropriate mitigation. The archaeologist shall submit appropriate recommendations to the Planning Department.
- The applicant shall include these requirements in any project construction contracts and specifications. In addition to the construction superintendent, all construction personnel involved in ground-disturbing activities during project construction will sign documents acknowledging that they have been informed of these requirements and will comply. A qualified archaeologist and local Native American, as appropriate, will be retained to serve as a monitor whenever ground-disturbing activities occur. The Planning Department will make final determinations resulting in any required action or mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

21. Potential disturbance of undiscovered cultural sites: Impact #3.11-7, as identified in the EIR.

**Fact:** Construction activities could lead to the disturbance or destruction of undiscovered cultural sites or burial grounds.

**Mitigation:** (see also Mitigation for #20. above)

- In the event that grading, cutting, filling, trenching or any other ground-disturbing activity associated with project construction reveals the presence of any skeletal remains, State law requires that the applicant ensure that immediate notification of the County Coroner occurs. The applicant shall ensure that the Inyo County Planning Department is notified immediately. If the remains found are a Native American burial site, the Planning Department shall notify interested Native Americans in the county within three days of notification of the existence of the site by project representatives. If the Planning Department finds that avoidance of the site is infeasible, the Planning Department shall expressly permit interested

Native Americans to relocate the burial site within 11 days. If the burial site is not relocated by Native Americans within 11 days, the project sponsor may do so. Relocation shall be as close to the original burial site as possible.

- The applicant shall ensure that consultation occurs to ensure Native American concerns are fully taken into account prior to action being undertaken. This mitigation measure will assure that appropriate procedures are followed with respect to previously unidentified skeletal remains or Native American burial grounds that may be found during project construction activities.

**Finding:** Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

### **Project Alternatives**

**Facts:** CEQA Guidelines (Section 15126.6) require that a discussion of project alternatives be part of any EIR. Any such identified alternatives must significantly meet project objectives, or they cannot be said to be true project alternatives. As a result, Chapter 4 of the DEIR discussed the following alternatives: “No Project” alternative, and, Reduced Project Size alternative,

**Mitigation Measures:** Only one of the project alternatives was found to both significantly reduce identified project impacts while still meeting project objectives, as follow:

- **Reduced Project Size Alternative:** This alternative significantly reduces or minimize project impacts, such as consistency with the Inyo County General Plan, and other impacts as identified in the DEIR. It is also identified as the environmentally superior alternative.
- 

The “**No Project**” Alternative would not meet project objectives, since no development project would take place.

**Finding:** The Reduced Project Size is determined to be the environmentally superior alternative. Identified significant impacts which cannot be avoided would be reduced. This alternative would allow for the achievement of the project objectives related to construction and operation of the Crystal Geyser Roxane beverage bottling plant on a 30-acre portion of the 120-acre property.

**Staff cannot make findings for the 90 acres of additional property for future industrial development.**

### **RECOMMENDED CONDITIONS OF APPROVAL:**

**A. Air Quality:**

1. During construction the following measures to control fugitive dust and emissions of particulates shall be employed:

- Provision of equipment and staffing for watering of all exposed or disturbed soil surfaces or use of an appropriate dust palliative or suppressant;
  - Watering or treating of all disturbed but inactive portions of the site with an appropriate dust suppressant;
  - Covering or wetting down of materials transported by truck to control dust;
  - Daily cleanup of mud and dirt carried onto paved streets from the site;
  - Suspension of dust-producing activities during periods of sustained high winds (gusts exceeding 25 mph) when dust control measures are unable to avoid visible dust plumes; and,
  - Maintenance of all construction equipment in proper working order.
2. The project shall establish a daily trip generation cap for the entire project (the 30-acre bottling plant plus development of the additional 90 acres), of 4,957 daily trips. If daily trip generation exceeds this level, the conditions of approval shall require that the applicant submit and present to the Planning Director for approval a Transportation Demand Management (TDM) plan that establishes a carpool matching program, vanpool commute program, and/or operational strategies (e.g., staggered work hours/days, flexible scheduling, and on-site services such as cafeteria/lunch room, break room, gym, showers, etc).

**C. Noise:**

Contractor(s) shall implement the following measures during the bottling plant construction, if noise-sensitive uses exist within 500 feet:

- All construction vehicles and equipment (fixed or mobile, including generators) shall be equipped with properly operating and maintained mufflers;
- Any generators or air compressors proposed to operate on a 24-hour basis and within 500 feet of residential units or sensitive receptors (such as schools) shall be placed within an enclosure to reduce nuisance noise;
- All noise-generating construction activities shall be limited to weekdays, Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. Construction activities shall not be performed on weekends or federal holidays.
- Implement, as directed by Inyo County, appropriate additional noise mitigation measures, including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, installing acoustic barriers around stationary construction noise sources, and routing construction trucks away from noise-sensitive areas.

- Noise levels produced by stationary and mobile sources on the project site shall not exceed 70 dB Ldn at the property line.
- The applicants shall submit acoustical studies prepared by a qualified acoustical engineer demonstrating to the Inyo County Planning Department that operational noise will not exceed the standard in this measure prior to issuance of building permits.

**D. Visual/Aesthetics:**

- The applicant shall submit full-color architectural renderings, including signage, of all proposed facilities. Photo simulations showing the "before" project site and the "after" project site shall also be provided along with a sample board of materials, the proposed color palette, and a landscaping plan. The photo simulations shall be from at least two angles, and from various distances (e.g., 500, 1,000, and 2,000 feet) from both the north and from the south along U.S. Highway 395. The simulations shall show relative height, location, and appearance of the proposed facilities as viewed from U.S. Highway 395. The renderings, sample boards, landscaping plans, and photo simulations shall be submitted for consideration and approval by the Planning Commission prior to approval of building permits.
  - Buildings shall be constructed with non-reflective surfaces, including roofs and windows, and the windows shall be designed so they face away from the highway.
  - Buildings shall be painted or otherwise covered in soft 'desert-sand' colors that match the local tones and hues.
  - Buildings, wastewater ponds, outside equipment and utilities such as propane tanks, water tanks, solid waste containers, etc., shall be landscaped or screened with materials such as sand-colored concrete block to reduce visibility from U.S. Highway 395 or nearby businesses.
  - Signs shall be externally illuminated. Signage shall not be painted or otherwise affixed to buildings.
  - Landscaping and screening shall incorporate native and common ornamental vegetation, such as cottonwood and poplar trees, blackbush scrub, sagebrush, rabbit brush, cactus, and native wildflowers, grasses, and forbs.
  - All driveways shall be paved in a light-colored material, and landscaped in native vegetation and vegetation common to the area (e.g., cottonwood and poplar trees, various native and ornamental shrubs, and native flowers and grasses) to the greatest extent possible.
  - Use of local soils, rocks, and other materials that give the area a 'natural' look shall be included in the design. Cactus and other fire-resistant vegetation shall be strategically placed on the project site to minimize fire hazard while maintaining visual aesthetics.
  - Lighting shall be installed with the lowest illumination feasible, using soft yellow/orange/pink lighting elements, low pressure sodium elements, or other

lighting as approved by the Inyo County Planning Director. Baffles, shades, and hoods shall be used to direct all lighting downward, such that light does not escape in an upward direction, and is not reflected onto any off-site buildings or roadways. All light standards and fixtures within parking lots shall be of a cutoff or motion sensor/timed design. Prior to issuance of building permits, the Public Works (Building and Safety) Department will review proposed lighting fixtures to ensure compliance with this measure. The applicant shall submit a lighting plan for showing compliance with the above requirements and specifying the location and intensity of proposed exterior or outdoor lighting features. All signage shall be externally illuminated.

**E. Fire Hazard/Risk of Upset:**

- Vegetation surrounding all structures and along all roadways shall be cleared or otherwise maintained pursuant to the standards required by California Department of Forestry and the Olancho Community Services District. Landscaping on the project site shall consist of xeric and low combustion species approved by the California Department of Forestry and Fire Protection. Trucks on the project site shall be required to remain on paved surfaces.
- Buildings constructed on the project site shall comply with applicable Fire Safe Regulations adopted and enforced by California Department of Forestry and the Uniform Fire Code that relate to entry/exit, maintenance of defensible space measures, signing and building numbering, building spacing, water storage, fire flow, fire hydrants, and other requirements designed to promote fire protection. All buildings shall be equipped with automatic fire sprinklers with an uninterruptible power supply.
- As a part of the site design, all facilities proposed for the project site shall contain all required fire hazard prevention, fire fighting, and personal safety equipment, as required by the Uniform Fire Code. Prevention and safety equipment includes fire extinguishers, smoke alarms, and related equipment.
- The following drainage and spill control and containment features shall be incorporated into the project design:
  - Trench drains with storm water controls
  - Oil/wastewater separators
  - Spill containment
- The proposed wastewater treatment plant shall be required to comply with Uniform Building Code standards for construction. Health and safety regulations shall be in place relative to the storage and use of hazardous chemicals or substances at the plant site prior to issuance of building permits.
- Material Safety Data Sheets and Business Plans must also be prepared and filed to obtain the required building permits.

**G. Hydrology/Groundwater – Groundwater Withdrawal:**

- The applicant shall develop and implement a groundwater monitoring program for an initial 5 year minimum period, with additional monitoring required for 5 years following the drilling and installation of any new water supply wells.
- The groundwater monitoring program shall include the drilling and installation of at least 3 small diameter observation wells within ½ mile to the north, south, and east of the CG-2 production well. The observation wells shall be monitored at least quarterly for groundwater levels. If possible, the wells shall be integrated into the groundwater monitoring network and database maintained cooperatively by LADWP and the Inyo County Water Department.
- Criteria for determining if an adjacent water supply is adversely impacted shall use the procedures outlined in the *Green Book for the Long-term Groundwater Management Plan for the Owens Valley and Inyo County*. This includes the use of any available groundwater models and aquifer tests, and the establishment of new monitoring wells drilled to the same depth as adjacent private wells to monitor groundwater depths.
- If the monitoring wells show a consistent long term decline in groundwater levels that cannot be explained by climatic fluctuations, or similar trends in other wells not thought to be potentially impacted by the CG-2 well, then the applicant shall be responsible for deepening the affected wells, resetting and replacing pumps at lower levels, or drilling and completing new replacement wells for any adversely impacted wells.
- Because of the biological significance of the spring, and the uncertainty over potential impacts of groundwater withdrawal from the CG-2 production well on the spring, the applicant shall conduct a program of groundwater and spring monitoring. Shallow observation or monitoring wells (20 foot deep) shall be established in the groundwater body supplying the spring and both sides of the fault to determine if the CG-2 production well is impacting the spring. A baseline of spring flow shall also be established. Monitoring shall be conducted quarterly for a minimum of 5 years, after installation of all wells on the site, with an annual report filed with the Inyo County Planning Department and Inyo County Water Department on the results of the monitoring, along with any conclusions and recommendations. If possible, the monitoring information shall be integrated into the spring monitoring database maintained by the Inyo County Water Department.
- The applicant shall ensure that monitoring well information shall be interpreted in conjunction with an analysis of rainfall patterns and trends in other shallow zone wells and spring observations being conducted by LADWP and Inyo County throughout Owens Valley, to verify that changes in spring flow and water levels in the perched water table are a result of the project, and not due to climatic fluctuations, fault movement, or other causes. Inyo County's Green Book shall be used as the basis for procedures for establishing the monitoring program and

interpreting results, and developing follow up mitigations. If the data analysis shows that the CG-2 production well is having an effect on the spring, then the applicant shall develop a mitigation plan to offset the impacts. Suitable mitigations for minor impacts on flow could include enhancing, restoring, and protecting other natural springs and seeps located on the west side of the Owens Valley.

- In order to recognize a change in the wetland vegetation or wildlife populations that might be caused by the project, the applicant shall document baseline information on the current conditions at the spring, prior to project pumping. The baseline biological document shall include low level aerial photography of the spring to document the extent of the wetland vegetation; a survey to determine the plant species composition and structure at the spring; and a survey to obtain a population estimate for the Owens Valley vole and to determine if Wong's springsnail occurs. If the long term monitoring indicates biological impacts are occurring due to pumping, then the applicant shall be required to reduce pumping to a level that does not create such impacts, or provide other appropriate compensatory mitigations measures to the satisfaction of the CDFG and Inyo County, including enhancing and restoring other springs in southwest Owens Valley.

#### **H. Drainage/Flooding:**

- The applicant shall prepare and submit a drainage plan as part of the first development application, which includes appropriate flood protection, storm water detention/retention facilities. The drainage plan shall preserve the four existing drainage washes crossing the property, with 50-foot setbacks on each side of the wash, demonstrate that proposed structures are protected from localized flooding, and that the site facilities have been designed to withstand storm flow during a 100-year design storm event. The drainage plan shall identify both pre-project and post-project flows and shall indicate specific measures to protect structures from flood damage.
- The applicant shall construct on-site detention or retention basins sufficient to result in no net increase in post-development stormwater flow. Such basins shall not encroach upon or affect the conveying capacity of the four existing drainage washes crossing the property and shall be described in the Drainage Plan required above.
- To protect surface water quality from degradation, the applicant and all subsequent developers on the site shall comply with and obtain approvals from the Lahontan Regional Water Quality Control Board for storm water discharges for construction and industrial related activities, including a Storm Water Pollution Prevention Plan, National Pollutant Discharge Elimination System Construction Stormwater Permit, and General Industrial Stormwater Discharge permit (if required).

- Drainage flows shall not affect LADWP's aqueduct easement. The applicant shall not locate effluent disposal areas, retention basins, and/or improvements within the easement unless written permission is received from LADWP following submittal of detailed drainage and grading plans. LADWP may require installation of curbs or asphalt berms to prevent soil erosion within the easement. No improvements shall be constructed within 50 feet of the aqueduct easement. Any site runoff allowed to enter LADWP property or easements shall also comply with LADWP Guidelines for onsite oil/water separators.

**I. Wastewater Treatment:**

- The applicant shall submit plans for wastewater treatment facilities which are designed meet the requirements of the Lahontan Regional Water Quality Control Board. Project applicants shall obtain Waste Discharge Requirements for wastewater treatment facilities from the Lahontan Regional Water Quality Control Board.
- The applicant shall install monitoring wells as required by Lahontan, and monitoring of groundwater for nitrate-nitrogen shall be performed to determine if there is a relationship between the rate of percolation in the ponds and nitrates in the groundwater. If rapid infiltration is the cause of elevated nitrate levels, the pond bottoms shall be engineered to control the rate of percolation. The area proposed for new percolation ponds shall be tested for percolation rates to determine that the area is adequate for disposal of treated wastewater. Alternatively, wastewater treatment facilities shall be designed to nitrify and denitrify the effluent so there would be no net impact on groundwater.
- The applicant shall submit plans to ensure wastewater treatment facilities are designed to control and mitigate odors so that off-site detection is minimized. Facility design shall be reviewed and approved by the Regional Water Quality Control Board, Lahontan Region, and Inyo County Environmental Health Services Department to verify that appropriate odor control features are incorporated prior to the issuance of permits for all phases of this project.
- The applicants shall submit on-site sewage disposal system designs which can be reviewed and permitted by the Inyo County Environmental Health Services Department. The design shall be based on soil profile and percolation test data taken at the site of the proposed disposal systems. Special engineered designs may be required to achieve compliance with applicable regulations.

**J. Biological Resources:**

- Compensatory mitigation for Mohave ground squirrel habitat loss at a rate of 3 acres protected for every one acre lost to development shall be accomplished by one and/or a combination of the following four measures:

a) Acquire lands at a 3:1 ratio that support optimum Mohave ground squirrel habitat in Inyo County, at a location which would be approved by the California Department of Fish and Game (CDFG); and pay a one time endowment fee for the long-term management of these lands, the cost of which shall be negotiated between Crystal Geysers Roxane and the CDFG.

b) Eliminate livestock grazing by fencing the entire site.

c) Purchase grazing leases on BLM grazing allotments in Inyo County within the range and in the habitat of the Mohave ground squirrel and eliminate livestock grazing on these lands.

d) Restore disturbed native vegetation within the range and in the habitat of the Mohave ground squirrel on public or State lands in Inyo County.

Mitigation for the desert tortoise shall be required as a Condition of Approval as follows:

- Crystal Geysers Roxane shall enter into an agreement with CDFG and the U.S. Fish and Wildlife Service (USFWS) to provide fair share funding for a desert tortoise exclusion fence along portions of U.S. Highway 395 that traverse high-density desert tortoise areas. The quantity and location of fencing shall be negotiated among Crystal Geysers Roxane, the CDFG, and the USFWS.

In order to reduce the impact on birds from the development, mitigation shall be required as a Condition of Approval as follows:

- The applicant shall ensure that all ground-disturbing activities shall be conducted during the non-breeding season for birds (from approximately mid July to mid February for most passerine species and from 1 September to 31 January for western burrowing owls) to reduce the incidences of take of bird nests, eggs, and dependent young, which are protected by the Migratory Bird Treaty Act of 1918. Thirty days prior to ground disturbing activities, the site shall be surveyed for western burrowing owls. If western burrowing owls are found during the non-breeding season, a qualified biologist shall relocate them to a nearby location on BLM land, following standardized CDFG protocols. If they are found during the breeding season, the owls shall not be relocated until it has been determined by a qualified biologist that the young have fledged and are feeding independent of their parents.
- Crystal Geysers Roxane shall enter into an agreement with the BLM to erect a livestock exclusion, yet wildlife-friendly, fence around the wetlands at Olancho Spring to offset impacts associated with the potential increase in noise, night-time lighting, human visitations, and hunting pressure. Outdoor lighting at the bottling plant shall be directed downward and away from the direction of the spring.
- The applicant shall establish a monitoring and control program to prevent the spread of non-native or noxious species on-site, where if unchecked they could

create off-site effects, acceptable to the County. Review of the detailed operating plan for the wastewater treatment plant effluent disposal area shall also be conducted to identify procedures that could be implemented to minimize potential invasion of noxious weed species.

#### **K. Cultural Resources:**

- The applicant shall ensure that if project improvements intrude on the site registered as “Site CA-INY-323,” a large diffuse prehistoric site (as described in Chapter 3.11 of the Draft EIR), a representative of a local tribe and a qualified archaeologist shall be present to ensure that important subsurface cultural deposits are not disturbed whenever the following ground disturbing activities occur on the project site: grading, cutting, filling, trenching or any other ground-disturbing activity associated with project construction. The qualified archaeologist shall verify the presence of any previously unidentified cultural resources (e.g., unusual amounts of non-native stone [obsidian, fine-grained silicates, basalt], bone, shells, prehistoric or historic period artifacts [such as purple glass, beads, arrowheads, stone tools, etc.; concentrations of cans and bottles; structural remains]). Work in the immediate vicinity shall cease, and the Inyo County Planning Department shall be notified immediately. The qualified archaeologist shall prepare an evaluation of the significance of the find relative to CEQA impact evaluation criteria and identification of appropriate mitigation. The archaeologist shall submit appropriate recommendations to the Planning Department.
- The applicant shall include these requirements in any project construction contracts and specifications. In addition to the construction superintendent, all construction personnel involved in ground-disturbing activities during project construction will sign documents acknowledging that they have been informed of these requirements and will comply. A qualified archaeologist and local Native American, as appropriate, will be retained to serve as a monitor whenever ground-disturbing activities occur. The Planning Department will make final determinations resulting in any required action or mitigation.
- In the event that grading, cutting, filling, trenching or any other ground-disturbing activity associated with project construction reveals the presence of any skeletal remains, State law requires that the applicant ensure that immediate notification of the County Coroner occurs. The applicant shall ensure that the Inyo County Planning Department is notified immediately. If the remains found are a Native American burial site, the Planning Department shall notify interested Native Americans in the county within three days of notification of the existence of the site by project representatives. If the Planning Department finds that avoidance of the site is infeasible, the Planning Department shall expressly permit interested Native Americans to relocate the burial site within 11 days. If the burial site is not relocated by Native Americans within 11 days, the project sponsor may do so. Relocation shall be as close to the original burial site as possible.

- The applicant shall ensure that consultation occurs to ensure Native American concerns are fully taken into account prior to action being undertaken. This mitigation measure will assure that appropriate procedures are followed with respect to previously unidentified skeletal remains or Native American burial grounds that may be found during project construction activities.

**L. Traffic:**

- The applicant shall install acceleration/deceleration lanes and left-hand turn lanes on U.S. Highway 395 in accordance with Caltrans requirements. Due to the proximity of a narrow bridge over the LADWP aqueduct just north of the driveway, the applicant shall require that fully-loaded northbound trucks first travel south on U.S. Highway 395 to the first median break before turning north, in order to comply with Caltrans' requirements.

**ATTACHMENTS**

Statement of Overriding Considerations  
Location/Vicinity Map  
Site Plan  
Final EIR

/jl