



Inyo County Planning Department
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NOTICE OF DECISION

November 12, 1999

Santiago Martinez
C. G. Roxane
1210 Highway 395
P. O. Drawer A
Olancha, CA 93549

Re: **Conditional Use Permit Number 99-6/ Crystal Geyser Roxane**

Dear Mr. Martinez:

On October 27, 1999, the Inyo County Commission held a Public Hearing to consider Conditional Use Permit #99-6/ Crystal Geyser Roxane. This project is located 1.15 miles south north of the community of Cartago, east of Highway 395 in Section 7& 12, Township 19S, Range 36E, MDB&M. The proposal is to build a 11,250 square foot warehouse to store preform bottles prior to shipment to another bottling plant.

At the Public Hearing the Planning Commission considered the report of staff, all oral and written comments offered and approved your project by taking the following actions:

Required Findings

- A. Based upon the Initial Study and Draft Mitigated Negative Declaration of Environmental Impact, and all oral and written comments received, adopt the mitigated Negative Declaration and certify that the requirements of the California Environmental Quality Act (CEQA) have been satisfied.

[Evidence: An initial Study and Draft Mitigated Negative Declaration of Environmental Impact was completed pursuant to CEQA and circulated to the State Clearinghouse, all affected agencies and all interested parties. The thirty-day comment period expired on October 13, 1999.]

- B. Found that the project site is extensively disturbed and will not result in the loss of native vegetation of wild life habitat. Any degradation of wildlife habitat, which may result from this project, will be less than significant and "de-minimus" in its impact to wildlife resources.

[Evidence: Vegetation has been extensively disturbed on the subject property due to construction activity, grazing and agricultural activities. The project will have no impact on nearby remnant portions of the Mojave Riparian Forest Community.]

- C. Found the proposed Conditional Use Permit will not have an adverse impact on any present or planned development on the subject properties. Further find, based upon substantial evidence in the record, the proposed Conditional Use Permit has little or no probability to be detrimental to, or interfere with, the future adopted General Plan as provided by the State of California's Governor's Office of Planning and Research in its March 11, 1998 approval of the County's request for an extension of time to update its General Plan.

[Evidence: This proposal will conform with all development standards applicable to the subject parcels.]

Approval of Conditional Use Permit

- D. Approved Conditional Use Permit 99-6/ Crystal Geysers Roxane subject to the following conditions.

1. HOLD HARMLESS

As a condition of approval of Conditional Use Permit No. 99-6/ Crystal Geysers Roxane, the applicant/ developer shall defend, indemnify and hold harmless Inyo County (County), and its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, its advisory agencies, appeals board or legislative body concerning Conditional Use Permit No. 99-6/ Crystal Geysers Roxane. The County reserves the right to prepare its own defense.

2. COMPLIANCE WITH COUNTY CODE

The applicant/developer shall comply with all applicable provisions of Inyo County Code.

3. ESTABLISHMENT OF USE

This Conditional Use Permit shall become void unless the use is established or construction necessary to its establishment is diligently pursued within two years from the date of Planning Commission approval.

4. CONDITIONS AND LIMITATIONS

Once any portion of this Conditional Use Permit is implemented by commencing of mining, all of its conditions and limitations shall be operative, and violation of any part shall constitute a violation of this Conditional Use Permit.

5. EXPANSION OF USE

Any expansion or alteration of the proposed use beyond that contained in the application and authorized herein shall require an amendment to this Conditional Use Permit.

6. CONFORMANCE WITH APPROVED PLOT PLAN

All development authorized by this Conditional Use Permit shall be in substantial conformance with the approved plot plan.

7. GRADING PERMIT – APPROVED DRAINAGE PLAN REQUIRED

Any drainage shall be solved to the satisfaction of the Director of Public Works. A grading plan, in ink on mylar, signed by a registered California Civil Engineer and using actual grades from a surveyor's benchmark shall be submitted to the Public Works Department for approval. A topographic map of the area surrounding this development shall be made to establish existing drainage flow patterns. If the existing natural drainage flow of any adjoining parcel is across this development, a drainage easement shall be granted and drainage facilities provided for that property to the satisfaction of the Director of Public Works. A grading permit will be issued when the grading plan is approved by the Department of Building and Safety in compliance with this condition of approval.


8. CULTURAL RESOURCES – COMPLIANCE WITH CULTURAL RESOURCE MANAGEMENT PLAN

The December 14, 1995 Cultural Resource Management Plan: Crystal Geyser Roxane Bottling plan Lease Area, Inyo County California (CRMP) by Archaeological Research Services, inc. is hereby incorporated in its entirety by reference into the conditions of approval for Conditional Use Permit. The CRMP's procedures for preparing for future construction, ground disturbance necessitate by emergencies, discovery of human remains and notification procedures, archaeological field methods, and reporting requirements are attached to the Initial Study and are required mitigation measures. Chapters 3.0 –7.4.2 of the CRMP are attached to insure compliance by applicant/developer in establishment of this Conditional Use Permit. The Inyo County Planning Department will provide qualified individuals an opportunity to review the CRMP in its entirety upon written request.

9. COMPLIANCE WITH REQUIREMENTS OF THE OLANCHA COMMUNITY SERVICES DISTRICT

Prior to issuance of building permits, the applicant/developer shall comply with all statutory and District requirements as outlined in the Olancha Cartago Fire/Rescue letter of January 15, 1997 (attached).

Sincerely,



Earl H. Gann
Associate Planner

Notice of Determination

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) INYO COUNTY PLANNING
P.O. DRAWER 6, INDEPENDENCE, CA 93526
(Address)

X County Clerk
County of INYO

FILED

NOV 23 1999



BEVERLY J. HARRY
INYO COUNTY CLERK
901502 DEPUTY

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

CONDITIONAL USE PERMIT 99-6 / CRYSTAL GEYSER ROXANE WAREHOUSE

Project Title

99091130 INYO COUNTY PLANNING DEPT, EARL GANN (760) 878-0263
State Clearinghouse Number Lead Agency Area Code/Telephone/Extension

(If submitted to Clearinghouse) Contact Person
PROJECT IS LOCATED IN SECTION 7 1/2, TOWNSHIP 19 S, RANGE 36 E, MDBLM 1.15 MILES
SOUTH OF THE COMMUNITY OF CARTAGO ON EAST SIDE OF HIGHWAY 395, INYO COUNTY
Project Location (include county)

Project Description: PROJECT IS TO BUILD A 11,250 FT² WAREHOUSE TO STORE
PREFORM BOTTLES PRIOR TO SHIPMENT TO ANOTHER BOTTLING PLANT

This is to advise that the INYO COUNTY PLANNING COMMISSION has approved the above described project on
 Lead Agency Responsible Agency
OCT 27, 1999 and has made the following determinations regarding the above described project:
(Date)

- 1. The project will will not have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures were were not made a condition of the approval of the project.
- 4. A statement of Overriding Considerations was was not adopted for this project.
- 5. Findings were were not made pursuant to the provisions of CEQA.

MITIGATED NEGATIVE DECLARATION
This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
168 N. EDWARDS PLANNING DEPARTMENT, INDEPENDENCE, CA 93526

Earl Gann NOV 23, 1999 ASSOCIATE PLANNER
Signature (Public Agency) Date Title

Date received for filing at OPR: