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**Notice of Decision**

January 25, 2007

Mr. Rick Moore, Principal  
Crystal Geyser Roxane  
P.O. Box 560 1638 Kellogg Dr.  
Weed, CA 96094

Tom Platz, President  
Triad/Holmes Associates  
P.O. Box 1570  
Mammoth Lakes, CA 93546

**SUBJECT: Conditional Use Permit No. 2006-4 / Crystal Geyser Roxane**

Dear Mr. Moore and Mr. Platz:

On January 24, 2007, the Inyo County Planning Commission considered the above action. After deliberation, the Commission voted to approve the project with the following Conditions of Approval:

**Conditions of Approval**

**1. Hold Harmless:**

As a condition of approval for Conditional Use Permit No. 2006-4/Crystal Geyser Roxane, the applicant/developer shall defend, indemnify and hold harmless Inyo County (County), or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul an approval of the County, its advisory agencies, its appeals board, or its legislative body concerning Conditional Use Permit No. 2006-4/Crystal Geyser 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. Cultural Resources – Compliance with Cultural Resource Management Plan:**

The December 14, 1995 document entitled "Cultural Resource Management Plan: Crystal Geyser Roxane Bottling Plant Lease Area, Inyo County California" (CRMP) prepared by Archaeological Research Services, Inc., is hereby incorporated in its entirety by reference into the conditions of approval for Conditional Use Permit No. 2006-4/Crystal Geyser Roxane. The CRMP details procedures for:

- a.) Preparing for future construction;
- b.) Ground disturbance necessitated by emergencies; and,

c.) Discovery of human remains and notification procedures.

The CRMP procedures shall be followed as regards archaeological field methods and reporting requirements. These CRMP procedures are attached to the CEQA Initial Study and are required mitigation measures for this project. Chapters 3.0-7.4.2 of the CRMP are attached to this Staff Report, and will be attached to the Notice of Decision to insure compliance by the 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.

**4. Drainage and Grading – Approved Drainage Plan and Permits Required:**

The applicant shall amend the Stormwater Pollution Prevention Plan prepared for the northerly warehouse (under permit number WDID 6B14C319770) to the satisfaction of the Lahontan Regional Water Quality Control Board. This amended plan must be approved by the Public Works Department prior to the issuance of a grading permit.

**5. Compliance with Requirements of the Olancha Community Services District (Fire Protection):**

Prior to the issuance of building permits, the applicant/developer shall assure compliance with all statutory and District requirements.

**6. Compliance with Requirements of the Great Basin Unified Air Pollution Control District (Air Quality):**

Prior to the issuance of building permits, the applicant/developer shall obtain a “District Authority to Construct Permit”. During the construction phase, the applicant shall comply with the Prohibitory Rules of the District. These requirements are outlined in the Great Basin Unified Air Pollution Control District letter received on September 18, 2006 (attached).

**7. Landscaping:**

The project shall be landscaped as shown on the attached Site Plan. The landscaping and irrigation system are required to be in place before the Certificate of Occupancy is granted by the Building and Safety Department.

**8. Lighting:**

All lighting for the warehouse addition shall be shielded and directed downwards. The lighting is required to be in place before the Certificate of Occupancy is granted by the Building and Safety Department.

**9. State Small Water System Permit:**

The developer shall obtain and gain approval of a State Small Water System Permit in accordance with the requirements of the State of California and the Inyo County Environmental Health Services Department prior to the Certificate of Occupancy being granted.

**10. 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. Any application for extension must be received in writing by the Planning Department prior to the expiration date (January 24, 2009) of the approved Conditional Use Permit No. 2006-4.

**11. Conformance with Approved Plot Plan:**

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

**12. Expansion of Fill Area:**

The developer shall extend the fill to cover the landscaping area so that no ground disturbance will be created by the installation of the landscaping.

If you have any questions regarding the Planning Commission's action, please contact this office at (760) 872-2706, or (760) 878-0263.

Sincerely,



Courtney Smith  
Inyo County Planning Department

cc: Richard Cervantes, Fifth District Supervisor  
Ron Chegwiddden, Director, Public Works Department  
Mike Conklin, Building & Safety Department  
Inyo County Assessor's Office  
Great Basin Unified Air Pollution Control District  
Lahontan Regional Water Quality Control Board  
Native American Heritage Commission  
Lone Pine Paiute/Shoshone Reservation

**Note:** All final decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar day of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at the County Administrative Center, Independence, California. If you challenge in court any finding, determination, or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.