

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF DECEMBER 5, 2007 SPECIAL MEETING

COMMISSIONERS:

WILLIAM STOLL	FIRST DISTRICT	Inyo County Planning Commission
CYNTHIA LITTLE	SECOND DISTRICT	Post Office Drawer L
SAM WASSON	THIRD DISTRICT	Independence, CA 93526
RICHARD WHITE	FOURTH DISTRICT (VICE- CHAIR)	(760) 878-0263/(760) 872-2706
PAUL PAYNE	FIFTH DISTRICT (CHAIR)	(760) 872-0382 FAX

STAFF:

PAT CECIL	PLANNING DIRECTOR
RON CHEGWIDDEN	PUBLIC WORKS DIRECTOR
SHARON BIRMINGHAM	PLANNING COMMISSION SECRETARY
JAN LARSEN	SENIOR PLANNER
TANDA GRETZ	SENIOR PLANNER
ADENA FANSLER	ASSOCIATE PLANNER

The Inyo County Planning Commission met in special session on Wednesday, December 5, 2007, in the Superior Courtroom, 168 N. Edwards Street, Independence, California. Chair Payne opened the meeting at 10:00 a.m. by the clock in the Courtroom.

These minutes are to be considered for approval by the Planning Commission at their next regularly scheduled meeting.

ITEM 1: ROLL CALL - Commissioners: William Stoll, Cynthia Little, Sam Wasson, Richard White, and Paul Payne.

Also present were: Planning Director, Pat Cecil; Assistant County Counsel, Randy Keller; Deputy County Counsel, Suzanne Parsons; Senior Planner, Jan Larsen; Associate Planner, Adena Fansler; and Secretary, Sharon Birmingham.

Absent: Ron Chegwiddden, Public Works Director.

ITEM 2: APPROVAL OF MINUTES (Action Item) – Approval of Minutes for October 24, 2007.

MOTION: Moved by Commissioner Wasson and seconded by Commissioner White to approve the Minutes for October 24, 2007 and that they be entered into the Administrative Record.

The Motion carried (5-0).

ITEM 3: ADDITIONS/DELETIONS TO THE AGENDA – Opportunity to add or delete any item to the agenda with the approval of the Commission.

There were none.

ITEM 4: PUBLIC COMMENT PERIOD – Opportunity for anyone in the audience to address the Planning Commission on any subject pertaining to planning that is not scheduled on the Agenda.

There were none.

ITEM 5: INYO GROUNDWATER MONITORING WELLS PROJECT (Action Item & Public Hearing)-The project consists of the drilling, development, and monitoring of one deep and two to three shallow groundwater monitoring wells in Southeast Inyo County. The county will retrieve and analyze water and rock samples in order to explore possible links between groundwater in the vicinity of the proposed Yucca Mountain Nuclear Waste Repository and groundwater in Death Valley National Park. Inyo County has been funded by the U. S. Department of Energy to complete this project. Staff has prepared and circulated a Draft Mitigated Negative Declaration under the California Environmental Quality Act to address potential environmental impacts from drilling activities.

Yucca Mountain Repository Assessment Office Project Coordinator, Matt Gaffney, presented the Staff Report to the Commission. A revised Resolution was also presented to the Commission.

Chair Payne opened the public hearing at 10:06 a.m.

There was no one from the audience wishing to speak on the project.

Chair Payne closed the public hearing at 10:07 a.m.

MOTION: Moved by Commissioner Wasson and seconded by Commissioner White to adopt a resolution recommending the Board of Supervisors adopt the Mitigated Negative Declaration of Environmental Impact and certify that the requirements of the California Environmental Quality Act have been met, as provided by Section 15.12.040.C.6 of the Inyo County Code.

The Motion carried (5-0).

ITEM 6: AMENDMENT OF RECLAMATION PLAN NO. 2005-04/F.W. AGGREGATE, INC. (DURABILITY QUARRY) (Public Hearing & Action Item)-F.W. Aggregate requested an amendment to the existing reclamation plan for the mining operation (Durability Quarry) to extend the life of the reclamation plan from three years to 50 years to correspond with the Conditional Use Permit period. No changes to the original Reclamation Plan were proposed. The mining operation involved mining aggregate near Keeler for the Owens Lake Dust Mitigation Project.

Associate Planner Mining Inspector, Adena Fansler, presented the Staff Report to the Commission. Ms. Fansler requested that the Staff Report be entered into the Administrative Record.

Chair Payne opened the public hearing at 10:09 a.m.

There was no one from the audience wishing to speak on the project.

Chair Payne closed the public hearing at 10:10 a.m.

MOTION: Moved by Commissioner White and seconded by Commissioner Stoll to:

- 1. Find that the provisions of the California Environmental Quality Act have been satisfied by determining that this amendment is subject to the “General Rule” provisions of Section 15061(a)(3) Review for Exemption of the CEQA Guidelines.**
- 2. Approve the amendment to Reclamation Plan No. 2005-04/F.W. Aggregate by extending the reclamation plan period from three (3) to fifty (50) years subject to the original conditions of approval as stated in the Staff Report.**

The motion carried (5-0).

ITEM 7: ORDINANCE SUSPENDING PROVISIONS OF INYO COUNTY CODE SECTION 18.78.280 AND 18.78.250(Public Hearing & Action Item)-Adoption of an ordinance that temporarily suspends the provisions of Inyo County Code Section 18.78.280(Non-conforming buildings-Restoration), and Inyo County Code Section 18.78.250 (Non-conforming buildings-changes) to allow for replacement of non-conforming residences destroyed during the Inyo Complex Fire of July, 2007. This ordinance will affect the re-construction of non-conforming structures destroyed during the Inyo County Complex Fire. The project is exempt from the California Environmental Quality Act (CEQA) per section 152569 of the CEQA Guidelines.

Planning Director, Pat Cecil, presented the Staff Report to the Commission.

Chair Payne opened the public hearing at 10:14 a.m.

James Ashworth, one of the owners of the proposed property affected, spoke to the Commission in support of the project.

Chair Payne closed the public hearing at 10:16 a.m.

MOTION: Moved by Commissioner White and seconded by Commissioner Wasson to make the findings listed in the Staff Report and recommend that the Board of Supervisors adopt the Ordinance as presented in the Staff Report.

The motion carried (5-0).

ITEM 8: CONDITIONAL USE PERMIT NO. 2007-04/PROJECT DRWIN, LLC (Public Hearing & Action Item)-Project Darwin, LLC requested a Conditional Use Permit to re-open the Darwin Mine. The site is located approximately 4 miles southeast of the intersection of the Darwin Road with State Route 190, ½ mile northwest of the town of Darwin.

Associate Planner-Mining Inspector, Adena Fansler, presented the Staff Report to the Commission. Ms. Fansler provided a revision to Condition No. 14 to the Commission, and

referenced that the revision be a correction noted for the Staff Report on pages 2 and 4. Ms. Fansler also requested that the Staff Report be entered into the Administrative Record.

Chair Payne opened the public hearing at 10:20 a.m.

Jim Pompy, representative from the California Office of Mine Reclamation requested an extension to 120 days for the submission of the reclamation plan.

Don Reese, resident of Darwin, informed the Commission that he was not informed of the project and there was no communication. Mr. Reese's concern was his sensitivity about the road.

Kathy Goss, resident of Darwin, spoke to the Commission regarding no communication from the Operator of the mine. Ms. Goss' concerns were as follows:

Aesthetics, Air Quality, Hydrology, Noise, Transportation, Utilities and Housing.

Gene Mathern, resident of Lone Pine, spoke in support of the project.

Jack Stone, applicant, addressed the Commission with some of Ms. Goss' concerns regarding the lighting, dust control, the road, and his intention to minimize the effects on the community of Darwin.

The Commission had a few questions from Mr. Stone that he answered. The Commission held a discussion and was satisfied with the conditions.

Chair Payne closed the public hearing at 10:45 a.m.

The Commission held a brief discussion among themselves.

MOTION: Moved by Commissioner White and seconded by Commissioner Wasson to adopt the Final Negative Declaration of Environmental Impact and certify that the provisions of CEQA have been met; make the findings as outlined in the Staff Report with respect to and approve Conditional Use Permit No. 2007-04/Project Darwin, LLC with the recommended conditions of approval outlined in the Staff Report to include the revision of Condition No. 14.

The motion carried (5-0).

Chair Payne recessed the meeting at 10:50 a.m.

Chair Payne reconvened the meeting at 11:00 a.m.

Commissioner Stoll recused himself from Item 9 and Item 10, and removed himself from the Commission and took a seat in the audience.

Planning Director, Pat Cecil, recused himself from Item 9 and Item 10, and removed himself from the Commission and took a seat in the audience.

Assistant County Counsel, Randy Keller, recused himself from Item 9 and Item 10, and removed himself from the Commission and took a seat in the audience.

Suzanne Parsons, Deputy County Counsel, took seat at the Commission.

MOTION: Moved by Commissioner White and seconded by Commissioner Wasson to continue Item No. 9 to be heard after Item No. 10.

The motion carried (4-0).

ITEM 10: HISTORIC PRESERVATION OF PINE CREEK MINE PRESENTATION GIVEN BY DOUGLAS, HICKS, GENERAL MANAGER FOR PINE CREEK MINE.

Mr. Hicks presented two documents to the Commission for their review.

Mr. Henderson, resident of Bishop, spoke to the Commission in support of the preservation of the Pine Creek Mine.

George Johnston, resident of Bishop, informed the Commission of the historical value of the buildings.

Deputy County Counsel, Suzanne Parsons sworn in all those wishing to provide evidence for Item No. 9.

ITEM 9: CONTINUATION OF AN APPEAL OF PLANNING DIRECTOR'S DECISION RE: PINE CREEK MINE-NOTICE OF VIOLATION (Public Hearing & Action Item)

Planning Director, Pat Cecil, presented the Staff Report to the Commission.

Chair Payne opened the public hearing at 11:05 a.m.

Douglas Hicks, manager of Pine Creek Mine and representative for the Applicant, told the Commission that the landowners have no standing to take action. Mr. Hicks informed the Commission that Avocet Tungsten is the operator of the Pine Creek Mine.

Greg Tenorio, staff counsel, for the Office of Mine Reclamation for the State of California Department of Conservation, spoke in support of the Order, as it is consistent with their Order. Mr. Tenorio informed the Commission of the 1.4 million dollars in penalties that needs to be addressed before any plan can be approved.

David Tanksley, resident of Bishop, supports the operation of the mine and it's economic benefit.

Ken Lloyd, requested an agreement to preserve the property.

Dave Patterson, representative of Bishop Chamber of Commerce, told the Commission of the Chamber's concern of historical significance.

Douglas Hicks, manager of Pine Creek Mine and representative for the Applicant, informed the Commission that the imposed penalties by the Office of Mine Reclamation were based on inadequate financial assurances.

Lynn Goodfellow, main purchaser, investor of Pine Creek Mine wants to save the mine. Mr. Goodfellow said the mine was ready to become a museum today.

James Pompy, representative from the Office of Mine Reclamation, said that the mine is not a safe place.

Lynn Goodfellow, main purchaser, investor of Pine Creek Mine told the Commission of his being deceived by the Office of Mine Reclamation.

Pat Cecil, Planning Director, told the Commission that the re-opening of the mine was not contingent on existing buildings. Also, the mine still needs to be in compliance with State and County laws.

Chair Payne closed the public hearing at 12:12 p.m.

Chair Payne re-opened the public hearing at 12:13 p.m.

Douglas Hicks, manager of Pine Creek Mine and representative for Applicant, told the Commission that the mine became idle in 1990 according to California law, and that he has an approved reclamation plan and wants to amend the reclamation plan or idle management plan and work with staff in doing so.

Chair Payne closed the public hearing at 12:15 p.m.

The Commission held a brief discussion.

MOTION: Moved by Commissioner White and seconded by Commissioner Wasson to continue the public hearing to February 27, 2008; to allow the Applicant to submit an application for an amendment to the reclamation plan satisfactory to the County of Inyo for processing.

The motion carried. (4-0).

Chair Payne recessed the meeting for a short break at 12:45 p.m.

Chair Payne reconvened the meeting at 12:50 p.m.

Planning Director, Pat Cecil; Assistant County Counsel, Randy Keller, and Commissioner Stoll returned to their chairs on the Commission. Deputy County Counsel, Suzanne Parsons returned to the audience.

COMMISSIONER'S REPORTS

Commissioner Stoll reported to the Commission that he had been contacted by George Johnston on the status of the completion of the update of the General Plan.

Commissioner Payne reported to the Commission that a citizen from Olancha regarding a commercial windmill proposal had contacted him for information and Commissioner Payne referred them to the Planning Department.

PLANNING DIRECTOR'S REPORT – Planning Director, Pat Cecil, responded to the update on the General Plan as the Planning Department is still in the process of finalizing the scope of work for the Contract. Also, the citizen from Olancha received information on the commercial windmill proposal.

Jan Larsen, Senior Planner updated the Commission on various projects.

Mr. Cecil invited the Commission to attend a Retirement party on December 18, 2007 from 2-4p.m. to say Good-bye to Jan Larsen, Senior Planner, as she will be retiring effective January 4, 2008.

CORRESPONDENCE - INFORMATIONAL –There were none.

ADJOURNMENT - There being no further business, Chair Payne adjourned the meeting at 1:20 p.m. to reconvene in regular session on Wednesday, January 23, 2008 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared & Recorded by:

Approved January 23, 2008

Sharon M. Birmingham,
Secretary To
Inyo County Planning Commission