

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF JANUARY 28, 2009 MEETING

COMMISSIONERS:

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

STAFF:

DOUG WILSON	ACTING-INTERIM PLANNING DIRECTOR
DOUG WILSON	ACTING-INTERIM PUBLIC WORKS DIRECTOR
KEVIN CARUNCHIO	COUNTY ADMINISTRATOR
SHARON BIRMINGHAM	PLANNING COMMISSION SECRETARY
TANDA GRETZ	SENIOR PLANNER
JOSHUA HART	SENIOR PLANNER
ADENA FANSLER	ASSOCIATE PLANNER

The Inyo County Planning Commission met in regular session on Wednesday, January 28, 2009, in the Board of Supervisor's Room, Administrative Center in Independence, California. Chair White opened the meeting at 10:00 a.m.
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, Paul Payne, Sam Wasson, Cynthia Little, and Richard White.

Also present were: Doug Wilson, Acting-Interim Planning Director; Randy Keller, Assistant County Counsel; Suzanne Rizo, Deputy County Counsel; Josh Hart, Senior Planner; Adena Fansler, Associate Planner; and Secretary, Sharon Birmingham.

Absent: Kevin Carunchio, County Administrator.
Tanda Gretz, Senior Planner

Chair White will remain presiding chair over this meeting due to the items on the Agenda.

ITEM 2: NOMINATION & ELECTION OF CHAIR-PERSON (Action Item) – The Commission will accept nominations for chair-person for 2009 and hold an election.

Chair White opened the nominations for chair-person.

Commissioner Wasson nominated Commissioner Stoll. Commissioner Payne seconded the nomination. Commissioner Stoll accepted the nomination. Chair White closed the nominations.

The Commission elected unanimously Commissioner Stoll as Chair-person for 2009 to commence after today's meeting.

ITEM 3: NOMINATION & ELECTION OF VICE-CHAIR PERSON (Action Item) – The Commission will accept nominations for Vice-chair person for 2009 and hold an election.

Chair White opened the nominations for Vice-chair person.

Commissioner Stoll nominated Commissioner Wasson for Vice-chair person. Commissioner Payne seconded the nomination. Commissioner Wasson accepted the nomination. Chair White closed the nominations.

The Commission elected unanimously Commissioner Wasson as Vice-chair person for 2009 to commence after today's meeting.

ITEM 4: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from December 3, 2008.

MOTION: Moved by Commissioner Wasson and seconded by Commissioner Payne to approve the Minutes from December 3, 2008.

The Motion carried 5-0.

ITEM 5: ADDITIONS/DELETIONS TO THE AGENDA – Opportunity for the Commission to add or delete an item on the Agenda.

Item 8 was deleted from the Agenda.

ITEM 6: PUBLIC COMMENT PERIOD – Opportunity to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

There were none.

Commissioner Stoll excused himself from the Commission for a conflict on Item 7 and sat in the audience.

Acting-Interim Planning Director, Doug Wilson, excused himself from the Commission to be a party within the audience.

Assistant County Counsel, Randy Keller, excused himself from the Commission to advise the Acting-Interim Planning Director.

Deputy County Counsel, Suzanne Rizo, sat with the Commission to advise.

ITEM 7: PINE CREEK MINE DECISION REGARDING CONDITIONAL USE PERMIT FOR MINING (Action Item) – Staff was directed by the Commission at the December 3, 2008 Planning Commission meeting to determine whether a Conditional Use Permit was required for mining at the Pine Creek Mine.

Interim-Acting Planning Director, Doug Wilson, presented the Staff Report to the Commission.

Chair White opened the public hearing at 10:15 a.m.

Doug Hicks, General Manager for Avocet Tungsten, Inc, was sworn in by Suzanne Rizo, Deputy County Counsel to present testimony and evidence.

Mr. Hicks presented his written response to the Commission. The 5 page document dated January 27, 2009 was marked and received as Exhibit A.

Mr. Hicks reviewed Exhibit A with the Commission and outlined the issues. Mr. Hicks pointed out that the operator of the mine was previously determined to be Avocet Tungsten, Inc. Mr. Hicks informed the Commission that mining operations have continued. The Commission addressed several questions regarding the Closure Plan and its meaning. The Commission also addressed abandonment and closure of the mine.

Ken Lloyd, citizen, was sworn in by Suzanne Rizo, Deputy County Counsel, to give testimony and evidence. Mr. Lloyd informed the Commission that bureaucracy was getting in the way of the greatest resource in the world, the Tungsten Mine.

David Tanksley, resident of Aspendell, was sworn in by Suzanne Rizo, Deputy County Counsel. Mr. Tanksley presented 13 pages to the Commission for their review. Mr. Tanksley discussed the economic issues and the definition of mining. Mr. Tanksley pointed out that working on the building, and maintenance of the roads constituted mining. Mr. Tanksley also commented on the inadequacy of the Staff Report as it did not define mining. Also, Mr. Tanksley referred to the compatibility of Land Use and open space zoning. Mr. Tanksley was concerned about the General Plan designations for the property. He expressed concerns with the Natural Resource zoning now being open spaced zoning and how the General Plan Map does not have the Natural Resource zoning. He also indicated to the Commission how the Wilderness use is incompatible with patented mines.

Frank Crom, council member from City of Bishop, was sworn in by Suzanne Rizo, Deputy County Counsel. Mr. Crom requested further research for miners.

Chair White closed the public hearing at 11:00 a.m.

The Commission held a brief discussion.

Chair White re-opened the public hearing at 11:15 a.m.

Frank Crom spoke in regards to the Ordinance and the need for an update.

Chair White took a brief recess at 10:15 a.m.

The Commission reconvened at 10:37 a.m.

The Commission held a brief discussion as to their findings.

MOTION: Moved by Commissioner Little and seconded by Commissioner Wasson to make the following findings:

1. The work and activities at the Pine Creek site including, clearing and maintaining access roads to the mine, are operations incident to mining and meet the definition of mining under the Inyo County Code Section 18.06.380.

2. Mining has continued at the Pine Creek site.
3. The Pine Creek Mine is not abandoned.
4. No conditional use permit is required for the mining operations at Pine Creek Mine.

The Motion carried 4-0.

Commissioner Stoll returned to the Commission.

Acting-Interim Planning Director Wilson returned to the Commission.

ITEM 8: THIS ITEM WAS DELETED FROM THE AGENDA.

ITEM 9: COMMISSIONERS' REPORT/COMMENTS – Commissioner Wasson updated the Commission regarding the new septic laws that will be going into effect in the future and the potential impacts. Commissioner Stoll shared with the Commission his contact by Mike Johnston. Also, the property located adjacent to the Rite Aid Complex was discussed.

Randy Keller, Assistant County Counsel, updated the Commission on various law suits.

ITEM 10: PLANNING DIRECTOR'S REPORT – Acting Interim Planning Director, Doug Wilson updated the Commission on the Coso Hay Ranch project, and polled the Commission as to their availability for a Special Meeting. Also, there will be public outreach meetings regarding Housing Element Update.

Josh Hart, Senior Planner, updated the Commission on the General Plan and Zone Code update. He also updated the Commission on the Land Tenure and Blue Print projects as well as the 395 Corridor project.

ITEM 11: CORRESPONDENCE-INFORMATIONAL – There were none.

ADJOURNMENT - There being no further business, Chair White adjourned the meeting at 12:15 p.m. to reconvene in regular session on Wednesday, February 25, 2009 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California. Also, a special meeting has been tentatively scheduled for March 11, 2009 for the Coso Hay Ranch Project, further information will follow by Staff.

Prepared by:

Sharon M. Birmingham

Sharon M. Birmingham,
Secretary To
Inyo County Planning Commission