

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF JANUARY 24, 2007

WILLIAM STOLL	FIRST DISTRICT	Inyo County Planning Commission
ROSEMARY CLELAND	SECOND DISTRICT	Post Office Drawer L
SAM WASSON	THIRD DISTRICT (CHAIR)	Independence, CA 93526
RICHARD WHITE	FOURTH DISTRICT (2007 VICE-CHAIR-ELECT)	(760) 878-0263 / (760) 872-2706
PAUL PAYNE	FIFTH DISTRICT (VICE-CHAIR) (2007 CHAIR-ELECT)	(760) 872-0382 FAX

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The Inyo County Planning Commission met in regular session on Wednesday, January 24, 2007, in the Board of Supervisors Room, Administrative Center, 224 N. Edwards Street, Independence, California. Chair Wasson opened the meeting at 10:02 a.m.

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

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**ITEM 1:**     **ROLL CALL** - Commissioners: William Stoll, Sam Wasson, Rich White, Rosemary Cleland and Paul Payne.

Also present were: Interim Planning Director, Ron Juliff; Assistant County Counsel, Randy Keller; Senior Planner, Jan Larsen; Senior Planner, Tanda Gretz; Assistant Planner, Adena Fansler; Planning Technician, Courtney Smith; and Secretary, Sharon Birmingham.

**ITEM 2:**     **ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON (Action Item)** – The Commission will elect a chairperson and vice-chairperson for 2007.

Chair Wasson opened nominations for the position of Chairperson.

Commissioner Stoll nominated Commissioner Payne. Commissioner Payne accepted the nomination.

Commissioner White moved and Commissioner Cleland seconded to close the nominations.

Chair Wasson requested a vote be taken by the Commission to elect Commissioner Payne to the position of Chairperson; the vote was unanimous electing Commissioner Payne to the position of Chairperson.

Chair Wasson opened nominations for the position of Vice-Chairperson.

Commissioner Cleland nominated Commissioner Stoll.

Commissioner Stoll requested to be withdrawn.

Commissioner Stoll nominated Commissioner White. Commissioner White accepted the nomination.

Commissioner Stoll moved and Commissioner Cleland seconded to close the nominations.

Chair Wasson requested a vote be taken by the Commission to elect Commissioner White to the position of Vice-Chairperson; the vote was unanimous electing Commissioner White to the position of Vice-Chairperson.

The Commission took a moment to change seating positions on the Commission.

**ITEM 3: APPROVAL OF MINUTES (Action Item)** – Approval of Minutes for November 20, 2006 and December 14, 2006.

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner Cleland to approve the Minutes for November 20, 2006 and that they be entered into the Administrative Record.

The Motion carried (4-0-1). Commissioner White abstained, as he was absent on November 20, 2006.

Secretary, Sharon Birmingham, informed the Commission of a correction to the December 14, 2006 Minutes on page 4, the 6<sup>th</sup> paragraph as follows, “ Bruce Ivey, resident of Inyo County and one of the owners of the Little Lake Ranch, . . . ”

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner White to approve the Minutes for December 14, 2006 as corrected above and that they be entered into the Administrative Record.

The Motion carried (5-0).

**ITEM 4: 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 5: 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 6: TENTATIVE PARCEL MAP #350/LAVERTY (Action Item Only)** – A request by the Applicant to extend the filing of the final map an additional six months.

Senior Planner, Jan Larsen, presented the Staff Report to the Commission. Ms. Larsen informed the Commission of a correction to the Recommended Action of the Staff Report, which should read 6 months, not 1 year.

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner Stoll to approve a six month extension for the filing of the Final Map for Vesting TPM #350/Laverty (Revised).

The Motion carried (5-0).

**ITEM 7: VARIANCE NO. 2006-02/SCRUGGS (Public Hearing and Action Item)** – Kenney Scruggs is applying for a variance from the front yard wall height requirement on two properties located along North Edwards Street (U.S. Highway 395) in Independence. Assessor's Parcel Number (APN) 002-012-04 is designated Residential Very Low Density (RVL), 2.0 dwelling units per acre and zoned One Family Residence (R-1), 0.5-acre minimum. APN 002-012-09 is designated Residential Medium-High Density (RMH), 7.6 to 15.0 dwelling units per acre and zoned Multiple Residential (R-3), 1.0-acre minimum. The proposed project, an 8-foot tall wall with 9-foot tall posts, qualifies for a Class 3 Categorical Exemption under the California Environmental Quality Act.

Planning Technician, Courtney Smith, presented the Staff Report to the Commission.

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

Kenney Scruggs, Applicant, informed the Commission of her contact with a neighbor and their support of the proposed project.

*Chair Payne closed the public hearing at 10:21 a.m.*

**MOTION:** Moved by Commissioner White and seconded by Commissioner Stoll to certify that the provisions of the California Environmental Quality Act have been satisfied, and make the findings and approve Variance No. 2006-02/Scruggs with the Conditions of Approval as recommended in the Staff Report.

The Motion carried (5-0).

**ITEM 8: CONDITIONAL USE PERMIT NO. 2006-04/CRYSTAL GEYSER ROXANE (Public Hearing and Action Item)** – A request by Crystal Geyser Roxane to expand an existing water bottling plant with the construction of a 30,000 square foot distribution warehouse located in the northeastern portion of 27.3-acre lease area between the communities of Olancho and Cartago. The property is designated and zoned light industrial. A Draft Mitigated Negative Declaration has been circulated for review pursuant to the California Environmental Quality Act.

Planning Technician, Courtney Smith, presented the Staff Report to the Commission. Mr. Smith provided the Commission with a one-page comment letter dated January 24, 2007 from Marian Seiter, marked as Exhibit A; and an Addendum to the Staff Report and requested that both be entered into the Administrative Record.

*Chair Payne opened the Public Hearing at 10:26 a.m.*

Marian Seiter is a beneficiary of Elton Family Trust, and Crystal Geyser leases from this Trust. Ms. Seiter informed the Commission that an archaeological team is still on the property and finding artifacts. Ms. Seiter requested that the artifacts remain, as they were located on the trust's property. Ms. Seiter also requested a continuance to allow all reports to be finalized. Mr. Smith pointed out the response received from the Native American Heritage Commission. Ms. Sieter requested clarification as to what was going to happen to the artifacts.

Andy Holmes, representative of the Applicant, opposed Ms. Seiter's request for an extension. Mr. Holmes informed the Commission of notice to all parties and urged the Commission to approve the proposed project.

Betty Dews, representative for Crystal Geyser, spoke to the Commission regarding the on-site Tribal presence through the archaeological diggings.

Mr. Smith informed the Commission that Crystal Geyser has complied with all necessary requirements per page 9 of the Staff Report.

Marian Seiter again requested a continuance as the Lease Agreement may or may not be legal, as all parties did not have a vote. Marian Seiter informed the Commission that confidential activities had taken place.

Andy Holmes, representative of the Applicant, informed the Commission that the issues brought by Ms. Seiter appeared to be civil matters.

Randy Keller, Assistant County Counsel, advised the Commission that the Conditional Use Permit Application was a legitimate application. Also, within the Negative Declaration there was an Archaeological Plan that detailed the procedures to be followed regarding artifacts.

*Chair Payne closed the public hearing at 10:48 a.m.*

The Commissioners held a brief discussion.

**MOTION:** Moved by Commissioner Wasson and seconded by Commissioner White to adopt the Mitigated Negative Declaration and certify that the provisions of the California Environmental Quality Act have been satisfied, and make the Findings and approve Conditional Use Permit No. 2006-04/Crystal Geyser Roxane with Conditions of Approval as set forth in the Staff Report.

The Motion carried (5-0).

**ITEM 9: TENTATIVE PARCEL MAP NO. 381/SANTA ROSA CATHOLIC CHURCH (Public Hearing and Action Item)** – The applicant, Santa Rosa Catholic Church, requested to subdivide a 238.06-acre property owned by Susan Sorrells into a 4.35-acre parcel developed with the Catholic Church; a 5.00-acre vacant parcel; and a remainder parcel of 228.71-acres with various land uses and General Plan designations constituting most of the community of Shoshone. The smaller parcels are located on the west side of State Route 127 approximately 1,950 feet south of intersection State Route 127 and State Route 178 in the community of Shoshone.

Assistant Planner, Adena Fansler, presented the Staff Report to the Commission.

*Chair Payne opened the public hearing at 10:53 a.m.*

Susan Sorrells, property owner, spoke in support of the proposed project.

Andy Holmes, Triad/Holmes Associates, also representing the applicant, spoke in support of the proposed project. Mr. Holmes inquired about the De Minimus Fee increase and requested that the fee be waived.

Assistant County Counsel, Randy Keller, provided the Commission and the audience with information on the De Minimus Fee increase, as the County has no authority to waive the fee.

Stan Smith, Pleasant Valley Associates, asked about the prescriptive easement.

Assistant County Counsel, Randy Keller, provided information to the Commission regarding the existing easement.

*Chair Payne closed the public hearing at 11:02 a.m.*

**MOTION:** Moved by Commissioner White and seconded by Commissioner Stoll to adopt the Final Negative Declaration of Environmental Impact and certify that the provisions of CEQA have been met; make certain Findings with respect to and approve Tentative Parcel No. 381/Santa Rosa Catholic Church with the Conditions of Approval recommended in the Staff Report.

The Motion carried (5-0).

Commissioner Wasson recused himself from the next item as he has property nearby and Commissioner White also recused himself from the next item, as he owns property within the proposed project. Commissioners Wasson and White removed themselves from the Commission and sat in the audience.

**ITEM 10: ZONE RECLASSIFICATION #2006-02/INYO COUNTY [CENTRAL BUSINESS ZONE] (Public Hearing and Action Item)** – The proposed project will create a new commercial zone district, Central Business (CB). This new zone district will correspond with, and implement, the already-existing General Plan Land Use Designation of Central Business District (CBD). All parcels within the identified Central Business Districts are currently confined to areas in Big Pine, Independence, Lone Pine and Keeler, and consist of approximately 200 parcels total. These parcels will be rezoned from their current zoning to the proposed Central Business (CB) designation, which will allow the zoning to be consistent with the General Plan designation of the properties.

Senior Planner, Tanda Gretz, presented the Staff Report to the Commission. Ms. Gretz informed the Commission of two additional land uses: Child Care Facilities and Outdoor Business Activity.

*Chair Payne opened the public hearing at 11:07 a.m.*

Arlene Grider, resident of Independence, spoke in support of the proposed project.

*Chair Payne closed the public hearing at 11:09 a.m.*

**MOTION:** Moved by Commissioner Cleland and seconded by Commissioner Stoll to adopt the attached Resolution to the Staff Report, which recommends that the Board of Supervisors:

1. Adopt the Draft Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied, and
2. Make certain findings and adopt the proposed Ordinance, which would amend the Inyo County Zoning Ordinance to add Central Business (CB) as a zone district and

amend the Inyo County Zoning Maps to change the zoning of all properties located within the General Plan-designated Central Business District (CBD) to CB.

The Motion carried (3-0).

Commissioners Wasson and White returned to the Commission.

**ITEM 11: BLM NO. 4 WELL PROJECT (Public Hearing and Action Item)** – The proposed project consists of the drilling, development, and monitoring of a shallow well in eastern Inyo County. This project is funded by a grant from the United States Department of Energy (DOE), Office of Civilian Radioactive Waste Management, for the purposes of generating geological and hydrological data important to DOE's Yucca Mountain Project and the development of a license application to the United States Nuclear Regulatory Commission.

Associate Planner, Matt Gaffney, presented the Staff Report to the Commission. Mr. Gaffney presented an Addendum to the Staff Report, marked as Exhibit A.

*Chair Payne opened the public hearing at 11:12 a.m.*

*Chair Payne closed the public hearing at 11:13 a.m.*

**MOTION (WITHDRAWN):** Moved by Commissioner Stoll to adopt a Resolution recommending the Inyo County Board of Supervisors adopt the Negative Declaration of Environmental Impact and certify that the requirements of the California Environmental Act have been met, as provided by Section 15.12.040.C.6 of the Inyo County Code. Commissioner Stoll withdrew the Motion.

**MOTION:** Moved by Commissioner Stoll and seconded by Commissioner Wasson to make findings recommended in the Addendum to the Staff Report with respect to, and adopt the Mitigated Negative Declaration, and certify that the provisions of the California Environmental Quality Act have been satisfied.

The Motion carried (5-0).

**ITEM 12: AMENDMENT OF THE INYO COUNTY ZONING ORDINANCE: DENSITY BONUS OVERLAY (DB) ZONE DISTRICT (Public Hearing and Action Item)** – The State of California has enacted significant changes to the State's Density Bonus Law, which allows developers to build residential development projects at greater densities if such projects include low and/or moderate income affordable housing units. The project will update Inyo County's Density Bonus Overlay Zone District, or DB Zone, to reflect these changes to State law.

Senior Planner, Tanda Gretz, presented the Staff Report to the Commission.

*Chair Payne opened the public hearing at 11:25 a.m.*

Andy Holmes, Triad/Holmes Associates, also being a member of the Housing Action Committee, supported the proposed project and informed the Commission of his appreciation of county staff.

*Chair Payne closed the public hearing at 11:30 a.m.*

**MOTION:** Moved by Commissioner White and seconded by Commissioner Cleland to adopt the recommended Resolution recommending that the Board of Supervisors:

1. Adopt the Draft Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied, and
2. Make certain findings with respect to, and adopt, the proposed Ordinance, which would amend the Inyo County Zoning Ordinance Chapter 18.65, DB Districts – Density Bonus Overlay.

The Motion carried (5-0).

**COMMISSIONER’S REPORTS** – There were none.

**PLANNING DIRECTOR’S REPORT** – Interim Planning Director, Ron Juliff, updated the Commission as to the hiring of a new Planning Director, Pat Cecil, with a tentative start date of March 1, 2007. Mr. Juliff directed Senior Planner, Jan Larsen to present the report to the Commission. Ms. Larsen updated the Commission on current and upcoming projects.

Mr. Juliff updated the Commission on Yucca Mountain issues.

Randy Keller, Assistant County Counsel, updated the Commission as to litigation matters.

**CORRESPONDENCE - INFORMATIONAL** –There was no additional correspondence to be presented to the Commission.

**ADJOURNMENT** - There being no further business, Chair Payne adjourned the meeting at 11:45 a.m. to reconvene in regular session on Wednesday, February 28, 2007 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared & Recorded by:

Approved: March 28, 2007

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Sharon M. Birmingham,  
Secretary To  
Inyo County Planning Commission