

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF DECEMBER 14, 2006

WILLIAM STOLL  
ROSEMARY CLELAND  
SAM WASSON  
RICHARD WHITE  
PAUL PAYNE

FIRST DISTRICT  
SECOND DISTRICT  
THIRD DISTRICT (CHAIR)  
FOURTH DISTRICT  
FIFTH DISTRICT (VICE-CHAIR)

Inyo County Planning Commission  
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The Inyo County Planning Commission met in special session on Thursday, December 14, 2006, in the Board of Supervisors Room, Administrative Center, 224 N. Edwards Street, Independence, California. Chair Wasson opened the meeting at 11:02 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.

**ABSENT:** Commissioner Payne was absent for Items 1-8; and present for Items 9-10.

**ITEM 2: APPROVAL OF MINUTES (Action Item)** – Approval of Minutes for October 25, 2006.

**MOTION:** Moved by Commissioner Stoll and seconded by Commissioner White to approve the Minutes for October 25, 2006 and that they be entered into the Administrative Record.

The Motion carried (3-0-1-1). Commissioner Cleland abstained as she was absent on October 25, 2006 and Commissioner Payne was absent for the vote.

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

Item 5: Tentative Parcel Map No. 381/Santa Rosa Catholic Church was deleted from the Agenda.

**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: . TENTATIVE PARCEL MAP #381/SANTA ROSA CATHOLIC CHURCH (Public Hearing and Action Item) – This item was deleted from the Agenda.**

**COMMISSIONER’S REPORTS** –Commissioner White inquired as to the mandated ethics training.

**PLANNING DIRECTOR’S REPORT** – Interim Planning Director, Ron Juliff, directed Senior Planner, Jan Larsen to present the report to the Commission. Ms. Larsen updated the Commission on current and upcoming projects.

Interim Planning Director Juliff updated the Commission on Yucca Mountain issues.

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

**ITEM 6: RECLAMATION PLAN NO. 2006-01/CALIFORNIA LIGHTWEIGHT PUMICE, INC. (Public Hearing & Action Item)** – California Lightweight Pumice, Inc. is proposing to explore for pumice at the Makayla Two Mine that will disturb approximately 9.67 acres. The property is under the jurisdiction of the Bureau of Land Management (BLM) and located on Pumice Mine Road in Inyo County, approximately five miles northeast of U.S. Highway 395 at Coso Junction and north of Gill Station/Coso Road. The property has a General Plan designation of State and Federal Lands (SFL) and is zoned Open Space 40 acre minimum (OS-40).

Assistant Planner Fansler presented the Staff Report to the Commission.

Commissioner White asked about the BLM Report, which was referenced but not included within the Staff Report.

Assistant Planner Fansler pointed out that the BLM Report was within the Reclamation Plan.

*Chair Wasson recessed the meeting at 10:20 a.m. to allow staff time to provide copies of the Conditions of the BLM Report.*

*Chair Wasson reconvened the meeting at 10:25 a.m.*

A copy of the Conditions Appendix B, of the BLM Report was copied and presented to the Commission for reference and read into the record.

*Chair Wasson opened the public hearing at 10:26 a.m.*

*Chair Wasson closed the public hearing at 10:27 a.m.*

**MOTION:** Moved by Commissioner White and seconded by Commissioner Stoll to adopt the Mitigated Negative Declaration and certify that the provisions of the California Environmental Quality Act have been satisfied; and make the findings as recommended within the Staff Report to add the following language to Condition No. 3, “...after Condition Nos. 6A, 6C thru J, of the BLM Decision of Record, ...” and approve Reclamation Plan No. 2006-01/California

Lightweight Pumice, Inc. with the Conditions of Approval as recommended in the Staff Report to include the addition as noted above.

The Motion carried (4-0-1). Commissioner Payne absent.

**ITEM 7: CONDITIONAL USE PERMIT NO. 2006-06/BRANSON (Public Hearing and Action Item)** – This is an application to place a 35-foot tall three-pole tower at the existing cable television facility located on a residential lot in Lone Pine, and also a 30-foot tall three-pole tower at the existing cable television facility that is located on a rural residential lot in the Alabama Hills. The Lone Pine parcel is located at 125 North Lakeview Street. The Alabama Hills parcel is located at 585 Alabama Drive. An Initial Study and Draft Mitigated Negative Declaration was prepared and released for a 20-day review period pursuant to the requirements of the California Environmental Quality Act.

Planning Technician Smith presented the Staff Report to the Commission. A letter from Edson and Mary Jones was marked and entered into the record as Exhibit A, and then read into the record. Mr. Smith provided the Commission with photos for their review.

*Chair Wasson opened the public hearing at 11:35 a.m.*

Linda Haun, 580 Alabama Drive, local resident, informed the Commission that her viewshed would be disturbed with the placement of the proposed tower.

Steve Stukas, representative for the applicant, indicated that the tower would be painted to blend in with the scenery and indicated that the tower would be shorter than existing power poles in the area. Also, there is no need for lighting on the tower.

*Chair Wasson closed the public hearing at 11:45 a.m.*

**MOTION:** Moved by Commissioner White and seconded by Commissioner Cleland to approve Conditional Use Permit No. 2006-06/Branson with the Conditions of Approval as set forth in the Staff Report.

The Motion carried (4-0). Commissioner Payne absent.

**ITEM 8: TENTATIVE PARCEL MAP NO. 357/CORE-TIME EXTENSION (Action Item, Not a Public Hearing Item)** – An Application by James and Mary Core to extend filing of the final map for Tentative Parcel Map #357Core, from December 1, 2006 to November 30, 2007.

Assistant Planner Fansler presented the Staff Report to the Commission.

**MOTION:** Moved by Commissioner Stoll and seconded by Commissioner Cleland to approve a one-year extension for the filing of Tentative Parcel Map #357/Core.

The Motion carried (4-0). Commissioner Payne absent.

*Chair Wasson recessed the meeting for lunch to reconvene at 1:30 p.m.*

*Chair Wasson reconvened the meeting at 1:33 p.m. with Commissioner Payne present.*

**ITEM 9: CONDITIONAL USE PERMIT NO. 2005-03/COSO OPERATING COMPANY, LLC (Coso Hay Ranch Water Extraction and Delivery System) (Public Hearing and Action Item)** – This project is a proposal by Coso Operating Company, LLC for the development of a 9 linear-mile long pipeline and other supporting structures which will carry well water from the Coso Hay Ranch in Rose Valley to the Coso Geothermal Field located in the northwest area of the China Lake Naval Air Weapons Station. The properties involved have General Plan Designations of Rural Protection (RP), and State and Federal Lands (SFL), and all properties are zoned Open Space, 40-acre minimum (OS-40). This is a continued public hearing from October 25, 2006, due to the need for additional information and analysis.

Senior Planner Larsen presented the Staff Report to the Commission. The following documents were marked and entered as Exhibits:

- A. 2 pages, U.S. Navy Solicitation for a study entitled: Analysis of the Hydrology of Coso Hot Springs, China Lake, CA-received by the Inyo County Planning Department December 8, 2006;
- B. 4 pages, Letter Report, Draft #2 , from Jason Olin, M.S. Hydrology, dated December 13, 2006;
- C. 2 pages, Memorandum from the Inyo County Water Department dated December 8, 2006;
- D. 6 pages, Letter from the Big Pine Paiute Tribe of the Owens Valley, dated December 12, 2006;
- E. 3 pages, Letter from Bishop Tribal Council, dated December 12, 2006.

*Chair Wasson opened the public hearing at 1:40 p.m.*

Dick Arruda, representative for Coso Operating Company, LLC, spoke to the Commission in support of the proposed project. Mr. Arruda spoke about the history of the injections and reassured the Commission that the levels of Little Lake would not be affected.

Robert Zucco, 853 Zucco Road, local resident, spoke to the Commission regarding Title 19 of the Inyo County Code. Mr. Zucco informed the Commission that the proposed project would be taking away from the Coso Hot Springs. Mr. Zucco requested that the Commission delay their decision pending the publication of the Hydrology Report from the Navy.

Bruce Ivey, resident of Inyo County and one of the owners of the Little Lake Ranch, provided an additional copy of the Letter Report, Draft 2, from Jason Olin, M.S. Hydrology, dated December 13, 2006 for the record. Mr. Ivey was concerned about not being notified of the proposed project. Mr. Ivey also commented on notification to two Board of Supervisors on delaying their decision until the publication of the Hydrology Report from the Navy and he indicated that the Supervisors told him they would. Mr. Ivey requested that the Commission delay the proposed project for 30 days to allow time for the publication of the Hydrology Report from the Navy to be reviewed. Mr. Ivey is not in opposition to the proposed project but only asks for more time to obtain all materials and reports relating to the project to ensure proper mitigation. Mr. Ivey read an opinion from his attorney into the record, which states as follows:

“The mitigation as written for Little Lake in the Mitigated Negative Declaration is insufficient under CEQA.”

Brian Atkins, Bishop Paiute Tribe, Environmental Manager, told the Commission that the proposed project had a potential to impact Coso Hot Springs. The Coso Hot Springs is very important spiritually and historically to the Native Tribes. The Environmental Assessment disregards the Hot Springs regarding potential impacts. Mr. Atkins informed the Commission regarding the focus on the injection, which should be addressed. Mr. Atkins had concerns with the timing of the project in relation to the publication of the Hydrology Report from the Navy. Mr. Atkins requested that the potential area of impact be better defined. Mr. Atkins requested a continuance to allow time to thoroughly review the publication of the Hydrology Report from the Navy.

Bill Helmer, Big Pine Tribal Historic Preservation Officer, provided the Commission with the original document marked as Exhibit D above. Mr. Helmer requested that the Commission wait for the publication of the Navy's Report to see what impacts might occur.

Barbara Durham, Death Valley Timbisha-Shoshone Tribal Historic Preservation Officer, requested that the Commission not make a decision until the information has been received from the Navy.

*Chair Wasson closed the public hearing at 2:03 p.m.*

Commission discussion.

*Chair Wasson re-opened the public hearing at 2:05 p.m.*

Bruce Ivey, resident of Inyo County and owner of Little Lake Ranch, addressed the issue of pumping groundwater and most of that water going back into the shallow aquifer when the Hay Ranch was in production. Groundwater transferred to Coso will be leaving the Basin.

*Chair Wasson closed the public hearing at 2:06 p.m.*

Commission discussion. The Commission made reference to the last meeting wherein a representative from Bishop indicated that there could be more water going into the Hot Springs than less, because there would be more water going into the ground than at present. The Commission responded to the Draft #2 letter from Mr. Olin commenting that the proposed monitoring wells would be more than sufficient. The proposed project is a good project and that Little Lake is well protected.

*Chair Wasson re-opened the public hearing at 2:10 p.m.*

Brian Atkins, Bishop Paiute Tribe Environmental Manager, clarification of comment from last meeting.

Robert Zucco, 853 Zucco Road, local resident, spoke to the Commission in regards to having all materials available. Looking into the future, the report from the Navy should be reviewed by everyone to have their comments. Mr. Zucco informed the Commission that Tribes have to rely on the Navy to protect their interests as the Navy is the caretaker of the Coso Hot Springs.

Dick Arruda, clarification of the responsibilities of the Navy and obligation to take steps to take necessary action.

*Chair Wasson closed the public hearing at 2:20 p.m.*

Commission discussion as to the shut off clause (trigger).

Senior Planner Larsen briefly explained the shut off procedure.

Bob Harrington, Senior Hydrologist, County Water Department addressed the trigger process and areas of coverage. Monitoring ground water levels, establishing triggers and reducing pumping accordingly as to Little Lake.

The Commission inquired as to seismic activity and the effects on the Hot Springs.

Bob Harrington, had never seen a study on that regarding Coso. Coso is a common place for seismic activity.

The Commission mentioned stories from local residents of fluctuation of the Hot Springs prior to any Coso activity in the region.

Commission discussion. Discussion as to Condition of Approval No. 17 added since the last meeting. Should problems arise with the Conditional Use Permit, they can be addressed with the Commission in a timely manner.

**MOTION:** Moved by Commissioner Payne and seconded by Commissioner White to adopt the Final Mitigated Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act (CEQA) have been satisfied; make certain findings as set forth in the October 25, 2006 Planning Commission Staff Report and, based on these findings, approve Conditional Use Permit No. 2005-03/Coso Operating Company, LLC, for a term not to exceed thirty (30) years, subject to the Conditions of Approval recommended in the October 25, 2006 Planning Commission Staff Report; make additional Findings, as required by CEQA Guideline 15078, pertaining to potential significant environmental effects of the project, as noted in the October 25, 2006 Planning Commission Staff Report; adopt the recommended Conditions of Approval for the project, including a term of 30 years, for the Conditional Use Permit, as set forth in the October 25, 2006 Planning Commission Staff Report; and adopt an additional Condition of Approval (Condition of Approval No. 17) which states, "Applicant shall not implement any ground disturbing or construction activities until all permits and entitlements from the Bureau of Land Management are secured, and a copy of the Final (approved) Environmental Assessment has been received by the Inyo County Planning Department."

The Motion carried (5-0).

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

**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, currently

are 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 Gretz presented the Staff Report to the Commission. An additional comment letter received was presented to the Commission for their review in support of the proposed project. Proposed wording for Accessory Use of dwelling unit on business property.

*Vice-Chair Payne opened the public hearing at 2:43 p.m.*

Douglas Thompson, local resident of Lone Pine, spoke to the Commission regarding the non-conforming grandfather clause, conditions of parking, height restrictions, and parcels that back up to the residential property, and alleys and right of ways controlling the business district.

Arlene Grider, local resident of Independence, commented on her appreciation of Planning Department staff in assistance to her understanding of the proposed project. Ms. Grider did not agree with everything written. Independence is a historic community and has had no expansion in the last 80 years. Ms. Grider suggested changes to the proposed Ordinance:

Section 18.44.010 (A) Permitted Uses-delete the multiple-family dwelling language.

Section 18.44.050(B) Development Standards-remove density regarding the multi-family use. Minimum parcel size be changed. Preclusion of non-conforming lot sizes.

Section 18.44.050(J) –Residential adjacency exception-decreases the lot size with the setbacks of abutting residential property.

Section 18.44.050(I)-Off street parking requirement. The four-lane highway project - CalTrans has discretion regarding parking on the street.

Richard White, resident of Independence, commented on parcel sizes in Independence, where the parcel sizes are smaller. Mr. White had concerns with permitted uses and suggested the Commission add auto-repair facilities. Mr. White also indicated that there would be no parcels adjacent to the side lot lines without an intervening alley or road unless maybe one in Lone Pine.

Commissioners were concerned with the lot sizes in Independence and inquired as to separation of communities and lot sizes.

County Counsel Keller indicated that the Commission could specify different lot sizes for different communities. No grandfather clause for parking on-site should be included, and advised that the Planning Director has the authority to waive on-site parking.

Arlene Grider, resident of Independence, spoke regarding the 6,500 square foot lots, which are the historic lots and that they preserve the history of the town. Ms. Grider presented her notes to the Commission.

The Commission inquired as to the number of nonconforming lots.

Senior Planner Gretz referred to the supplemental packet.

The Commission wanted to know how many lots could be subdivided.

County Counsel defined nonconforming lots and their relation to this proposed project.

Senior Planner Gretz offered staff services for drafting of the Ordinance as to what the Commission directs. Non-conforming size issue and further splits on decreasing lot size is an issue. Ms. Gretz suggested 5,000 square feet for all communities.

Sam Wasson, resident of Keeler, noted that the minimum lot size in Keeler is 4,500 square feet, and suggested a decrease to 4,500 square feet if the Commission decides to decrease the minimum lot size.

The Commission held a discussion as to enforcement of property owners or managers residing on their commercial property.

Senior Planner Larsen commented on multi-family uses in the residential district and business district.

Planning Technician Smith addressed the Commission on the issues presented and the possibility of implementation of all issues and language to be finalized, and requested that the Commission take action today.

Richard White, resident of Independence, suggested that the setback requirement for businesses adjacent to a residence have the same requirements as in the R-1, and R-2 zones.

*Vice-Chair Payne closed the public hearing at 3:45 p.m.*

The Commission directed Planning Staff to revise the ordinance with the following recommendations to be presented at the next regular meeting:

1. To add a grandfather clause to make all existing lots conforming within the CBD, that are under the recommended 10,000 square foot minimum;
2. To either strike out the Multi-Family use or make it a conditional use, or have development standards for multi-family use the same as other residential uses;
3. To allow a single family residence on the parcel within the CBD;
4. To add the auto-repair facility.

The Commission continued this item until the January 24, 2006 regular meeting. No notice is required as this item is a continuance.

**ADJOURNMENT** - There being no further business, Chair Wasson adjourned the meeting at 3:50 p.m. to reconvene in regular session on Wednesday, January 24, 2007 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared & Recorded by:

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Sharon M. Birmingham,  
Secretary To  
Inyo County Planning Commission  
County of Inyo

Minutes approved: January 24, 2007