

FACTUAL FINDINGS

Based on the totality of evidence presented in the record, in addition to specific references to evidentiary facts referenced below, the County makes the following factual determinations:

1. On May 20, 1970, the County first adopted a use permit requirement applicable to surface mining operations (Ordinance No. 182). This is the “vesting date.” (Inyo County Ordinance No. 182 and Zoning Map, attached as Exhibit F-3 and F-4 to applicant’s request.)
2. Surface mining operations commenced at the Quarry before 1955. (See Assorted Federal Mining Claims; San Bernardino Sun-Telegram, *West End Final Project Begun by ‘Borax’ Smith*, p. 24 (March 29, 1953); San Bernardino Sun-Telegram “*Non-Metallics Produced by West End Chemical Co.*,” p. 22-D (April 11, 1954); San Francisco Examiner, *Pure Lime Rock Deposit Discovered*, p. 19 (October 22, 1955) [demonstrating that by 1955, the West End Chemical Company had assembled an approximately 1,400-acre mining property and had begun commercial-scale mining and processing operations to support the manufacturing of borax, soda ash, sodium sulfate, and lime], attached as Exhibits B-1, B-2, B-4, and E to applicant’s submittal.)
3. By the vesting date, the integral parts of the surface mining operation included extraction, blasting, crushing, processing, stockpiling, off-road and on-road hauling, trucking and sales, together with normal incidental and auxiliary activities. (See Exhibits B and C attached to the applicant’s submittal [comprising of historical newspaper articles and corporate records concerning the Quarry property].)
4. By the vesting date, the operators assembled a contiguous tract of 1,610 acres of patented and unpatented mining claims, and objectively intended to devote the entirety of that tract to surface mining operations. (See Exhibits D, E, and G, attached to the applicant’s submittal [demonstrating that by 1963, Stauffer Chemical Company had assembled the approximately 1,610-acre contiguous Quarry property that exists today].)
5. At all times, surface mining operations have occurred at a production level necessary to serve market demand, and annual production has been substantial, achieving levels prior to the vesting date of an estimated 600,000 tons per year. (See San Bernardino County Sun, *West End Chemical Co. Has New Lime-Making Facilities*, p. 11-D (September 29, 1957); Stauffer Chemical Company, Annual Report (1956), Minutes of Special Meeting of Stockholders of Stauffer Chemical Company (September 25, 1956), Minutes of One Hundred First Meeting of the Board of Directors of Stauffer Chemical Company (June 4, 1957) [demonstrating that by 1957, the West End Chemical Company had merged with Stauffer Chemical Company, and Quarry production had increased to serve Stauffer’s new sodium sulfate unit and new lime kiln, and was anticipated to continue to grow. It is conservatively estimated that Quarry operations produced approximately 600,000 tons of limestone that year, based on industrial production records], attached as Exhibits B-6, B-7, C-2, C-4, and C-5 to applicant’s submittal.)

Exhibit 1

6. No facts in the record show an intention or action evidencing any intention to abandon the mining use.