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AGENDA ITEM NO. 7

(Action Item– Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

January 22, 2025

SUBJECT:

Amendment to Conditional Use
Permit (CUP) 2014- 02/Branson
Olancha

EXECUTIVE SUMMARY

Stimulus Technologies of CA, operating as Lone Pine Communications, has submitted a request for an Amendment to CUP 2014-02/Branson Olancha to introduce modifications to its originally designated design. The CUP was initially approved for the installation of a 60-foot tri-pole tower housing a wireless internet antenna at 689 Shop Street in Olancha (APN 033-090-02). The project was designed to furnish high-speed internet services to local residents. The proposed amendment entails replacing the existing 60ft tower with an 80ft tower. Field Technicians will oversee the installation of the new tower pad, positioned approximately 8.9 feet in front of the current structure, utilizing the existing meter and electrical box infrastructure. Upon completion of the 80ft tower, the existing 60ft tower will be dismantled, and a new perimeter fence will enclose the updated tower and electrical box. This enhancement seeks to significantly bolster internet connectivity for Olancha, Cartago, Keeler, and neighboring areas, while the increased height promises expanded coverage to the community of Sage Flats and Haiwee Reservoir.

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: Terry Randolph – Stimulus Technologies of CA, 223 N. Jackson, Lone Pine CA.

Property Owner: County of Inyo, leased to Olancha Fire Department

Site Address: 689 Shop Street, Olancha, California 93549

Community: Olancha

A.P.N.: 033-090-02

General Plan: Public Service Facility (PF)

Zoning: Public (P)

Size of Parcel: Approximately 5-Acre

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Fire station and community center	Public Service Facility (PF)	Public (P)
North	Residential	Residential Rural Medium Density (RRM)	Rural Residential - 2.5 acre minimum
East	Road	Residential Estate (RE)	Rural Residential - 5.0 acre minimum
South	Residential	Residential Estate (RE)	Rural Residential- 5.0 acre minimum
West	Vacant lot	Residential Estate (RE)	Rural Residential - 5.0 acre minimum

Staff Recommended Action:

1.) Approve the Amendment to Conditional Use Permit 2014-02/Branson Olancha and certify that it is an addendum to the Negative Declaration.

Alternatives:

- 1.) Deny the CUP Amendment.
- 2.) Approve the CUP Amendment with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cynthia Draper, Associate Planner

STAFF ANALYSIS

Background and Overview

On April 23, 2014 the Planning Commission granted approval for CUP 2014-02/Branson Olancha. The goal of the project was to build a 60-foot tri-pole tower to house a wireless internet service antenna, thereby providing high speed internet service to the residents of Olancha. Located on Inyo County property, leased to the Olancha Fire department at 689 Shop Street, the project site resides within a rural residential area, surrounded by vacant and residential land. The neighboring properties to the north and south are currently developed with large residential lots and the properties to the east and west are vacant. The tower is located on the west side of the site behind the fire station, in a service area that has other utility poles around it.

Stimulus Technologies, operating as Lone Pine Communications, is seeking an Amendment to CUP 2014-02 /Branson Olancha to facilitate the construction of an 80-foot Tylon Super Titan S200 wireless internet tower. This new structure will replace the existing 60-foot tri-pole tower currently hosting the wireless internet service antenna. The proposed upgrade aims to significantly enhance internet connectivity in Olancha, Cartago, Keeler, and the surrounding areas, with the added height extending service to the remote communities of Sage Flats and Haiwee Reservoir. The tower pad installation will be carried out by Stimulus Field Technicians, strategically positioned in front of the current tower. They will utilize the existing power meter and electrical box infrastructure. Once the new tower is completed, the existing tower will be removed. Following this, a new perimeter fence will be erected around the tower and electrical pole to ensure safety and security.

General Plan Consistency

The project is consistent with the General Plan designation of Public Service Facility LU 5.2, as it is property owned and leased by public agencies, and it will provide a significant public service by providing the residents of Olancha and other neighboring communities with improved wireless internet service. It is also consistent with Policy PSU-7.1 Provision of Services– Public Quasi-Public and Supporting Uses that states: The County shall encourage the provision of communication and telecommunication services and facilities to service existing and future needs.

Zoning Ordinance Consistency

The Public Zone 18.72 allows for Public and Quasi-Public buildings and uses, as conditional uses. The Public, Quasi-Public, definition includes buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses. Wireless internet service antennas are considered a use of a public service nature.

NOTICING REQUIREMENTS

The application for Amendment to Conditional Use Permit 2014-02/Branson Olancha has been reviewed by the appropriate county departments as well as the China Lake Naval Air Weapons Station. No issues with the project were reported.

The project was noticed for a Public Hearing in the Inyo Register ten days prior to this meeting, on January 11, 2025, and notices were mailed to all property owners within 300 feet of the proposed

project. No comments have been received by staff as of the date of this staff report.

ENVIRONMENTAL REVIEW

In March of 2014, a Negative Declaration and Initial Study was prepared for CUP 2014-02/Branson Olancho and underwent a 21-day public review. Following an environmental evaluation, the Planning Department determined that the project posed no significant adverse impacts on flora or fauna, natural, scenic, and historic resources, as well as the local economy, public health, safety, and welfare. This resulted in a Negative Finding, meeting the Mandatory Findings required by Section 15065 of the CEQA Guidelines. The Initial study can be found at: <https://www.inyocounty.us/services/planning-department/current-projects> and is included as an attachment in this staff report.

In response to the Amendment to CUP 2014-02, an Addendum to the Negative Declaration has been prepared to address the proposed increase in structure height and the revised placement of the tower. These modifications remain within the original project area, which has already been analyzed for environmental impacts (as documented in IS/ND 2014). The height increase does not introduce new impacts beyond those previously evaluated for CUP 2014-02/Branson Olancho. Specifically, potential visual impacts remain consistent with the original analysis. The proposed 80-foot height will not substantially alter the visual character or quality of the site, as the surrounding area is already developed with utility poles and trees. To mitigate potential visual impacts, conditions of approval will require the use of non-glare paint and colors that blend with the surrounding environment. These measures are expected to effectively minimize any visual impact, ensuring that the increase in tower height will not result in significant environmental effects. Additionally, the site is not located within a State Scenic Highway, and the project will not generate significant new sources of light or glare that could affect visual quality during either daytime or nighttime hours.

Therefore, pursuant to CEQA Guidelines, Section 15162(a), that states once an ND has been certified for a project, the preparation of a subsequent ND is not necessary unless the lead agency for the project (in this case, Inyo County) determines that “substantial changes” are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that a subsequent Negative Declaration is not required based on the following:

1. The proposed project will have an insignificant impact on the existing project footprint.
2. The height of the proposed replacement tower will not result in a substantial adverse effect on a scenic vista. Conditions of approval will require the use of non-glare paint and colors that blend with the surrounding environment to reduce visual impact.
3. The area of impact associated with the proposed project is minimal and is already disturbed by the presence of the existing tower.

therefore, no subsequent Negative Declaration is deemed necessary.

RECOMMENDATION

Planning Department staff recommends the approval of Amendment to Conditional Use Permit 2014-02/Olancha Branson, with the following Findings and Conditions of Approval:

Findings:

1. CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed improvements to Conditional Use Permit 2014-02/Branson.
[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact was prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 21-day public comment period ended on April 14, 2014. No comments were received. Staff analyzed and prepared an addendum to the Negative Declaration and found that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity.]
2. The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the Inyo County General Plan Land Use designation of Public Service Facility (PF).
[Evidence: The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the goals and objectives of the Public Service Facility LU 5.2 designation, as it is property owned and leased by public agencies and will provide a significant public service by providing the residents of Olancha with improved wireless internet service. Wireless internet services are considered a "quasi-public facility." No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]
3. The proposed Amendment to Conditional Use Permit 2014-02 is consistent with the Inyo County Zoning Ordinance, which permits "public or quasi-public facilities" as a conditional use in the Public zone.
[Evidence: Section 18.72 The Public Zone allows for Public and Quasi-Public buildings and uses, as conditional uses. The Public Quasi-Public definition includes buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses. Wireless internet service antennas are considered a use of a public service nature.]
4. The proposed Amendment to Conditional Use Permit 2014-02 is necessary or desirable.
[Evidence: General Plan Policy PSU-7.1 encourages the provision of communications services to the residents of Inyo County. This project serves the purpose of providing better cable internet access to the people who live in the community of Olancha, Cartago, Keeler and the surrounding areas, and the added height will be able to provide internet service to the remote community of Sage Flats and Haiwee Reservoir. Thus, this is a desirable use.]
5. The proposed Amendment to Conditional Use Permit 2014-02 is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed amended tower will be sited on property that is being used for a fire station and all of its related uses. It also already has utility and radio antenna towers on

and in the vicinity of it all of which relate to the service nature of the antenna. The tower and antenna will have no impact on transportation and service facilities. In fact, the project will provide a public service to the community of Olancha, Cartago, Keeler, Sage Flats and Haiwee Reservoir.]

6. The proposed Amendment to Conditional Use Permit 2014-02 would not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The placement of an 80-foot-tall tower and wireless internet service antenna will not have an impact on surrounding properties when taken in consideration with the existing services currently being conducted on the site (a fire station) and the existing utility and radio antenna poles also on or nearby the pro-posed site . Wireless internet service antenna signals do not create hazards to the public. The tri-pole tower will also be required to meet the wind-load and building requirements specified in the Uniform Building Code by the Inyo County Building and Safety Department.]
7. Operating requirements necessitate the tri-pole tower's location within the Public (P) zoning district.
[Evidence: The amended project requires that the tower is located on the Olancha site close to a service node provided by the Digital-395 project. Here it will pick up the signals from the node and broadcast it out to the community of Olancha and the surrounding area. Thus, the operating requirements necessitate the tower's location within the P Zone in Olancha.]

CONDITIONS OF APPROVAL

1. **Hold Harmless**
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Amendment to Conditional Use Permit No. 2014-02/Branson Olancha. The County reserves the right to prepare its own defense.
2. **Compliance with County Code**
The applicant/developer shall conform to all applicable provisions of Inyo County Code. County Code does not allow for the storage of company-related equipment on the property. Thus, the use of the project site for the storage of equipment, materials, and company vehicles is prohibited. Additionally, the conducting of company business is prohibited. The applicant is required to obtain a building permit to install the new 80-ft- tower. The tower will need to meet the wind- load and building requirements specified in the Uniform Building Code by the Inyo County Building and Safety Department. Failure to meet the requirements of County and State code shall result in the revocation of Amendment to CUP 2014-02/Branson Olancha.
3. The applicant/developer shall apply non-glare paint and colors that blend with the surroundings to reduce visual impacts of the internet tower to ensure the height increase does not significantly affect the environment.

ATTACHMENTS:

Vicinity map

Site plan

Site photos

Negative Declaration of Environmental Impact and Initial Study (2014)

Addendum to the Negative Declaration

