

MONO COUNTY PLANNING COMMISSION

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MINUTES

August 8, 2013
(Adopted September 12, 2013)

COMMISSIONERS PRESENT: Scott Bush, Mary Pipersky, Dan Roberts, Rodger B. Thompson. **ABSENT:** Chris Lizza
STAFF PRESENT: Scott Burns, CDD director; Gerry Le Francois, principal planner; Courtney Weiche (videoconference);
Nate Greenberg, IT; Walt Lehmann, public works; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:05 a.m. at the county courthouse in Bridgeport and Commissioner Thompson led the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES:

MOTION: Adopt minutes of July 11, 2013, as submitted. (*Pipersky/Bush. Ayes: 4. Abstain due to absence: Lizza.*)

4. PUBLIC HEARINGS:

A. VARIANCE/Faris & Knott (*continued hearing from July 11*). This request is to vary from setback requirements to construct a two-car garage and workshop that would extend approximately 5 feet and 16 feet into the right of way on Juniper Drive (a private roadway) and encroach to within 10 feet of stream/surface water. The property is located at 667 Juniper Drive in Crowley Lake (APN 060-170-023) and has a land use designation of Single-Family Residential. Under the California Environmental Quality Act, an exemption under sections 15303(e) and 15305(a) is proposed. *Staff: Gerry Le Francois*

Gerry Le Francois described the setting. Garrett Higerd favored a 30' non-blue line stream setback. Sewer line runs between buildings on property. Need OK from Hilton Creek Community Services District (CSD). Alan Faris, husband of property owner, indicated no water in stream now. Le Francois added some conditions based on Public Works input. Project qualifies for two CEQA exemptions. Setbacks are from rights of way instead of property lines.

Faris indicated Hilton Creek flows many ways. Former owner added sand bags, water dug a trench and returned to Hilton Creek. Le Francois explained the only reason water diverts is due to eroding man-made feature. If pond filled up or a major storm event occurred, structure damage could result. A 16" gradient change from the building exists. Removing sand bags would create problem with California Department of Fish & Wildlife (CDFW).

Commissioner Thompson noted Juniper Drive is a private road. Public Works asked for dedication to preserve right of way. Mono never accepted right of way, so it's still available to public.

Stacey Simon thought if more development occurred, maybe Mono would accept right of way to build to road standards.

Commissioner Pipersky cited two setback reductions dealing with non-blue line, encroaching 19' into required setback. Le Francois indicated a CFWS mapper survey showed it does not encroach.

OPEN PUBLIC COMMENT: Alan Faris, applicant, wanted additional garage for storage, wood shop and third car. Looking at small end would have minimal impact on cars driving by. He made effort to create a nice addition. **CLOSE PUBLIC COMMENT.**

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

DISCUSSION: Commissioner Bush saw no problem with appearance, but wondered if it would set precedent for downstream property owners. Special privileges? *Every case has different parameters. Most could build a second garage, but might exceed lot coverage.*

Bush asked about topography, lot coverage restriction for others. *It's not a special privilege to have a garage. Most would not need variance process for second garage.*

Sewer line? Faris stated 10' from sewer; will get letter from Hilton Creek CSD.

Commissioner Thompson reminded that variances need to stand alone. Pond will fill in. Private road, plenty of space, no problem with lot spacing.

Bush asked, from legal standpoint, if another neighbor had similar circumstances, would there be a cumulative problem? Stacey Simon stated that a variance is discretionary approval. No cumulative impact on first variance. Not many in that circumstance; could say OK with first, but not subsequent.

Commissioner Roberts thought building setbacks may be imposed.

MOTION: 1) Find that the project is exempt from CEQA as a Categorical Exemption under CEQA guidelines 15303(a) & 15305(a) and direct staff to file a Categorical Exemption; and 2) Adopt the variance findings contained in the staff report, and approve Variance 13-001 to allow construction of a detached single-car garage and workshop within the required front setback of 20' from the right of way and a stream setback of 10'. (*Thompson/Pipersky. Ayes: 4. Absent: Lizza.*)

6. GENERAL PLAN COMMUNICATIONS CHAPTER. Nate Greenberg, coordinator of GIS and Digital 395, has worked on communications infrastructure. Former Supervisor Hap Hazard was concerned with last-mile service to communities. He wanted Mono County involved, not just service providers. Two-pronged approach: internal regarding General Plan, and external.

Greenberg visited all RPACs with questions about technology and service, and formed a Technical Advisory Committee to review and refine policy language. General themes: best service possible, as quickly as possible; line services preferred over wireless (wireless is cheaper and quicker, but has trade-offs); collocate facilities; inform people of provider choice; prefer existing overhead poles over underground unless pole loads are exceeded; and OK with towers if conspicuously placed in smart/effective locations.

1) Broadband deployment and adoption: Minimize impacts to visual and natural resources, underground before overhead, wire before wireless; 2) Construction of infrastructure: Co-location, conduit in public roads during street projects, common utility; 3) Strategic Planning for Infrastructure: Think down road to potential needs, build appropriately in that process, develop relationship with federal agencies (SCE is looking at fiber-optic line when it could utilize Digital 395. Steer projects to exhaust available resources before permitting new ones); 4) Broadband access, adoption, application: Leverage Digital 395 and other resources to improve public safety.

Who owns Digital 395? *It's a \$110 million fiber optic from Barstow to Carson City funded by ARRA and PUC funds. Out to 250 public entities with direct access to Digital 395. Residents and businesses rely on service providers such as Schat Net, Sudden Link, etc. to provide to home or business Internet. Digital 395 is fiber-optic project, so need wire to home. More demand on providers for service, and Digital 395 has much greater capacity. Mono pays \$7,000/mo now, will pay half for 10x more coverage.*

What's in Carson City to hook into? *Bigger broadband projects with greater capacity.*

Something running down the pipe, or just ability to tap into it? *Internet is a network that connects servers like Google and Amazon to consumers. Essentially millions of requests slowed down delivery. North of Mammoth, need is not met. Digital 395 adds large main, with redundancy.*

Many people are tapping into resource. more people are using more band width. *Two bottlenecks: local distribution networks and pipe from outside. Data transmitted by light of different wavelengths. Local providers will expand capacity, improve service.*

Could people be their own providers? *Anything is possible, as discussed at Mono consortium. Roadblocks deal with forming a business as well as technical component and where to build and maintain infrastructure. Broadband is a non-regulated entity. California Public Utilities Commission (CPUC) has no authority.*

Greenberg noted Digital 395 is a cooperatively run and owned nonprofit entity with board of directors from three counties that's turning model of broadband deployment on its head. Mono currently pays Verizon \$3,000/mo. Encourage new providers to come in; competition would improve service and reduce cost.

7. REPORTS:

A. DIRECTOR: 1) Personnel: Thanks to Nate Greenberg for excellent draft on communications plan, cutting edge policy. He serves as IT head for Mammoth Lakes, maybe Mono also. Jim Leddy from progressive Sonoma is new CAO, with planning background in county government. Mary Booher, who is moving to Sonoma, has been a great financial resource. Heather deBethizy is in Bozeman, MT, on one-year contract for current planning, General Plan, etc.; 2) Budget: Tight budget for Mono, but Planning Commission has travel funds; 3) LDTAC: Large project Specific Plan development of 70,000-sf mini-storage, June Lake brewery proposal; transient rental overlay at June Lake, cell tower; 4) General Plan: Contract approved for EIR consultant, including energy efficiency analysis and streamlining of future projects, biomass project use of forest resources, 5) Frogs/Toads: Wendy Sugimura and Dr. Jim Paulus attended conference at Sonora, providing biological studies for communities, and Laurie Mitchel is working on RTP update and other policies. Documents will be ready for adoption next summer by Planning Commission. Gerry Le Francois got estimate of funding for transportation projects next five years and is programming projects. Olancho-Cartago project is funded jointly with Kern, Inyo and Caltrans. 6) CEQA/NEPA: Environmental pros are coming to Mammoth Lakes Sept. 26-28 for CEQA and NEPA workshop.

Stacey Simon cited Walker River as a source of contention for decades. Paiutes wanted more water via litigation in 1992. Settlement was fueled by federal funding. Mono was offered decision-making role. Pursue transfer of water to Walker Lake. Preliminary analysis of maximum benefits, minimize harms. Mono has water rights at Virginia Creek used at Conway Ranch. The Mammoth Pacific project is subject to litigation. Record was compiled (13 volumes). Opening brief is due today. Mono and Ormat will file responses. CD-IV geothermal project: air quality control is lead agency; new wells; new processing facilities; etc. Pipe will cross private land and trigger use permit.

B. COMMISSIONERS: Thompson: Attended Mono budget meeting at Chalfant, which was well received, openness appreciated. Fire danger extremely high this time of year, so heads up. Pipersky: Will be in France during September meeting.

8. INFORMATIONAL: No items.

9. ADJOURN at 11:50 a.m. to September 12, 2013.

Prepared by C.D. Ritter, commission secretary