

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## MINUTES

September 12, 2013  
(Adopted October 10, 2013)

**COMMISSIONERS PRESENT:** Scott Bush, Chris Lizza, Dan Roberts (detained due to accident), Rodger B. Thompson

**COMMISSIONER ABSENT:** Mary Pipersky

**STAFF PRESENT:** Scott Burns, CDD director; Gerry Le Francois, principal planner (videoconference); Courtney Weiche & Heather deBethizy, associate planners; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Acting Chair Scott Bush called the meeting to order at 10:05 a.m. at the county courthouse in Bridgeport and led the pledge of allegiance.

**2. PUBLIC COMMENT:** None

**3. MEETING MINUTES:**

***MOTION:*** Adopt minutes of August 8, 2013, as amended: Item 4, second graph: Removing sand bags ~~would~~ **could** create problems... (*Thompson/Bush. Ayes: 2. Abstain due to absence: Lizza. Absent: Roberts, Pipersky.*)

**4. PUBLIC HEARINGS:**

**A. USE PERMIT APPLICATION UP 13-001/West Portal Wireless Telecommunications Facility** would allow for the development, operation, and maintenance of a wireless telecommunications facility on the west side of US Highway 395 (APN 014-020-001), between the communities of Lee Vining and June Lake. The project consists of a 50' x 50' lease area with a 60' monopole, designed for three future carriers, surrounded by a 6' chain-link fence. Verizon will be the initial user of the site. Within the lease area, 12' x 16' Verizon prefabricated equipment shelter, two 15' x 25' lease areas for future tenants, standby generator, and one 60' monopole are proposed. The property is owned by June Lake Public Utility District, and the land use designation is Public Facilities (PF). *Staff: Heather deBethizy, associate planner*

Heather deBethizy introduced applicant representative David Downs. DeBethizy stated existing tall structures already compromise sage grouse habitat. Raptor spikes will be required atop 60' monopole.

Why this location? *Gap in coverage exists along US 395. It's within scenic corridor so must comply with requirements: screening, revegetation, use existing access road, etc. It complies with Design Guidelines.*

Mitigated Negative Declaration (MND) was circulated to agencies and landowners. Biological assessment was conducted by Dr. Jim Paulus. Comments: 1) Great Basin Air Pollution Control District: construction dust will be mitigated by watering. 2) CDFW: Three points of interest: concern of mule deer in Casa Diablo migration corridor – asked for additional project condition (deBethizy worked with CDFW to draft project condition that prohibited construction during migration season); American badger condition as written (Condition #11) prior to construction (project condition was modified to reflect CDFW's concerns); and CDFW wanted further description of tall structures in the area. DeBethizy reiterated what was stated in the MND and demonstrated for the record the existing tall structures in the vicinity of the project.

**Dan Roberts arrived at 10:40 and took the gavel.**

Commissioner Lizza thought future tenants would add two more structures. Concrete pads have been used for similar equipment shelters. Why no suitable lease agreement at Cain Ranch amidst pine trees?

David Downs indicated no co-location opportunities within search ring on existing towers. Therefore, a new tower needed to be constructed. Cain Ranch was not an option because LADWP has specific lease

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

terms that did not work for proponent. SBA Communications Corp. has a history of not finding agreement with LADWP. DeBethizy explained that all towers proposed by SBA at Crowley Lake were not on LADWP land; Vista Towers is owner at Crowley Lake cell tower site located on LADWP land.

Stacey Simon indicated LADWP has standard language that some businesses find onerous, and SBA found more-favorable lease terms. **LADWP Mono County** reluctantly signed agreement on Benton Crossing landfill.

DeBethizy cited lease with June Lake PUD on its property as revenue source for the local agency.

**OPEN PUBLIC COMMENT:** David Downs, SBA, referred to coverage site vs. capacity site. Joint effort exists between SBA and Verizon (initial operator). Staff helped design tower. It would be easy for future tenants to co-locate. SBA supported Conditions of Approval. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Commissioner Bush thought it's a good spot, with public utilities already there.

Commissioner Roberts noted very little coverage in Grant Lake area, so might help that settlement.

Commissioner Thompson experienced two incidents at Grant Lake: fire at Rush Creek at 395, no cell coverage, so got on car radio; and vehicle rollover. It's a public safety issue. Mitigation is impressive.

Commissioner Lizza recognized need for service and benefit to PUD, but objected to aesthetics. Multiple structures of different colors are an eyesore, and junk vehicles have accumulated on site. Intrusion by high-tension lines. Cain Ranch would be far better aesthetically in grove of trees that mask microwave tower. He wanted more effort with LADWP to locate facility there. If PUD site is approved, impose other conditions to paint buildings same color, reduce junkyard appearance of property. Bush stated that SBA is not responsible for this.

Stacey Simon noted a practical matter if condition of painting is imposed. The PUD goes through CEQA process, so could arrange for painting.

Downs stated SBA would agree to and pay for chosen paint color. The PUD will apply for encroachment permit so maybe tie it in.

Simon suggested modifying Condition 17: "provided PUD agrees to free paint job."

Scott Burns reminded that Mono does not have permitting authority with local agencies. He noted light colors blend in winter but stand out in summer. Question: Impose scenic requirements on PUD? Color of tower at Crowley has been positive.

Roberts saw an infrastructure area as totally appropriate. He also had noticed multicolored structures.

Thompson first saw the Sierra, then power poles. He had visualized a taller monopole. Main thing is not to be silhouetted.

Roberts has been in communications all his life, and is not offended by towers.

Bush opined that people accept power lines because they understand benefit of why they're there. Same with cell towers.

Lizza wanted Condition 17 to deal with design criteria.

Simon suggested adding item 17 vi. Work with PUD to select appropriate paint color.

***MOTION:*** Find that, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment, that the mitigated negative declaration reflects the Planning Commission's independent judgment and analysis, and adopt the proposed mitigated negative declaration. Make the findings contained on pages 16-17 of the staff report, approve Use Permit 13-001 as proposed, subject to the conditions commencing on page 19 of the staff report:

1) Add to Condition #11: The limited area of soil disturbance due to project construction will be surveyed for indication of new occupancy by American badger. Beginning seven days prior to the construction of the project, the project proponent shall conduct American badger surveys to detect any new occupancy by American badger to verify the area is clear of badger dens prior to construction? The surveys should be conducted by a qualified biologist with experience in conducting American badger surveys. In the occurrence that a badger burrow is found in the construction footprint, the best method for avoidance will be decided in consultation with CDFW.

2) Add to Condition #17 "vi: Project applicant shall work with June Lake Public Utility District (PUD) to arrange for existing PUD structures on the property to be painted a uniform, dark green color, including paying any such cost if necessary.

3) Add Condition #31: "The proposed project activities, including any grading, vegetation removal, and construction, shall not take place during the Casa Diablo deer herd migration period Nov. 30-April 1. Applicant may deviate from these date restrictions if track survey is performed by a qualified biologist in advance of any project activities to determine the presence or absence of deer in the area and it is determined that all holdover deer have vacated the area" (*proposed by staff*).

(Lizza/Bush. Ayes: 4. Absent: Pipersky.)

**B. GENERAL PLAN AMENDMENT 13-003 (a)** to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) to allow for nightly rentals at 973 Lundy Lake Rd. (APN 019-140-011). *Staff: Courtney Weiche, associate planner*

Courtney Weiche described quarterly processing of overlay districts as part of four annual GPAs. Applicant was unable to attend. Lizza noted incorrect site designation; should be "along road." Noticing was based on APN information. Single-family residences are located on both sides. Ch. 26 specifies regulations. Three or fewer parcels require inviting neighbors to join in. Feedback: One phone call questioning the matter, neighbor satisfied with response; all neighbors were OK with proposal, submitted no formal comments.

Stacey Simon clarified 24-hr availability of property manager is needed, not local person.

Weiche noted item was brought up at June Lake CAC and Mono Basin RPAC meetings.

**OPEN PUBLIC COMMENT:** None. **CLOSE PUBLIC COMMENT.**

Simon suggested keeping GPA cohesive by doing both together at end.

Commissioner Lizza reported neighbor Kelly indicated no objections. The owner has been renting it out last year or so, and this would bring him into compliance.

Weiche noted permit works better for compliance enforcement.

**C. GENERAL PLAN AMENDMENT 13-003 (b)** to amend the General Plan Land Use Designation Map to add 9 Silver Meadow Lane (APN 016-096-005) to the established Transient Rental Overlay District at June Lake to allow for nightly rentals. A request for 93 Nevada St. (APN 016-098-011) to join the proposed TROD will be considered also. In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. The amendments and addendums for the above projects are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. *Staff: Courtney Weiche, associate planner*

This represents expansion of only approved TROD in Down Canyon area of June Lake. Andersons wanted to extend overlay, and received request from adjacent property owner, but nothing in writing. Requesting neighbor Brian Brosgart was present. A few phone calls came from neighbors confused on regulations and enforcement. Neighboring property owner seemed comfortable with proposal, contacted Andersons in advance. Trail to Double Eagle? Maybe ask renters to not use trail.

**OPEN PUBLIC COMMENT:** Robin Anderson, homeowner, welcomed an opportunity to offset mortgage/utilities, as they are not full-time residents; rental will provide income for them and Mono County.

Brian Brosgart confirmed his intent to participate in overlay. **CLOSE PUBLIC COMMENT.**

**MOTION:** Approve for a & b. (Bush/Thompson. Ayes: 4. Absent: Pipersky.)

## 5. REPORTS:

**A. DIRECTOR:** 1) June Lake Brewery to LDTAC; 2) Specific Plan clarifications at Sierra Business Park; 3) reconfigure Rock Creek Ranch; 4) parking regulations to RPACs; 5) communication policy: Nate Greenberg will discuss with RPACs, then return to commission; 6) Bridgeport Valley RPAC stenciled "back-in only" at parking spaces and got nearly 100% compliance; 7) Mono Basin RPAC discussed emergency access road from Mono City, BLM conducted Environmental Assessment, Mono Supervisors (BOS) will consider next week in tight budget situation, no money set aside, so may phase it; 8) endangered species handouts: BOS strategized on how to handle proposed listing. Meeting at Tri-County Fairgrounds Sept. 23 requested by Inyo BOS to CDFW, cumulative impacts of endangered species (frogs, toad, sage grouse) on county. Mammoth Lakes Basin was included, potential impacts on recreation activities, businesses. Frogs are more

susceptible to being eaten by fish, whereas toad is threatened but not endangered. 9) California County Planning Commissioners Association (CCPCA) convention coming up.

**STACEY SIMON:** Geothermal is moving through litigation. Opening brief filed by plaintiffs, response due Oct. 4. **Strong Arguments were not that strong** under CEQA, not always black and white. CD-IV project is moving ahead, air control is lead agency, BLM/USFS are co-lead agencies. MCWD has appealed those decisions. Up to 16 additional wells are proposed.

**B. COMMISSIONERS:** Thompson: Attended Rep. Paul Cook meeting. Cook agreed to monthly meetings with Mono and Inyo. All Cook's staff are veterans, Digital 395 is on his radar screen, most comments 500-1 against military action in Syria. Cook indicated he votes for what district wants, not party line. Roberts: Will attend CCPCA convention as vice-president.

**6. INFORMATIONAL:** No items.

**7. ADJOURN** at 11:38 a.m. to October 10, 2013.

*Prepared by C.D. Ritter, commission secretary*