

MONO COUNTY PLANNING COMMISSION

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MINUTES

MARCH 12, 2015

(Adopted April 9, 2015)

COMMISSIONERS: Scott Bush, Chris i. Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson.

STAFF: Scott Burns, CDD director; Courtney Weiche, associate planner; Gerry Le Francois, principal planner (videoconference); Megan Mahaffey, fiscal analyst; Garrett Higerd (videoconference) & Walt Lehmann, public works; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Mary Pipersky called the meeting to order at 10:05 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Carolyn Davis, Mono City, mentioned brush accumulation on absent landowner lots. House located next to her neighbor's lot has very little space, and lot has gotten weedier. She has spoken to Supervisors Alpers and Stump, as well as Stacey Simon. Cost probably means little can be done. Tried to negotiate, agreed 20' could be mowed, but nothing happened. BLM staff showed up, was paid \$150 to do lot next door, which was actually neighbor's responsibility. Huge amount of brush needs addressing. With prolonged drought, something needs to be done about fuel reduction on lots. Planning for fires is important to consider.

3. MEETING MINUTES:

MOTION: Adopt minutes of Dec. 11, 2014, as amended: date change from Feb. 12, 2015, (a canceled meeting) to last meeting, Dec. 11, 2014. (*Bush/Thompson. Ayes: 4. Abstain due to absence: Roberts.*)

4. PUBLIC HEARINGS

A. MONO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT. This is an opportunity for interested parties to participate in the Mono County Community Development Block Grant (CDBG) local application. Prior Mono County CDBG grant applications have included technical assistance for Economic Development, the First-Time Homebuyer program, and facility improvements including the June Lake Community Center. *Staff: Megan Mahaffey, fiscal analyst*

Megan Mahaffey and Vianey White introduced the CDBG grant with background information, stating Mono has a successful history with CDBG. Apply for public facilities, ADA, first-time homebuyer, technical assistance for housing needs assessment for low-income individuals. Allocation must be applied for. Ask for specific money for specific projects. Potential applicants received emails.

Commissioner Lizza: Lee Vining FPD needs new fire station. How is community defined? Mahaffey: With research could figure out how it would fit. Emergency-need funding maybe? She will consult Housing and Community Development to see if it could be funded. Lizza: Fire safety seems eligible. Mahaffey: Improvements of public facilities are funded up to \$1.5 million.

Commissioner Pipersky: Communities low- to moderate-income? Mahaffey: Mono County doesn't qualify, but different communities do. What is Lee Vining FPD doing, who does it serve?

Vianey White hopes to apply next year for transitional housing in Mammoth Lakes. Competition varies year to year, so it's worth submitting. Mahaffey: Dependent on who submits applications. The more times

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COMMISSIONER
Mary Pipersky

DISTRICT #2
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Rodger B. Thompson

DISTRICT #3
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Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

submit, higher the likelihood. Max amount = \$2 million. If awarded \$1 million, the expectation is to spend 50% by next grant cycle to ensure eligibility. Application deadline is usually in April.

White suggested income surveys to show fall in low- to moderate-income category. Income for Lee Vining could qualify for next year. Where to get money for surveys? Mahaffey: Only match is for planning grant, 5% match. Maximum = \$100,000. Arsenic water treatment in Bridgeport, so working with Bridgeport PUD to apply next year.

Commissioner Thompson: ADA compliance? White: 10-12 ADA projects, but dwindles down to three due to location. Restrooms apply under different matrix category. Commissioner Pipersky: Info to RPACs for feedback. Mahaffey: McGee Creek defined as low- to moderate-income. Census Bureau data are valuable.

OPEN PUBLIC COMMENT: Scott Burns indicated Mono Basin RPAC mentioned consolidation of Mono City and Lee Vining fire districts, tie in with site selection. Maybe pursue planning.

Jennifer Halferty, Mammoth Lakes Housing, heard Mono County Strategic Plan presentation by CAO Jim Leddy. Needs assessment with planning and technical assistance funds would help housing. She advocated for housing needs assessment this year. In past, Town and County worked together. In 2016 application, work together again. Town still working on grant received last year. Maybe needs assessment would show need in county. Commissioner Pipersky: Countywide needs assessment? *Yes.*

Burns suggested updating housing mitigation ordinance, which was suspended in December for 1.5 yr. Need good database on housing needs, including strategies for housing mitigation.

Molly DesBaillets, director of First Five for five years, spoke of need for child care in Mono County and distributed a document showing kindergarten readiness declined with less child care. The Strategic Plan noted quality child care and other entities. Licensed slots only in Mammoth Lakes broader area. Zero child care exists in some towns. First Five will help fill out application. **CLOSE PUBLIC COMMENT.**

B. USE PERMIT 15-001/Paour. The proposal is to allow the continued use of an existing unpermitted deck encroaching into the required yard setback. The property is located in the community of June Lake at 161 W. Steelhead with a land use designation of Single-Family Residential (APN 016-112-013). The project qualifies as a CEQA exemption. *Staff: Courtney Weiche, associate planner*

Courtney Weiche introduced the unpermitted deck encroaching into front-yard setback. In 2003, a complaint was received. Solution was garage, with no part of garage above 20'. Plans were submitted, but permit never was issued and ultimately expired. In 2015, when wood stove permit application was submitted, complaint was discovered in file. After discussion/review, it was noted that General Plan has exception for yard requirements to be modified by Use Permit. LDTAC reviewed, recommended proceeding. Project qualifies for Categorical Exemption. One comment letter was received.

Commissioner Lizza: Appears no 10' side setbacks, no parking area. Weiche: One side yard was reduced to 5', but both are 5' here. Parking below deck is allowed. Lizza: Clearly no parking below deck, boat on trailer up in air impacts aesthetics. Where do they park day by day?

Craig Tapley, project architect, noted issue came up two weeks ago. All structures address criteria of California, footings designed for plan standards. Paours park in covered area below deck. Lot is very tight. Previous deck was approved with 5' side yard and 5' front. Find exemption with Use Permit. Falls in between lines of zoning standards. Will review docs, resubmit. File shows field inspections to document.

Commissioner Thompson: No inspection occurred if no permit was issued.

Nick Criss: Code case was initiated prior to his time. Deck was constructed without permits, tried to convert to garage, went through plan check for enclosed garage. Eventually canceled by Building Division. When called about garage, owner indicated not intending to build it.

Parking: Assessor's records show parking below deck prior to expansion of deck. Lizza: Can't plow below deck, no parking surface. Weiche: West Steelhead is unpaved, so gravel parking spaces are allowed.

Thompson: Is West Steelhead only access for other residents? Would heavy snowfall mean removal off deck onto roadway? Catastrophic event could take deck down, block access for other residents. Weiche: June Lake FPD didn't reply.

Burns: Bit of an odd duck. Provision in General Plan never used. Typically, it's a Variance case. Slope of lot would allow garage. Height would have been issue (lower than deck). Without Use Permit, deck would have to be removed.

Pipersky: Modify deck? Tapley: If reduce deck, columns fall mid-width of available parking, making project more complicated.

Thompson: Why WAS permit for garage not pursued? Weiche: Change in staffing, not followed up with. Convert to garage not desired by applicant. Existed since 2003. Received initial complaint, none since. Maybe regulations were different, built to code then. Now could do 5' on one side, but not both unless via Variance process.

Thompson: Any statute of limitations on pursuing action? Simon: Continuing violation as long as it remains.

Criss: West Steelhead actually is completely different from paper road; house would have been farther from road. Simon: County road? Criss: Private.

Commissioner Bush: 20' height? Weiche: Added more restrictive. Bush: Garage visually would be more constrictive than see-through deck. How would garage make it look better? Height means blocking view. Parking pad not visible in photos. Why lower 3' or build garage or remove deck if no complaints in 12 years?

Commissioner Pipersky: Could car run into posts that would fall on it? Commissioner Roberts: Still held up by other posts.

Lizza: Boulders, cones visible. Snow berm would be on road. Problem with deck itself. Make finding all provisions of General Plan are met. Not compliant with several items.

Simon: Planning Commission has role to interpret General Plan. Her take was it relates to deck itself.

Bush: Where was Mono when house was built? Weiche: Original SFR permit. Stacey Simon: Need codes in effect that year; in compliance then.

Burns: Substandard lots have been allowed 5' setbacks for nonconforming structures. Clark Tract has struggled to find adequate parking. Could continue item to do nonconforming research.

Simon: It's Planning Commission's prerogative to interpret that it means entire house.

Lizza and Thompson: More info needed.

Bush: Tear down house? Pipersky: Deck does not meet front setback. Bush: Delving into other issues. Where was Mono when it happened? Le Francois: In old zoning code substandard lots could go to 5' side yards.

Lizza: Parking at that time? Le Francois: Will look. Roberts: If eliminate deck (carport), parking goes. Bush: Must be way to park there. How to make it better if only 3' too high? Lizza: Width is 21'6", split into three spaces with footings and posts. Tandem parking from side.

Le Francois: June Lake Area Plan required three on-site spaces, old zoning code required two. Tapley: 13'6" between columns. Placing deck did not decrease parking. One full bay is covered by deck. Tandem parking would work. Access to lot is squirrely – drive up Steelhead, back down into deck. Fitting substandard lots is always a challenge.

Lizza: Inadequate parking on site. Standard parking is 10' x 20'. Compliant with General Plan? Burns: Three spaces came after house was built. Nonconforming provision has some latitude. Could require application to provide site plan to show two parking spaces. Keep deck or not?

Bush: What's remedy? Burns: How to make findings.

Le Francois: Extremely small lot, 40' x 80' deep. Existing lot, submit plans for SFR.

Tapley: 9' x 18' covered parking does not seem to be issue. Can show deck was appropriately engineered; structurally compliant but unpermitted.

Bush: If house has been there since 1979 and no problem, what's the remedy? Lizza: Need to see General Plan is OK. Not our job to find remedy. Pipersky: Doesn't matter what happens to deck. Have to make findings for Use Permit. Lizza: Need compliant parking plan.

Tapley: Slope off Steelhead not shown in photo. Taking deck away would be more out of compliance. Not see parking as issue with substandard lot. Leave deck alone even though strange.

Thompson: Applicant came in, saw code issue, agreed to remedy with garage. Then, it elapsed and he decided not to do it? Now Mono tries to remedy it again, help applicant. Rectify, clarify, fix, but have not heard from applicant. Still only one access. Thompson remained undecided.

Pipersky: Applicant said he would build garage, but didn't.

Burns: Approved new parking standards last year, and Planning Commission has ability to modify parking plans. Regulations allow for off-site parking, agreement with neighbor.

Weiche: Add with building permit submittal a site plan to demonstrate adequate compliant parking. Potentially bring back to Planning Commission.

Roberts: Covered parking allows size reduction? Burns: 9' x 20'. Minimum for ~~uncovered~~ covered is 9' x 18'; it's all about snow.

Pipersky: Location of deck has not impacted West Steelhead Road. All decks are flat. Possibly add that snow cannot go onto road. Paours are not full-time residents, but could sell tomorrow.

Bush: Mono should have stepped up when no permit was obtained. Pipersky: Not up to Mono to patrol and look for problems. Bush: Historically, inspections were not always held. Lizza: Now another violation exists – parking. Burns: To address parking concerns, "shall comply." Grant exception or modification of standards goes to Planning Commission. If can't meet, no building permit.

Weiche: Could have off-site parking. Roberts: Parking separately located? *Yes. Appears two tandem.*

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

DISCUSSION: Lizza: Have all applicable provisions now. Simon: Effect of adding condition is no Use Permit unless demonstrate compliance OR remedy occurs. Garage does not require Use Permit. Building Division does not enforce parking. Tapley: Garage would limit parking to one covered spot. Burns: Could add Finding E: Compliance with Mono parking requirements.

MOTION: Find project qualifies as Categorical Exemption, demonstrate compliance with Mono parking regulations, add Finding E: Conditions require compliance with Mono parking requirements.
(*Bush/Roberts. Ayes: 3. Noes: Lizza, Thompson.*)

5. WORKSHOPS

A. ROUND FIRE RECOVERY PLANNING ISSUES: Scott Burns briefed on issues. The BOS has been active in responding to tragedy. Meeting last week anticipated needs of rebuilding. Use Permit is needed if >50% of structure lost. Downgrade to DR if sufficient standards are in place. RV while constructing home: Keep at DR level. Waive permit fees for RV and nonconforming. BOS OK'd ancillary uses. Rimrock Ranch Specific Plan is environmentally oriented, limits construction October-May. Reconstruction falls within emergency exception. Mono's only Design Review District will expedite process. Residents still want that. Simon: Items discussed were known before BOS met, but at last meeting BOS took up new issue: RV placement. Allowed on vacant lot subject to DR if construction on primary use has begun and building permit issued, if applicable. Docs were not drafted with every possible emergency in mind. Normally, not clearing fire debris before building.

Simon indicated Brown Act allows urgent item after agenda posting, take action before next regular meeting: Planning Commission recommendation to BOS to move ahead before next meeting, therefore Resolution R15-01. Determine emergency action exists.

MOTION: Planning Commission determines need for immediate action on item that came after agenda posting. BOS interpret General Plan to allow temp RV on fire site. (*Pipersky/Lizza. Ayes: 5-0.*)

Simon: R15-01 reflects sentiment of BOS, but of Planning Commission?

When Burns checked with Design Review Committee, three of five liked General Plan the way it was. So R15-01 added safeguards to mitigate concern. Design Review Committee was more comfortable with building permit language. When actively clearing property, qualify for RV with DR permit; limited to one year unless renewed; six-month director review of efforts, could revoke DR if work not done. Staff seeking direction from BOS and Planning Commission. Cal Recycle is an option, but not every owner takes that course. Revegetation effort.

MOTION: Adopt Resolution R15-01 When actively clearing property on Round Fire site at Swall Meadows, qualify for RV with DR permit; limited to one year unless renewed; six-month director review of efforts, could revoke DR if work not done. (*Thompson/Bush. Ayes: 5-0.*)

B. FIRE SAFE REGULATION AMENDMENTS: Scott Burns gave brief overview and how regulations affect General Plan Ch. 22. Planning Commission considers appeals to regulations. Administrative law review of regulations will come out in few months, effective January 2016. Road widths: 9' to 10'. New

standards for one-way roads, driveways, bridges, roadway clearance, letter size of road signs and house numbers. Integral part of Safety Element, enforced on daily basis. Mono Basin concerned about power lines after Round Fire.

Lizza: Davis comment in Ch. 22? Burns: Elsewhere. Met, reviewed legal framework, issues. Report back on obstacles that might exist.

Simon: Issue is clear state requirement of 30', outer limit of property line. Small lots create problem unless have neighbor's permission. Make it a homeowner obligation. Loophole: Some owners think they shouldn't have to pay for clearing. Mono could do it, put lien on property, retain contractor. Lots of momentum to take hard look. Burns stated ultimately it would come to Planning Commission for action.

C. 2015 CALIFORNIA COUNTY PLANNING COMMISSIONERS ASSOCIATION CONFERENCE:

Hosted in Mono. Counties pay dues, so every commissioner is a member. No more spring conferences. Reserved June Lake Community Center Oct. 23: presentations on timely topics such as power generation, endangered species, diverse range of issues within tourist-based economy, agriculture, mining, tourism, Digital 395. Oct. 24: bus field trip to USFS visitor center, county courthouse, jail, Main Street parking, Mammoth Lakes geothermal; SNARL to tie into fisheries, Mono Lake issues. Reception at June Mountain Chalet Friday night. Ideas to make it a success. Getting word out soon, inviting people to come. Commissioners are denied funding in some counties. Burns noted BOS is very supportive. Looking for private sponsors for conference bag items. Open to city planners also. Focus on rural counties. Bakersfield conference speaker who talked about broadband projects in rural areas worked with Hap Hazard.

D. MONO COUNTY STRATEGIC PLAN:

CAO Jim Leddy presented Strategic Plan by videoconference. Proposed to engage workforce in process. January 2014 built toward May 1 event to provide collective insight. Many staff never saw each other personally, needed to get past idea of silos. Steering committee was open to all, 92 attended. Latest draft to departments was endorsed by full BOS. Taken to RPACs, town hall meetings, and circulated to service providers. Allows ability to track, refine, work toward results. Mono was reactive body for long time. Long-term problems outlasted economic cycle. All residents get County services. Eight proposed directions, outward and inward. Mono's culture shows need of improvement. Move with intent to do better. Know what doing and why, true accountability. Collect projects from all sources, resource them. Regular reviews before BOS. Think of things that would improve quality of life. With limited resources, what would we do. Contact with questions. More feedback from Planning Commission later.

6. REPORTS:

A. DIRECTOR: 1) **BOS:** Megan Mahaffey handles all financial tasks, budgeting for LTC, Planning Commission, grants. Be more aggressive in grant world; Wendy Sugimura presented sustainable agricultural development to BOS; Pipersky and Lizza reappointed to Planning Commission. 2) **Webinar:** Pinyon/juniper conference of Bi-State efforts on preserving sage grouse habitat, 150-200 attendees in Gardnerville, including Sugimura and Brent Calloway. 3) **Permits:** TRODs, DR for Ohanas food cart. 4) **General Plan:** Admin draft for EIR. 5) **Tri-Valley Groundwater District:** Stacey Simon noted Tri-Valley is only area affected. Goes all way into Inyo, tiny bit in Mono delineated in 1970s. Department of Water Resources regulations to help basin boundary revisions for sustainable groundwater management. Tri-Valley and Inyo want to split off due to political and hydrologic considerations. Tri-Valley sent letter to Inyo to justify split. Ambiguity in statute: Users report directly to State, or do nothing. Contacted Sacramento representatives, noted drafting flaw, will remove. Reporting only in high-priority basins.

6) **CD4:** Hearing April 1 at Mammoth Lakes, and Mono is not part of it. New plant with 14 new wells in litigation at federal and state level. Project is on federal land, and air district is lead agency.

B. COMMISSIONERS: Lizza: Lee Vining acknowledged Mike Booher's effort.

7. INFORMATIONAL: No items.

8. ADJOURN at 1:00 p.m. to April 9, 2015
secretary

Prepared by C.D. Ritter, commission