

MONO COUNTY PLANNING COMMISSION

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MINUTES

NOVEMBER 12, 2015
(Adopted December 10, 2015)

COMMISSIONERS: Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts. **ABSENT:** Rodger B. Thompson

STAFF: Scott Burns, director; Gerry Le Francois, principal planner (video); Courtney Weiche, associate planner; Wendy Sugimura & Brent Calloway, associate analysts; Nick Criss, compliance officer (video); Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

GUEST: Supervisor Fred Stump (video)

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Vice-chair Chris Lizza called the meeting to order at 10:15 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES:

MOTION: Adopt minutes of Oct. 8, 2015, as submitted. (*Bush/Roberts. Ayes: 4. Absent: Thompson.*)

4. PUBLIC HEARING

A. GENERAL PLAN AMENDMENT 15-002 to amend the General Plan Land Use Designation Map to add six parcels along Nevada Street (APN 016-099-027, -036, -037, -041, -042 and 016-096-06) to the established Transient Rental Overlay District (TROD) along Nevada Street and SR 158 at June Lake to allow for nightly rentals. In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Courtney Weiche, Associate Planner*

Courtney Weiche presented a PowerPoint explaining the proposed TROD, the purpose and intent of both Chapters 25 and 26, the history of the existing TROD being expanded (on the Blacks and Silver Meadow Lane properties) and the recent changes to the TROD boundaries since the original noticing was sent out in October. Two of the original six parcels have since been withdrawn (same owner for both parcels 016-099-041 & -042) and the current project proposal includes only four parcels. Weiche noted staff expanded the noticing boundaries from the required 300 ft to 1000+ ft, noticed changed from 10 days to 20 days prior, and included all USFS lessee cabins to the north within the Silver Lake Tract. A summary of comment letters and phone calls was also given.

OPEN PUBLIC COMMENT:

Patrick Gale, primary contact for the TROD application, explained purpose and desire for requesting a TROD on his property. A resident of June Lake since 1962, Gale recently moved to San Jose for career change purposes and has struggled to maintain costs and upkeep associated with his home. Gale indicated County staff encouraged him to talk to adjoining property owners and nearby neighbors about his proposal to know what sort of support or opposition may be present prior to submitting an application. Upon outreach, Gale found that four additional neighbors wanted to be included in his application (which allowed the proposal to connect and expand the existing TROD located along Silver Meadow Lane and Hwy 158 across from Double Eagle). Gale intends to eventually return to June Lake, but in the meantime rents out occasionally to supplement costs while still being able to visit monthly.

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

Sam Mahony (195 Washington St.) is adjacent to the proposed TROD and in favor of approving. Acknowledges that the road (Nevada Street) is in poor condition, however does not feel additional personal vehicles will have much of an impact on the roads, as it is primarily the heavy-equipment vehicles (for new home construction, etc.) and snowplows that do a majority of the damage to the roads. His neighbor uses his home once every six months or so, but lends it to family, friends, and colleagues and could be considered transient pattern by default. Has not experienced the negative impacts of that use. Believes house rentals are beneficial to the community.

Lynda Biederman has been a full-time resident of June Lake for 21 years. Bought in the Clark Tract specifically for its "residential character." Has seen the changes in character of the neighborhood with just the increase of second homeowners. Referenced 2009 CAC minutes and was concerned the CAC was misled. Referenced the June Lake Area Plan and its emphasis and need for workforce housing. Further points out three CAC members wrote letters of opposition. Questions how to revoke the existing TRODs in June Lake. Biederman also submitted a comment letter.

Igor Vorobyoff, neighboring property owner and full-time resident, submitted a letter for the commissioners and then summarized comments. He is neighbor of existing vacation home rental along Silver Meadow Lane. He explained his hesitation and reluctance for the TROD originally, but did not specifically oppose it at that time (in 2014). However, he has been pleasantly surprised by his experience with renters he has come into contact with and the transient rental operation. Agrees the roads in the upper Clark Tract are bad, however lower portion is a different environment – 16 properties in this area, four permanent. To his knowledge, there are no illegal rentals in this portion. Amongst the 16 owners, none opposed TRODs in their neighborhood. Believed there is a community benefit, and it is appropriate where proposed (along Nevada Street). He enjoys having neighbors on occasion – "no longer a ghost town." He is "OK happening in his backyard."

Ross Biederman, 21-year resident, believes this area should be for homeowners and not tourists. Wants to maintain quiet and safe neighborhoods, not a place for businesses. These are separate uses. References the General Plan maps and wants to make sure adjoining uses are consistent; i.e., village is commercial and more appropriate place for transient uses. This is competition with existing businesses, not an economic gain to community. There should be consistency with the June Lake Area Plan; additional lodging conflicts with protecting workforce housing. Some of these proposed homes in the TROD could create long-term housing opportunities for local workforce. There is a need to protect single-family residences. Biederman also submitted a comment letter.

Karl Seiberling, an additional applicant within the TROD, stated he has no intent on renting right away and currently rents his home on a long-term basis. However, finds it could be beneficial if it were necessary in the future for either himself or his children. Believes this process could encourage people to invest in their property. Stated 75% of the homes are second homeowners and are rarely occupied.

Jeff Ronci, lifelong June Lake resident and owner of the nearby Whispering Pines, stated he is on the fence about the issue, but thinks, as a lodging owner, he tended to lean toward opposition. Occupancy varies depending on the time of year, but during peak season of summer can operate around 95% full. Believes there are plenty of existing lodging options available. "If you want to run a hotel, then buy a hotel." Ronci then read Patti Heinrich's comment letter (CAC Chair) into the record. *All letters received and/or read were included in the agenda packet. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Commissioner Bush suggested that "contiguous" property not be taken literally, but expanded to include bigger community. Commissioner Roberts noted the prior referenced TROD proposal was denied due to neighbor opposition, but saw adjoining neighborhood support here. Commissioner Pipersky leaned toward maintaining quiet and not providing financial support for second homeowners to maintain their property. Commissioner Lizza reminded that the original intent was for TRODs to be a tool for homeowners, not something the County was advocating for or against. Appreciated the letters and comments from the community. Although he heard no opposition from immediate neighbors, felt the applicant properties more suitable for workforce housing. Commissioner Pipersky noted the additional restrictions and regulations required under Chapter 26 and thought they may provide enough protections for adjoining neighbors.

MOTION #1: Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002. (*Roberts/Pipersky. Ayes: Bush & Roberts. Noes: Pipersky & Lizza.*) A tied vote would not give a clear recommendation to the Board of Supervisors ~~and nobody would win~~, so try another motion. Maybe the smallest TROD would be best?

MOTION #2: Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002, as modified to reflect the recommendation that just two parcels (122 & 139 Nevada St., APNs 016-099-036 & -037) out of the four proposed be included in the TROD. (*Bush/Pipersky. Ayes: Bush. Noes: Roberts, Pipersky, Lizza.*)

In ensuing discussion, Roberts and Pipersky supported full TROD (all or nothing) and to let Board of Supervisors sort it out. Stacey Simon indicated the Commission must make a written recommendation to the Board and suggested that a new motion be made.

MOTION #3: Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002, as modified to reflect the recommendation that two parcels (122 & 139 Nevada St., APNs 016-099-036 & -037) out of the four proposed be included in the TROD. (*Bush/Roberts. Ayes: Bush, Roberts, Pipersky. Noes: Lizza.*) Commissioner Lizza favored workforce housing over TRODs.

--- Break: 12:45-1:05 p.m. ---

B. 2015 MONO COUNTY REGIONAL TRANSPORTATION PLAN, GENERAL PLAN, COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN, AND NOISE ORDINANCE UPDATES; AND REPEAL OF THE CONWAY RANCH SPECIFIC PLAN; AND FINAL ENVIRONMENTAL IMPACT REPORT (the "2015 Updates and Repeal of the Conway Ranch Specific Plan) to adopt Resolution 15-05 1) making findings that a Final EIR (FEIR) has been prepared for the project in compliance with CEQA and that the FEIR is adequate and complete for consideration by the Board of Supervisors; 2) recommending the Board of Supervisors make the required findings and statement, certify the FEIR, and adopt the Mitigation Monitoring and Reporting Program (MMRP); and 3) finding that the 2015 Updates and Repeal of the Conway Ranch Specific Plan, including text changes to the Land Use Element, are consistent with the General Plan and recommending the Board of Supervisors adopt GPA 15-003, the MMRP, the CIWMP, and Noise Ordinance, and repeal the Conway Ranch Specific Plan. The 2015 Updates and Repeal of the Conway Ranch Specific Plan include a comprehensive update to the Land Use, Circulation, Conservation/Open Space, Safety and Noise elements of the General Plan; as well as the Regional Transportation Plan (RTP), three elements of the Countywide Integrated Waste Management Plan (CIWMP), Noise Ordinance, and the repeal of the Conway Ranch Specific Plan. The General Plan, RTP, CIWMP and Noise Ordinance cover the unincorporated areas. The RTP also applies to the town of Mammoth Lakes, and the CIWMP addresses solid waste issues within the town. The General Plan and RTP update continue to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas and agricultural lands, and support sustainable, healthy, and livable communities. The 2015 Updates and Repeal of the Conway Ranch Specific Plan will supersede and replace the currently adopted documents and plans. An Environmental Impact Report has been prepared for the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). *Staff: Wendy Sugimura, associate analyst; Brent Calloway, associate analyst*

Director Scott Burns lauded in detail the contributions of staff and consultants in a Herculean effort to update the General Plan and concomitant documents.

Wendy Sugimura reviewed the documents to be adopted in sequential order. Changes included: clarification of existing policies; elimination or modification of outdated or inconsistent regulations; streamlined or innovative regulation reform; and State mandates or department/procedural needs. Also addressed were the Circulation Element and RTP; Conservation/Open Space Element; biological assessment of plant communities and species as well as wildlife species; Safety and Noise elements; Countywide Integrated Waste Management Plan; and the EIR.

The following changes were made to concerns in comment letter from Supervisor Larry Johnston:

Large-scale alternative energy projects: Policy language recommended by Planning Commission:

Policy 11.A.3: Oppose commercial-scale (e.g., >3MW) solar and wind energy projects in Mono County **on non-County-owned public lands** to protect visual, recreational, and wildlife habitat and biological resources, and the noise environment, **and ensure projects on private lands protect these resources.**

Action 11.A.3.a. Where pre-empted by state law or other jurisdictional authority, work with applicable agencies to **avoid**, minimize **and mitigate** the impacts to the environmental, visual, recreational, wildlife habitat, and noise environment within the county, ~~for alternative energy development on federal, state, LADWP or other agency lands.~~

Action 11.A.3.ba. **Ensure and/or for non-county public lands** advocate for no adverse project impacts to the visual recreational, and noise environment in Mono County.

Action 11.A.3.cb. **Ensure and/or for non-county public lands** advocate for no adverse projects impacts to **biological resources and** wildlife habitat in Mono County, including sage grouse habitat and wind energy development impacts to migratory birds.

Delete the following:

~~GOAL 12. Regulate development of large scale wind and solar energy resources to ensure that environmental impacts are mitigated and the project is compatible with existing and planned land uses.~~

~~Objective 12.A. Large scale solar and window energy facilities shall not adversely impact the visual, recreational, and wildlife habitat resources, and noise environment in Mono County.~~

~~Policy 12.A.1. Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Noise Element.~~

~~Policy 12.A.2. Wind energy facilities shall not adversely affect wildlife.~~

~~Action 12.A.a. Wind energy facilities shall be sited so as to avoid flight paths of migratory birds.~~

OHV Proliferation:

Varied input, some commissioners supportive, some not; one suggested removing language supporting exploration of potential opportunities and combined-use roads.

Commission agreed on adding this policy language: **Encourage agencies to manage OHV use to minimize user conflicts.**

If stronger language is desired, the recommendation is to provide clear direction to staff about the conversation to initiate with the RPACs, and then develop policy through the RPACs and Planning Commission for future consideration by the Board of Supervisors

Rodeo Grounds:

Commission agreed to include this language:

Action 12.J.2.b. Explore resort and residential development at the base of June Mountain Ski Area through conversations with the community, June Mountain, US Forest Service, and other stakeholders, and consider the "Conceptual Plan, June Mountain Ski Base Facilities" (2013).

Extension of Dark Sky Ordinance north of Mountain Gate:

No action by Commission: Antelope Valley RPAC to discuss and make recommendation if desired.

Industrial and heavy commercial equipment storage:

No action by Commission.

Expanded Home Occupation:

No action by Commission.

Other input:

Transient Rental Overlay Districts (TRODs): To be revisited and any revision could be incorporated into a future General Plan update.

Typographical errors noted: Action 24.F.3.fl, title page of Circulation Element, make sure edit to June Lake PUD language (Issue #35 in June Lake Area Plan) is amended.

RTP: Page 30: **Open passes as soon as practical.**

Page 42, second bullet under Lee Vining: Change from ~~speed along Mono Lake~~ to **reduce speed limits in Mono City.**

MOTION: Adopt Resolution R15-05 recommending that the Board of Supervisors certify the Final EIR for the 2015 Mono County regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance updates (the "2015 Updates"); approve and adopt the Mitigation Monitoring and Reporting Plan, and adopt the 2015 Updates and repeal the Conway Ranch Specific Plan. (*Ayes: 4. Absent: Thompson.*)

5. WORKSHOP: No items.

6. REPORTS:

A. DIRECTOR: 1) County Counsel: Marshall Rudolph has accepted a position with Inyo County starting January 2016; 2) CCPCA: Thanks to presenters Wendy Sugimura, Brent Calloway, and Commissioner Thompson.

B. COMMISSIONERS: Roberts: The California County Planning Commissioners Association (CCPCA) held its first-ever annual conference in Mono County, hosted at June Lake, and attendance was up a bit from last year. Indoor presentations and a ride up the two-person chairlift to June Mountain Chalet occurred the first day, and then a bus tour of areas of interest from Bridgeport to Mammoth the second day. Attendees from Mono included commissioners Roberts, Thompson, and Lizza and commission secretary CD Ritter. **Lizza:** Attended conferences of the Association of Environmental Professionals, thanking local presenters Stacey Simon and Wendy Sugimura, and CCPCA, organized by Commissioner Roberts, who as president of the CCPCA hosted the conference.

7. INFORMATIONAL: No items.

8. ADJOURN at 2:55 p.m. to December 10, 2015

Prepared by CD Ritter, commission secretary