

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

MINUTES

June 15, 2017
(Adopted August 17, 2017)

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Mary Pipersky. **ABSENT:** Dan Roberts

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Paul McFarland, assistant planner; Justin Nalder, intern; Christy Milovich, assistant county counsel; Nate Greenberg, IT director; Jeff Walters & Peter Chapman, public works; CD Ritter, commission secretary

GUESTS: Hap Hazard, Ron Day, Glenn Inouye, Donna Simensen, Sandy Powell, Michael Paiva, Raul Alcazar, Isabel & John Connolly

1. CALL TO ORDER: Acting Chair Chris Lizza called the meeting to order at 10:13 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of April 20, 2017 (*no May meeting*) as amended: Item 5, last line: Milovich clarified "may" **is not** a "shall." (*Pipersky/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

4. PUBLIC HEARING

A. INTERPRETATION USE PERMIT 17-005/Simensen for use of a home for a short-term rental (Type I) with the owners living on site on an adjacent property. The properties are located at 332 and 342 Kinsley Street in Bridgeport. These parcels (APNs 008-132-027 & -017) have a land use designation of Multi-Family Residential Low (MFR-L). A Planning Commission Interpretation will be required to issue the proposed use permit. A CEQA exemption is proposed.

Gerry Le Francois reviewed the proposal by PowerPoint. He emphasized owner on same parcel, didn't anticipate this happening. "Similar use" category. Planning Commission, not staff, has discretion. No barriers between properties, good view of driveway. Use Permit runs with owner, not land, in this case. If ownership changes, goes away.

--- Scott Bush arrived at 10:17 am ---

Lizza saw two issues: **interpretation and application of Ch. 25**. Bush recalled bylaws on less than full commission when PC is final decision maker. Option to allow applicant to request continuance, as PC is final decision maker on interpretation and use permit. Applicant indicated proceed with four commissioners.

Le Francois noted when Ch. 25 was crafted, Type I would work with merged parcels. Creates circumstances if sell property, or rental no longer viable in Bridgeport. Applicants asked for workaround. If merged, would be use permit only.

If split lot later? *No CEQA exemptions for splitting property, so negative declaration or other if try to re-divide property.*

OPEN PUBLIC HEARING: Donna Simensen, co-owner, talked to neighbors and community, who were supportive. Wants Bridgeport to thrive, keep privacy.

--- Scott Bush clarified he was present as planning commissioner, not sheriff in uniform. ---

Live here now? *Yes, know the community.*

Long-term tenant before? *No.*

Bought properties at same time? *Brother wanted to keep it in family.*

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

Why did you buy? *Little house only 842 sf. Loved history behind both houses. Family visited, saw sign on Main Street about vacation rentals.* **CLOSE PUBLIC HEARING.**

DISCUSSION: Bush questioned size of houses. *6,000 sf and 842 sf.* If want to do rental, lots this size OK. Problematic to merge lots.

Lizza noted provision says entire dwelling unit for owner. *If PC intended same parcel, BOS would have put language in there, but didn't.* Don't need Type II.

Bush suggested including total lot size in future. Owners are close by. Not revisit again on small lots.

Lagomarsini thought lot size insignificant. How close homeowner is to rental house is important. Owner supervises guests. If two separate parcels, could be adjacent, maybe visual or audio control of rental house, easy access (shared driveway). Owner control is issue.

Language OK as exists? Lagomarsini thought technically did not fit for two separate parcels.

Pipersky reminded Mono Supervisors adopted Ch. 25. It's their words.

Milovich quoted from previous PC discussions. Type I "associated" is ambiguous. Interpretation today would apply countywide.

Pipersky spoke with one BOS member. Reason talked about Type I was to avoid homeowner monetizing property. If allow countywide, could buy house next door and rent, keep out of hand of working people. Maybe not issue in Bridgeport, but mistake to allow two parcels with one rented nightly, taken off market for renting monthly. Mistake to move forward. If look at case by case, maybe go forward. Intent is to not allow people to monetize private homes in Mono except monthly rentals.

Lizza noted mother-in-law on same parcel OK. Does "associated with" mean on same parcel?

Pipersky countered it was not intent of Type I rentals.

Scott Burns stated could issue use permit, could do merger, not totally shut it down. Narrow precedence. Substandard lots, shared driveway, in middle of town. Not speculating, purchased adjacent properties. Find this would apply countywide.

Lizza thought not allow separate parcels, but similar uses findings. First issue is Ch. 25 permits on adjacent, separate parcels.

Bush wanted to tailor finding to specific topographical limitations so not just open up. If detrimental to public welfare, businesses limited in scope.

Lagomarsini noted shared driveway, could look into each other's windows.

Bush thought they did not buy house next door to rent. Way to limit it?

Milovich stated any tailoring of interpretation would not apply legally. Interpretation would apply countywide, become part of General Plan amendment.

Lizza thought wording intended to apply to this case, "associated with."

Milovich indicated Stacey Simon said tailoring just for this situation is attractive, but not legally sound.

Why not go into Type II if can't tailor? How different? Milovich reminded of moratorium on Type II.

Bush saw it as a good project, looking for way not to make next project problematic.

Could county counsel write best legalese to fit scenario? Milovich did not know answer. As independent body, Planning Commission needs to make decision on its own.

If room for interpretation, why make decision? If new proposal came up, not automatically granted.

Milovich reminded that use permits are discretionary.

If similar deal arose, would PC look at it? Milovich stated if interpret I as different parcels adjacent, apply same interpretation.

If do it today, do it next week?

Lizza saw interpretation flexibility. Only means can but not have to consider separate parcel.

Lagomarsini suggested specific findings on interpretation.

Bush noted it has to do with size, proximity today. Next case may be quite different.

Lizza thought findings lock into those reasons, so case by case then.

--- Lizza passed gavel to Vice-Chair Bush ---

Milovich suggested PC could implement cleanup language in Type I definition. Bush reminded that Mono Supervisors came up with wording.

MOTION: Approve Interpretation of Similar Use. In this instance, properties fall under Ch. 25 short-term rental Type I. (*Lizza/Lagomarsini. Ayes: 3. No: Pipersky. Absent: Roberts.*)

DISCUSSION: Pipersky thought opened up Mono to speculation on nightly rentals in residential areas. BOS meant all on same parcel, so she would not vote for this.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 17-005 subject to findings and conditions contained in staff report. (*Lizza/Pipersky. Ayes: 3. No: Pipersky. Absent: Roberts.*)

B. CONDITIONAL USE PERMIT 17-004/Connolly for use of a home for a short-term rental with the owners living on site (Type I). The property is located at 326 Juniper Drive in Crowley Lake. This parcel (APN 060-120-005) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed.

Gerry Le Francois described rental on Juniper Drive. Building is existing nonconforming use along creek. 274 sf cabin, private road. Owner-occupied principal residence on same parcel. Subject to use permit that runs with owner, not the land. Changed one condition 6 if approved: Potable water provided for domestic purposes. Comment letter on parking. Cond 4, unnecessary vehicles screened from surrounding properties.

Already renting, so why this permit? *Mono now has short-term rentals, so Connollys applied.*

OPEN PUBLIC HEARING: Isabel Connolly, co-owner, wanted nightly rentals. Open for family and friends, but Airbnb kind of approved. Rented short-term and long term (greater impact with two cars, overflow parking). Generally one car. People with boat next week will park at marina to address Ms. Qualls' concern.

Summer cabin or year-round? *Fishing cabin originally.*

John Connolly stated long-term rentals worked OK, some liked, and some did not. At 275 sf, is small for full-time living. Insulation in winter is problematic. Monthly rental, but not in winter.

David Bemis sees rental house, but never knows if it's occupied or not. Fully supported permit.

John Connolly noted living there 13 years, volunteering a lot, will return for skatepark hearing. People might not like extra trailers/boats. Wanted to be in harmony with neighbors. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky saw this as a perfect Type I rental, meeting intent of BOS, on property. Bush indicated this is what he envisioned for Type I. Lizza mentioned workforce housing, but a little too small. Bush noted it's substandard for workforce housing. Lagomarsini saw parking as a concern, but owners are trying to work it out. Vacation rental.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301 and fine Notice of Exemption; approve CUP 17-004 subject to findings and conditions in staff report; and add Condition 6 to provide potable water for occupants (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

C. CONDITIONAL USE PERMIT 17-010/Paiva. Construction of a new 2,300-square foot retail space, sign and landscaping plan for a Western arts and crafts gallery. The two-acre vacant property is located adjacent to Toiyabe Motel and Walker Flea Market on US 395 in Walker (APN 002-332-009). Land use designation is Mixed Use (MU) and Estate Residential (ER). A CEQA exemption is proposed.

Gerry Le Francois reviewed Walker parcel across from river. Currently vacant. Want 2,300 sf retail building. Mixed Use designation would allow residence in future. Signs comply. Sign 17' not 12'. Minimum 12 spaces. All parking paved, but compacted gravel meets intent of semipermeable surface. Double Eagle has gravel parking. Exception to today's standards. Maybe clean language up to avoid exceptions. Maintain trees next to property. Dark Sky Regulations technically not apply to Walker, but apply standards here.

Earlier interpretation bound by it? *Two standards. Gravel totally permeable. Paving costly.*

Require variance? *No.*

OPEN PUBLIC HEARING: Sandy Hough said proposal makes practical sense, benefit community, make destination eventually. Broad community support. Represent 16 Western artists that preserve spirit of Old West. Seasonal six-month business. Maybe offer workshops that benefit motels.

Caltrans vetoed circular driveway. Align with Walker Burger. Caltrans wants no gravel on 395. Pave encroachment 25'. Need vision left and right. Majority of businesses go from asphalt to dirt. Bush noted diagonally on/off creates washboard effect.

Paiva indicated more than adequate parking in front, in back also. **CLOSE PUBLIC HEARING:**

Lizza thought nice infill in Walker. Bush saw sophistication/culture for Walker.

Le Francois added finding 4B: transit stop at Walker Country Store, so OK.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15303(c) and file Notice of Exemption; make required findings in staff report; and approve Use Permit 17-010 subject to Conditions of Approval. (*Lizza/Pipersky. Ayes: 4. Absent: Roberts.*)

D. CONDITIONAL USE PERMIT 17-006/Race Communications – Mono City/South of Chalfant & VARIANCE 17-001/Race Communications – Mono City Connector over US 395. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Mono City and the community of White Mountain Estates located south of Chalfant. The project entails placement of new overhead strand and fiber on existing utility poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A Variance is required to permit installation of new overhead strand crossing US 395 on existing poles within a Scenic A CEQA exemption is proposed.

Paul McFarland noted different project conditions for the four Race applications. Unresolved issue last meeting on Domaille? Race's Raul Alcazar resolved matter.

Project summary by PowerPoint. Line over US 395, need variance. Single word change p. 1, graph 3: Public rights of way, not County. Not require entire new CEQA exemption. All of Mono City on overhead existing poles. Load-test existing poles of SCE or Frontier. Space rental. Thirty poles failed load test. Temporary poles will be directly adjacent to existing poles. Owner must remove failed poles, replace with permanent, pull temporary poles. Benefits public health/safety. White Mountain Estates is all underground.

Variance is required in scenic corridor. Not pristine as intended, but not significantly diminish scenic character, already has wind socks, etc. Natural intersection. Undergrounding will require encroachment permits. Comment letters from Mono City. New condition#4 to notify occupants of communities of new line installation. Race will walk through communities, verbally speak or leave hang tag.

Bush heard rumblings of long time with no internet in Walker due to other communities. McFarland noted Race purchased existing broadband in Bridgeport and Lee Vining.

Alcazar cited abandoned infrastructure from former carriers, no service. Took down old, put up new. Escape broadband. Minimize disruption when cable removed for fiber replacement, maybe two months. New service will be better than downtown San Francisco. Not affect wireless, only if Escape Broadband.

Lagomarsini mentioned new streets at White Mountain Estates. Bob Stark is in contact with Race. Chalfant Loop Road person? McFarland would pass along to Race.

Why communities grouped the way they were? *How apps were received.*

OPEN PUBLIC HEARING: Ron Day spoke of extensive RPAC outreach, majority wanted lines on existing poles, not underground. **CLOSE PUBLIC HEARING.**

DISCUSSION: None

MOTION: Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file Notice of Exemption; make required findings in project staff report; approve Use Permit 17-006 subject to Conditions of Approval; and approve Variance 17-001. (*Lagomarsini/Lizza. Ayes: 4. Absent: Roberts.*)

E. CONDITIONAL USE PERMIT 17-008/Race Communications – Sunny Slopes, Aspen Springs and Tom's Place. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Sunny Slopes, Aspen Springs and Tom's Place. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted fiber along existing utility poles. All new overhead at Aspen Springs. Fobes 40 included.

Do 150 properties include Pine Glade? *USFS land, so not included. Would require NEPA.*
McFarland noted overhead drops only upon request.

OPEN PUBLIC HEARING: Ron Day repeated positive comments. **CLOSE PUBLIC HEARING.**

DISCUSSION: None

MOTION: Find that project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 & 15304, and instruct staff to file Notice of Exemption; make required findings contained in project staff report; and approve Use Permit 17-008 subject to Conditions of Approval (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

--- Break: 12:15-12:30 pm ---

F. CONDITIONAL USE PERMIT 17-009/Race Communications – Swall Meadows, Paradise, Benton, Benton Hot Springs. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Swall Meadows, Paradise & Benton. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A new backhaul line installed on existing poles following a portion of Lower Rock Creek Road is also proposed. A CEQA exemption is proposed.

Paul McFarland noted some on Paiute land in Benton. Questions from Swall on svc to properties, forwarded on to Race, who responded. Some homeowners in Paradise need to meet at Race???

OPEN PUBLIC HEARING: Glenn Inouye agreed on face-to-face meeting. Formerly outside communication loop. Race agreed to communicate. Water lines very shallow. Trenching or existing conduit at Lower Swall? Always use existing if possible. *New trenching, micro-trenching.*

Inouye had concern going under rock. If trenching, how go under driveways, limit access? *Alcazar would go over maps, work with CSDs (Community Services Districts) in joint effort. Prefer underground if possible, via existing conduits. By default, put in trenching plan, then consult on site. Try to accommodate, but get out of way ASAP. If willing to spend time with Race, will go over concerns.*

Hap Hazard issued disclaimer that since leaving BOS, still has communications/relationship with Race. D-395 approval involved Tribe under different process. Race will service almost all property available in Mono County. Effort to get service to all who want it. As supervisor, received more Internet service requests than anything else, including paramedics and taxes.

Ron Day worked with Hazard on getting D-395 in. Communities in south really want this to happen, either overhead or underground. **CLOSE PUBLIC HEARING**

MOTION: Find that project qualified as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-009 subject to Conditions of Approval. (*Lagomarsini/Pipersky. Ayes: 4. Absent: Roberts.*)

--- Bush departed at 12:46 pm, passed gavel to Pipersky ---

G. CONDITIONAL USE PERMIT 17-007/Race Communications – Walker & Bridgeport. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Walker and Bridgeport. The project entails placement of new overhead strand and fiber on existing utility poles, removal and replacement of existing strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted remove/replace infrastructure from previous companies. No public comment.

OPEN PUBLIC HEARING: Ron Day endorsed this project.

Raul Alcazar saw unfortunate downtime, but outcome will justify it. Time is of essence to get on board. Bridgeport served at Paradise Shores along reservoir? *Not that far north.*

Alcazar described it as part of acquisition, but take on as 100% issue. **CLOSE PUBLIC HEARING.**

MOTION: Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-007 subject to Conditions of Approval (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

H. CONDITIONAL USE PERMIT 15-004/Crowley Lake Skatepark. Planning Commission review and approval of final design for skatepark (Condition 8 requires Planning Commission's approval of final design). Project is located adjacent to the community center at 58 Pearson Road, Crowley Lake. Project was approved with a prior Negative Declaration.

Peter Chapman cited a condition to return to PC for design final approval. Distributed handouts. Since 2015, Public Works entered into contractor contract. Adding 10 parking spaces, ADA sidewalk, and restroom. 15' elevation drop on property. Skatepark lower than parking lot (depressed into hillside). Two community workshops were held for local youth and parents.

Barriers across from parking lot? *Remove material from site with small rocks, sporadically put them between sidewalk and actual skatepark. Tiered levels so water won't wash dirt into skatepark. No culvert, no border. All water collected in underground system would feed dry well.*

Danger of falling? *Upper half pipe about 3'. Border maintains height, so not a cliff.*

Seating area? *Maximize actual skatepark in small footprint. Maybe seating, picnic tables by creek near delineated wetlands.*

OPEN PUBLIC HEARING: Kim McCarthy, CSA-1, noted space by bathrooms for picnic tables, umbrellas. Completion by November, so not much use this year. Address issue next year.

Ron Day favored skatepark for kids. Not much available for them now.

John Connolly cited extensive design work. Community asset, nice park. **CLOSE PUBLIC HEARING.**

RPAC approve by vote? *Ron Day indicated it was discussed at meetings, not directly at RPAC. No direct vote. Lost RPAC planner Courtney Weiche, not specifically brought up, but community generally behind it.*

Chapman stated contractor held well-attended workshops.

MOTION: Review proposed Skatepark design developed through community workshops led by contractor and approve final skatepark design with no changes (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

6. WORKSHOP: No items

7. REPORTS

A. WENDY SUGIMURA: 1) June Lake Area Plan: Six days of workshops, 20 neighborhood meetings, good feedback on non-contentious format. Policy development stage now, much harder, emotions running a bit higher, but getting through so far. CAC will look at draft policy Aug. 2, then to PC. **2) Cannabis:** Ban in whole or in part, adopt state regulations, develop local regulations. Michael Draper developed nice initial framework. Strategy: Look at how existing regulations accommodate, then adjust up or down, but not more permissive than State. BOS presentation, direction reaffirmed. Framework out to RPACs. Changing statewide regulatory landscape. Residents investing in use when no regulations exist. Heads up to BOS based on public safety, General Plan, community character, people spending money not knowing if could result in profit. If adopt local regulations, must be by Dec. 31, before enacting Proposition 64.

B. COMMISSIONERS: No items

8. INFORMATIONAL: No items

9. ADJOURN at 1:11 pm to July 20, 2017

Prepared by CD Ritter, PC secretary