

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

November 15, 2018
(Adopted December 20, 2018)

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

STAFF: Wendy Sugimura, CDD director; Gerry Le Francois, principal planner; Bentley Regehr, planning analyst; Nick Criss, code compliance; Christy Milovich, assistant county counsel; CD Ritter, PC secretary

GUESTS: Joe Suppa, Jake Suppa

1. **CALL TO ORDER:** Chair Scott Bush called the meeting to order at 10:03 a.m. at the board chambers in Bridgeport with teleconference to Town/County Conference Room in Mammoth Lakes.

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES:**

***MOTION:** Adopt minutes of Sept. 20, 2018 (no October meeting) as amended: Commissioner Lizza was absent. Procedural vote OK. (Roberts/Bush. Ayes: 2. Abstain due to absence: Lizza.)*

4. **PUBLIC HEARINGS**

A. CONDITIONAL USE PERMIT 18-002/Suppa. A farm-stay use of the property that may include four temporary yurts (May-Oct), a kitchen to serve yurt guests similar to a bed-and-breakfast use, class A cottage food permit, farm stand/store, massage/esthetics room, market garden, native-plant nursery, livestock barn, two RV sites for farm labor housing, and a small aquaculture pond. Land use designation agriculture (AG). A CEQA addendum is proposed.

Chair Scott Bush offered waiting for full commission. Applicant Jake Suppa wanted to continue. Gerry Le Francois showed site map and described proposal. Allow people see how small farm operates. Combo of existing and new construction. Subject to Use Permit in AG designation. Class A cottage food permit permitted outright by State, work with Environmental Health. Farm stand is permitted use. Barn, RV for farm labor housing, all OK on AG land. Project to LDTAC, compliance with site plan. Twelve on-site parking spaces, two signs in compliance with sign provisions. Building permits. Yurts up in spring, inspection, down in fall. Not considered structures. Compliance with dark skies. If find any remains, stop work, reevaluate. Addendum not published or circulated, noted not making anything worse. Some uses could stand alone for existing exemptions under CEQA, but not supposed to use multiple exemptions to approve a project. Hence the addendum.

Is aquaculture a fishery (hunting, fishing)? General Plan revision calls out aquaculture under AG designation. Also, SFR with commercial activities like kitchen and massage room, presumably dining facility inside SFR. Not talk about where people eat, just where food prepared.

OPEN PUBLIC COMMENT: Jake Suppa, applicant, distributed representations of his parcel from various vantage points and described the farm-stay concept. Marketing to introduce connectivity to uses. Based on permaculture model that integrates home and outside area into different zones that interact

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Mary Pipersky

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Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

symbiotically, riparian zones to raise fish in pond, habitat to migratory birds and animals. Fishery stocks lakes, aquaculture processes fish through USDA regulations. Not much disturbance to land, reduce wind erosion, sustainable. Agritourism is interconnectivity. Produce to local grocers, restaurants, farmers markets, bazaars, brewery. Father on property since 1999, continues to improve, offers baseline model of homestead concept, shows what's possible in barren high-desert landscape

County role? *CDD/code compliance.*

Lizza disclosed use of Suppa family farms.

Describe yurt use. *Yurts for couples, one for family of four to five.*

Bathroom facilities at yurts? *Yes, ministerial for water and septic. Use VRBO, etc. for booking. Keep privacy in home.*

Family yurt dining facility? *Possibility, but main SFR allows.*

Cottage food permit allows dinners in facility? *Pastas, dried veggies, preserves.*

Hot meals? *Dine in home or at yurt. Catering food to location, but synonymous to B&B vs. restaurant.*

All meals? *More like B&B. Father running, Jake full-time job. Menu. Capitalize on remote back road to Bodie. CDFW standards, environmental also. Public Works not involved.*

Hoop houses? *In disturbed area shown in site plan. AG 20 acres, proposing 2.4 acres.*

Chair Bush cited last chance for full commission. *No.*

Conflict of interest for Lizza? Milovich: No legal conflict, or even appearance. No financial gain.

CLOSE PUBLIC COMMENT.

DISCUSSION: On-site meals? Le Francois indicated environmental health permit would allow. Cottage food permit allows foods produced on site for sale.

Sugimura referred to Mono website list of 16 types of food allowed: baked goods, candies, dried fruit, etc. If want any other type, get commercial kitchen approved by environmental health. Le Francois indicated other permits may be triggered after CUP.

MOTION: Approve CUP 18-002 subject to conditions of approval. Adopt prepared addendum.

(Lizza/Roberts. Ayes: 3-0. Absent: Pipersky, Lagomarsini.)

B. BASELINE MATERIAL SITE/Caltrans: Public hearing to approve Mining Operations Permit and associated Reclamation Plan. The Baseline pit is on public land managed by the U.S. Department of the Interior Bureau of Land Management. The site was used for over 50 years for mining aggregate materials until the late 1990s when mining operations ceased, and it was partially reclaimed. Caltrans is proposing resuming mining operations at an estimated 12,000 cubic yards per year in addition to the existing material storage use. The mining area has been redefined from its originally approved 120 acres to 30.22 acres to vacate previously reclaimed acreage. The proposed end land use is material and maintenance storage. The project site (APN 021-130-036) is located near the community of Lee Vining and within the watershed for Mono Lake, in Mono County and it includes portions of Parker Creek and Rush Creek (T1N, R26E, Section 34). In accordance with the California Environmental Quality Act, the County proposes to certify, as a responsible agency, a Mitigated Negative Declaration prepared by Caltrans under its lead agency status.

Nick Criss introduced proposals. Baseline located on BLM land in Mono Basin south of Lee Vining. Used by Caltrans 50 years till 1990s, when partial reclamation took place. Resume operations for next 54 years. Phase 1: East pit area. Phase 2: mining north of east pit. Phase 3: West into mixing table. Pave Phase I, move storage operations into that area. Phase 2 for additional storage. All slopes revegetated and reclaimed. Consistency County Code Ch 7.10. Enviro review triggers CEQA but not NEPA. Explained mining operations permit findings and conditions of approval, reclamation plan findings and conditions of approval. Subject parcel owned by BLM, so no Mono jurisdiction involved

Bush noted mining ceased in 1990. Toured prior to shutdown. Looks like perfect place.

Ship material across state lines? *Criss: Only for District 9 road projects.*

Fencing? Prohibit fencing as visual impediment. *Criss: Only at gate entrance.*

Lizza noted reclamation plan mentions no permanent fencing. Wanted to prohibit fencing as condition of approval.

Temporary batch plant? How often? *Criss: Only with road project. After phases 1 and 2, down lower. Two other adjacent facilities on other side of creek.*

OPEN PUBLIC COMMENT: Postpone to later date option. Forest Becket, SMARA coordinator, did overview. Of Caltrans' 12 districts, District 9 most active mining district, more like Nevada. Proximity to material important due to trucking costs, environmental impact. District 9 has had 307 material sites throughout history. Currently 10 sites. No active mining in Mono County, four active in Inyo County. Monitoring sites for reasonable haul distances for maintenance activities.

Increase truck traffic? *Becket: Regular maintenance crews getting materials at stockpiles from summer landslides. Maybe 10 truck trips daily. Heightened level if mobile batch plant existed. Environmental document strictly baseline use. Caltrans can advertise projects, contractor might want small batch plant. Analyze project by project. Could get materials from Nevada. Maximum duration one to two seasons for contractor. Condition of shielding/netting on site. Visual impact early on.*

Water source on property? *Becket: Not. Approached BLM office, asked for well, brushed aside. Any water needed for dust control would be trucked on site in tanks.*

Oppose permanent fencing? *Becket: Only highway right-of-way fencing, no other needed. No illegal dumping since gate installed. Could add condition. Delineation with posts, 50' buffer zone.*

Becket saw no controversy, so move ahead. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza recalled Mono Basin RPAC mentioned dust control last night. *Becket: 10k gallon water tank if needed.*

Where to put fencing? No permanent fencing around site other than that needed to reasonably control vehicular access.

Mechanism to reopen later? *Criss: Amend permit. Caltrans tends to stay away from fencing. Milovich stated Caltrans would go through appropriate process.*

MOTION: Adopt Initial Study/Negative Declaration, subject to identified mitigation measures with no significant adverse effect on environment and direct staff to file Notice of Determination with County Clerk; make required Mining Operations Permit Findings in project staff report; approve Mining Operations Permit 18-001, subject to noted conditions of approval; make required Reclamation Plan Findings in project staff report; and approve Reclamation Plan 18-001, subject to noted conditions of approval. Add condition: "No permanent fencing around site other than that needed to reasonably control vehicular access. (*Lizza/Roberts. Ayes: 3-0. Absent: Pipersky, Lagomarsini.*)

5. WORKSHOP

A. GPA 18-02: MFR CLEANUP. Currently, inconsistencies exist between minimum lot size and allowed density for multi-family residential land use designations. The land use designations in question consist of Multi-Family – High (MFR – High), Multi-Family - Medium (MFR – M), and Multi-Family – Low (MFR-L). The amendment proposes to adjust the minimum lot sizes for developments to match current density standards. The amendment allows for greater consistency across MFR parcels, creates flexibility to build on smaller MFR parcels, and encourages more efficient use of land. The General Plan Amendment also includes language for permitting historically allowed transient rental use in MFR units. Transient rentals (fewer than 30 consecutive days) are prohibited in MFR-L and MFR-M, except in areas of historical use. The amendment allows the County to document the existing complexes where transient rentals will continue to be allowed.

Bentley Regehr noted where STRs occurred historically. Exempt complexes: Aspen Meadows, Hideaway Down Canyon, Interlaken, Birch Creek, Edgewater, and Sierra Suns.

Limit condo development? *Through current STR process. Nonconforming uses.*

Sugimura noted Ch 25 STR applies to MFR-L, but some historically had STRs. Technically MFR-M not have STR. Allowing existing nonconforming use. MFR-H permitted subject to Use Permit.

How long MFR-M exist? *Sugimura: In existence long time.*

Roberts noted condos could be STR.

Sugimura indicated making it easier to build more MFR units for workforce, STR not used outright. MFR-M not a use. Conducted prior to current regulations.

Designations changed? *Sugimura: Research, zoning codes back to 1970s. Terminology has evolved over time. STR now called out as specific use.*

Trigger mechanism for TOT? *Sugimura: Biz license and TOT. No other land use requirements.*

Le Francois recalled early 1990s when Crowley Lake properties alternated month-to-month with transient. Fishing oriented, so nightly in summer, month-to-month in winter.

Sugimura stated MFR-H mentions four or more dwelling, but silent on STR of three or fewer. Address that? Le Francois suggested similar but not more obnoxious use.

Sugimura thought case by case to PC on three or fewer units as similar but not more obnoxious use or permitted outright or subject to Use Permit. Four units is CEQA threshold vicinity. Negative Declaration or something else for five or more.

Three or four units for family, four or more cluster?

Lizza thought could be exceptions.

Sugimura: Commission interpretation. Tell applicant STR not permitted in three or fewer.

How protect for long-term rentals? People go where make most money. Condos better for STRs than houses. Marine housing mostly four-plexes that look like houses.

Sugimura noted STR applies to residential. Transient separate for C, MU, etc.? *Regehr: Dwelling unit defined by building code.*

Duplex as STR with owner in half permitted? *Sugimura: No, Ch 25 not apply to MFR-H. Increase in density controls other development standards. Taking to RPAC, may package with Type II STRs.*

6. REPORTS

A. DIRECTOR: 1) Cannabis: BOS approved DeCoster retail cannabis shop; 2) Staff: Assistant Planner Kelly Karl is working on transportation grant, and Hailey Lang, who starts Dec. 3, has transportation experience; 3) Tioga Inn: Administrative draft early next year to update Specific Plan; 4) Housing with BOS: Dedicate staff resources specifically to housing, \$200,000 for housing, still sorting out; 5) Type II STR moratorium: Expires February, deal with it prior. Clear indications of many opinions in communities; 6) Prince STR: BOS approved; and 7) PC Dec. 20: For timely items: Tilth Farms, Bauer parcel map.

B. COMMISSIONERS: No items

7. INFORMATIONAL: No items

8. ADJOURN at 12:05 pm to regular meeting December 20, 2018

Prepared by CD Ritter, PC secretary