

# 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)

## SPECIAL MEETING DRAFT MINUTES

July 30, 2019

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**COMMISSIONERS:** Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Dan Roberts & Patricia Robertson

**STAFF:** Wendy Sugimura, director; Gerry Le Francois, principal planner (videoconference); Bentley Regehr & Hailey Lang, planning analysts; Christy Milovich, assistant county counsel; CD Ritter, PC secretary

**PUBLIC:** Colleen Julian

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Scott Bush called the meeting to order at 10:08 a.m. at the board chambers in Bridgeport, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

**3. MEETING MINUTES**

**MOTION:** Adopt minutes of June 20, 2019, as amended: Item 6B: **Lizza:** Local opposition to Tioga Green in Lee Vining expressed at BOS and to proposed new California fisheries regulation changes that do not really fit. Tioga Pass limited opening tomorrow. (Lagomarsini/Lizza. Ayes: 5-0.)

**4. PUBLIC HEARING**

**A. CONDITIONAL USE PERMIT 19-008/Julian Family Ranch.** Proposal for an equestrian facility on an Agriculture (AG-10) parcel located at 1292 Larson Lane, Coleville (APN 002-450-010). Proposed uses include horse boarding for up to four horses, riding lessons, youth programs, and special events. A CEQA 15301 Class 1 exemption is proposed.

Hailey Lang described proposed activities that included youth programs and special events subject to noise regulations. Fifteen parking spaces available.

Horse boarding four units? Yes.

Robertson: Cond. #7: Parking for special events limited to 15 vehicles. Lagomarsini: Parcel 20 acres, could expand parking. Bush: If increase parking need Use Permit Modification. Sugimura: Depends on size and scale. Bush: Has 20 acres, create specific parking spaces.

Sugimura: Shown on site plan. Show meet size of parking stall: 10' x 20'.

Bush: If events require more parking, carry to next PC meeting, change project description, clean up details.

Lizza: Site plan not show parking delineation. Four boarding spots mean one horse per spot?

Robertson: 20 stalls in two barns. Lizza: Why limit to four guest horses if 20 stalls?

**OPEN PUBLIC COMMENT:** Colleen Julian, applicant, has lived in area long time, owns 60 acres. Only wants to take on four horses. Pasture of five acres for overflow parking. 15 spots along fence line could be 40. Not want dogs, kids, chickens running around.

Events? Offer something like pumpkin patch, pony ride, face painting.

Small rodeos? Not now.

Pumpkin patch hours? Open-house style.

Delay hearing to look at Western-style weddings? Another two years to restore dilapidated property. Need more than 15 spaces. Sugimura: Special events need size and definition. PC discretion to define parameters of events.

Le Francois: Lots of space for parking. Set persons limit, adjust parking accordingly.

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

Events other than pumpkin patch? *Sugimura: Incorporate special events into use permit or one-time event permits. Maybe modify condition to say 15 spaces except for overflow parking in pasture for x events/year. No CEQA impact.*

Limit people, times/year? *Dealing with Walker and Coleville so maybe 100 people on Easter Egg Hunt. Opportunities for local residents. Maybe family-day event in summer.*

If four times/year events, no problem getting permit.

Lizza: Eliminate Condition 7.

Bush: Talk to CAO for any events on property requiring more parking.

Sugimura: Modify Condition 6: Amplified music or related systems permitted through special event permit from CAO. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Bush: Fine with event with proper clearance.

Lizza: Limit events to parking available.

Bush: Events with increased parking go through CAO. Change Cond. 3 to 30 spaces to handle any/all events.

Sugimura: PC want definition placed on size, scope/scale of events? Strike Condition 7.

Roberts: Threshold of 100 persons?

Sugimura: Staff will have questions on intent.

Lizza: Events apply with special event code.

**MOTION:** Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301 and instruct staff to file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 19-0087 subject to Conditions of Approval: 1) Modify Condition 3 to allow 30 parking spaces; 2) Modify Condition 6: Amplified music or related systems permitted through special event permit from CAO. 3) Strike Condition 7: ~~Events are limited to the number of parking spaces available on site, currently 15.~~ (*Lagomarsini/Lizza. Ayes: 5-0.*)

**B. GENERAL PLAN AMENDMENT 19-02: Housing Element Update.** The Housing Element, a required element of the General Plan, provides analysis of the county's housing needs for all income levels and strategies to meet those needs. It is subject to detailed statutory requirements regarding content and must be updated on an eight-year cycle, meaning the proposed element would apply until 2027. The Housing Element contains three sections: 1) Goals and Policies, which identify programs that promote the production of housing; 2) Technical Appendix, which provides background information, including demographics and a detailed site inventory; and 3) Progress Report providing updates on programs from the prior Housing Element. GPA 19-02 also includes two changes to the Land Use Element to ensure internal consistency with the Housing Element and compliance with State law: emergency homeless shelters are added as a permitted use in the Public Facilities (PF) Land Use Designation (LUD), and supportive/transitional housing is added as a permitted use in the Agriculture (AG) LUD.

Bentley Regehr cited changes to Housing Element based on suggestions by commissioners and staff. Process has been under way since 2017 with needs assessment, outreach to RPACs (22 meetings), eight with PC and BOS. PF (Public Facilities) must provide emergency shelters. AG land can allow transitional or supportive housing.

No way to distinguish between RV and tiny home, so need State law.

Tiny home like mobile home? *Sugimura: Tiny homes register with DMV as vehicle. Building codes have no jurisdiction over vehicles. Challenge when it's not real property but RV or mobile home (three or more on property become mobile-home park). Set density.*

Robertson: Barrier to tiny homes. *Sugimura: For Mono to have jurisdiction could create mobile-home parks but applicants do not want. Going to HCD is barrier for people. Same as RV. No definitions and mechanisms to regulate. Immediate solution is more RMH property for tiny homes. Considered homes but not classified as such. Tiny homes on foundations like manufactured homes become real property.*

Robertson: County-owned parcels, expanding RMH. ADUs great tool to increase housing stock for residents. Some used for nightly rentals. *Regehr: Regulate size of unit. Forced to put numbers and units.*

Add ADUs? *Regehr: Existing or new construction.*

Sugimura: Have small unit with maximum ADU size permitted outright. No restrictions on use as STR. PC could determine. Program says five ADUs.

Robertson: STR not count toward Housing Element; increase long-term housing stock.

Roberts: Nightly rentals essential to the economy.

Robertson: Five units could be long-term housing. Liked rehabilitation programs as component of housing stock. Convert under-utilized. Program 3.5: Conversation happening in Mammoth Lakes, CofC

creative thoughts. Serious concerns about viability, cost. Tahoe/Truckee found owners want to use their units, so not want long-termers. Property owners want subsidized property management, knowing tenants well vetted, guarantee unit not be damaged. How convince people to transition.

Roberts: In inventory table 30: 0.72-acre parcel location? *Regehr: Redevelopment at Gull Lake?*

Robertson: Definition of development potential? *Regehr: Table has vacant sites, parcels below development threshold.*

Sugimura: Direct staff to correct APNs.

Lizza: p. 85. Discuss fire insurance on wildland/urban interface. Seeing depressed property values. State has way to insure insurers. Add paragraph. How STR threatens long-term housing? Table 31 on where STR OK, where not. Tioga Inn project is workforce housing. Address in analysis? Housing workforce.

Robertson: Count toward housing needs? *Regehr: If restricted.*

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

Milovich: Revise resolution. Table until proper documentation (*Roberts/Robertson. Ayes: 5-0.*)  
No change to R19-02: Withdraw motion. (*Robertson/Lizza.*)

**NEW MOTION:** 1) Adopt Resolution R19-02 making the required findings and recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-02 as modified by the following changes: a) For Program 1.11, identify that the minimum of five accessory dwelling units that are to be permitted during the Housing Cycle must be for long-term housing; b) Add language to the physical constraints section to include the difficulty of obtaining home insurance due to fire hazard; c) Modify Table 31 to show where short-term rentals are allowed and include a brief discussion on how demand for short-term rentals is a constraint to long-term housing; and d) Revisit the tables of identified vacant sites to confirm the parcels are vacant and have accurate APNs.  
2) Authorize staff to make minor changes to the Housing Element based on any additional HCD input.  
(*Robertson/Lizza. Ayes: 5-0.*)

## 5. WORKSHOPS

**A. POLICY WORKSHOP ON LEGALITIES OF WALKER BASIN WATER TRANSFER:** Stacey Simon presented history on Mono County's involvement. Walker Lake in Nevada on Hwy 167 an hour out, declining, less fresh-water inflow, salinity/dissolved solids increased, so lifeless. Nevada Department of Wildlife introduced Lahontan Cutthroat incrementally to salt. Find solution to decline of Walker Lake. Federal lawsuit headwaters from two Mono valleys, water used for irrigation in Nevada as well. Bulk of irrigation in NV. Lake declined when agriculture intensified. In 1992, Walker River Paiute Tribe filed litigation on its water rights. Interstate waterway. Allocated rights to all users. Tribe thought entitled to more water. Then others like Mineral County sought to intervene. Through courts slowly. Serving every water rights holder on system for due process took 15+ years. Multiple attempts to settle case. Parties asked for delays (stay) in litigation. Water for lake, uses protected upstream. 3,000 water rights holders. Water can be acquired through lease. Willing transactions acquire water to send to Walker Lake. Sen. Harry Reid was dedicated to Walker and Pyramid lakes, got \$300 million for acquiring water for delivery from basins to Walker Lake. Studies, habitat restoration too. Large money with federal and nonprofit players (Walker Basin Conservancy) that Mono has no control over. Lot of angst in Mono County, \$300 million toward water rights, wanted seat at table. Reached out to NFWS (National Fish & Wildlife Service) that needed local input. Entered MOU with Mono in 2012. NFWF (National Fish & Wildlife Foundation) fund Mono's environmental review, processing. Mono got grant to start program for implementation of Desert Terminal Lakes Fund. Analyze full range of what could be done, make determination on options. Working with consultants to analyze impacts. If too limiting in recommendations, no reason parties must play ball with Mono. Water purchased by NFWF released to flow this summer.

Temporary solution? *Simon: Permanent solution if purchase water rights. Mono would prefer to lease water, less scary.*

Whole idea to keep Walker Lake where? *Simon: Improve to level far below 150 years ago, sustain farm-raised fish put/grow/take fishery.*

Water into lake that evaporates? *Simon: Desalinization. If squander opportunity for input, gone. Would happen without input from Mono. Ideas originated out of settlements. Eliminate cloud on water rights, owners' threat of future court tinkering with water rights.*

LADWP model? *Simon: Amount does not involve moving all irrigation water from these valleys. Significant portion but not dewatering. LADWP not compensated for loss of Mono Lake. Court tells what law is and has been. If diversion of water exceeds...*

Bush: Compromise for landowners. Biggest in North County. Large families with no children, take cash let land grow fallow. *Simon: Program not yet started, unsure how play out. Owners use water from Antelope Valley Mutual. Mono can only shape impact of already-approved project.*

What will North County look like 20 years hence? *Sugimura: NOP phase closed on issues for EIR doc. Working on incorporating comments into modified project description. Comments received. Analyze through EIR, modify alternatives with enough info so could be adopted. Will have preferred alternative.*

*Simon: Not our project, not control it. We want to know impacts, mitigation measures but decisions outside Mono's jurisdiction. Help guide toward better choices on how move forward in Mono.*

Water diverted, valley dehydrated? *Simon: Potentially risked good will of players by not proposing to analyze full range of options. Need data to advise about adverse consequences. Include worst and best.*

Grading practices? *Simon: Discussed since day one. Looking at all viabilities. Maybe new ideas.*

Bush: Nevada has its own interests. *Simon: Nevada already acquired 45% to hit targets from Nevada.*

Robertson: Mason Valley region due to development of industrial park, pressure taken off agriculture.

*Simon: Nevada water acquisitions easier to deliver. Inherent reasons for bias. NFWF preference was water rights closer to Walker Lake. Nevada not running program but has interests; i.e., Mineral Valley.*

Robertson: Mono part of water basin. *Simon: Nobody owns water, only right to use. Water rights different from property rights.*

Robertson: Options. Percentages on how much can sell. Create ways to protect. *Simon: no authority to restrict, just educate toward better choices. Mono is not water rights holder. Selling land as well.*

**B. POTENTIAL GENERAL PLAN AMENDMENTS:** 1) Direction from the Mono County Board of Supervisors, the Commission is requested to consider removing Multi-Family Residential – Low (MFR-L) from Chapter 25 as an eligible land use designation for short-term rentals in single-family residential units; 2) Correct a typographical error to Estate Residential setbacks to be consistent with State law.

Wendy Sugimura noted more GPAs added. Ch. 25 GPA 19-001, BOS requested MFR-L be eliminated (allow STR in MFR duplexes, triplexes, etc.). PC needs to deliberate before BOS consideration.

Setbacks 04.120: One setback for ER and RR = 30' = Cal Fire standard for > acre. Setbacks 10' rear and side for < acre.

Because of cannabis, had small-scale agriculture definition. Should be subject to primary residential use + small-scale.

Ch 4.280: Install on permanent foundation in MU designation. Easier to streamline CEQA for individual projects. No mitigation measure to stop work and notify appropriate agencies of archeological find. If human remains found, stop work.

Countywide STR change to owner and non-owner occupied. Change all nomenclature.

Update Safety Element's climate change policies. Revisit fire and flood in Safety Element.

Intent with GPA is stay non-controversial.

Corrected Chalfant in Hazard Mitigation Plan? *Sugimura: Will verify. Actually, Safety Element.*

*Sugimura: Notify tribes with three-month comment window. To RPACs as well.*

## 6. REPORTS

**A. DIRECTOR:** 1) Tioga Inn: Requests to extend comment (CEQA says no longer than 60 days, already was 60), workshop tonight in Lee Vining; 2) 3D Housing: Not yet finalized, need waste management; 3) Two SP amendments: June Lake Highlands wants STR on few parcels; 4) Four DR; 5) RTP will be out before end of year; part of Housing Element cycle; 6) Sage grouse: Listing target date Oct. 1; 7) Housing Mitigation Ordinance: Workshop to PC.

**B. COMMISSIONERS:** **Lizza:** Trying to sell business. To BOS on Tioga Green: Supervisor Stump minimized work of RPACs, he defended. Lee Vining kids doing fine, no impact on outskirts of town. Helped worker at no compensation. **Lagomarsini:** Chalfant turn-lane project under way after three years. **Robertson:** Town purchased 25-acre parcel for workforce housing, in land-use planning process. 350 units. Aug. 20-23 workshops. **Roberts:** None. **Bush:** Watched BOS video, Lizza defended RPACs. Not everybody goes, discount what's said. BOS made the program. Ask more people to show up. Don't hate on what's there. When people show up, they're serious about what they're saying.

## 7. INFORMATIONAL: No items

## 8. ADJOURN at 12:54 p.m. to regular meeting September 19, 2019 (cancel August 15 meeting)

*Prepared by CD Ritter, PC clerk*