

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

SPECIAL MEETING MINUTES

MAY 8, 2014
(Adopted July 10, 2014)

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

STAFF: Scott Burns, CDD director; Gerry Le Francois, principal planner (phone); Courtney Weiche, associate planner; Brent Calloway, associate analyst; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Mary Pipersky called the meeting to order at 10:09 a.m. in the Board of Supervisors Conference Room at Sierra Center Mall, Mammoth Lakes, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Supervisor Stump announced proposed utility corridors over Westgard and Montgomery passes up against the White Mountains, maybe on public lands. Concern: Court settlement of Center for Biological Diversity v. USFWS to address 200+ species, including frogs and toads. New species could be bats and goshawks. Any future listing might spill over onto private land to create habitat. The BLM will present at next CPT meeting.

Higerd introduced Paul Roten, new civil engineer at Public Works.

3. MEETING MINUTES:

MOTION: Adopt minutes of March 13, 2014 (*no April meeting*) as submitted. (*Bush/Lizza. Ayes: 4. Abstain due to absence: Pipersky.*)

4. PUBLIC HEARINGS:

A. AMENDMENT #32 TO SIERRA BUSINESS PARK SPECIFIC PLAN/Mono County. Adopt Resolution R14-02 taking actions recommending that the Board of Supervisors approve the proposed Specific Plan Amendment, amending the Specific Plan to: 1) make minor technical changes; 2) require any proposed use to be reviewed by the Land Development Technical Advisory Committee (LDTAC); 3) clarify requirements for on-site storm-water retention and oil/water separator; 4) consolidate references to fencing and screening requirements into one section and clarify appropriate construction, design and applicability; 5) require Verticrete (or similar material) to screen use along property frontage; 6) require areas for vehicular access and storage areas to be paved to facilitate on-site retention system; and 7) clarify snow storage shall be equal to 25% of the area from which the snow is to be removed. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized.

Nick Criss corrected Amendment to #2, and presented background. Uniform Building Code is now California Building Code, and other technical changes were inserted. All new projects go to "Mono County"; i.e., Land Development Technical Advisory Committee (LDTAC) (revise wording). References to screening and fencing were consolidated, design applicability clarified. Verticrete walls on property frontage unless owners association objects. Oil/water separators don't work without pavement. Snow storage: 25% of area.

Comments on proposed language: Concern with owners association's approval authority, as board changes often, maybe no consistency. Vary from Verticrete requirement? Drywells: Some projects encompass more than one lot, so consolidate as one use or project, not per lot.

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

Verticrete? Criss described it as pre-formed concrete wall to look like rock façade, panels between pillars. Along frontage of each lot, per owners association, for uniformity and screening. Verticrete is licensed product. Why is Mono involved with Verticrete? Criss explained it's in the Specific Plan.

Scott Burns recalled controversy when BOS approved it to avoid the clutter and disorder of Mammoth Business Park. Screening provides uniform, clean look. Question of delegating authority to an association.

Fencing? Criss noted Specific Plan reads barbed wire on perimeter fencing. Rob Morgan noted it was to keep cattle out; not allowed in park itself. Burns indicated it would allow landscaping without cattle roaming through. Criss would clarify wording as entire project, not lots. Fred Stump recalled Long Valley FPD interpreted it as perimeter of site, not between lots.

OPEN PUBLIC COMMENT: Tom Sigler, Eastern Sierra Propane, expressed concern about tanks. **He has dirt lot, so needs water/oil separator?** Are all lots to be paved? Too vague, a lot of asphalt.

Criss noted it depends on use of property. Paving facilitates use of oil/water separator. Nothing says how much of lot needs paving. "All areas 'devoted to' vehicle access, parking and equipment storage shall be paved."

Rob Morgan's main concern is roads designed with catch basins. Water from lots runs onto roads, drainage is inadequate. Water table is high, within 20' of surface. Oil dripped in dirt would be absorbed. If dripped on asphalt, would pond. Don't need separator.

Concern for oil in dirt or in water supply? Criss noted oil absorbs into dirt. Commissioner Bush regarded oil in water as a problem. Oil sits on pavement, but goes into dirt. Paving changes the landscape. Dirt is sometimes more forgiving. Expense vs. benefit.

Sigler suggested a drip pan wherever vehicle is parked.

Morgan noted normal snowpack water from lots runs onto roadway when ground gets saturated. One lot has 15-20 non-operable vehicles with potential of spill. Looks like salvage yard. Concern is water quality.

Scott Burns suggested a topic for LDTAC. Consult with Garrett on rationale.

Stacey Simon stated a designated vehicle area has to be paved.

Sigler asked if pollutants from parked vehicle must be collected. Garrett Higerd cited a challenge as something orderly for all parcels, equally enforced standard for all properties. Difficult to enforce with varying standards. Latitude for discretion: RVs without motors. Oil in soil potentially leaks to groundwater.

Bush noted gasoline doesn't stay in ground. Oil takes cleanup, gets eaten up by microbes. Doesn't destroy it forever. Few drips on ground do not poison water. He thought Sigler wanted clarity on rules.

Criss described these as changes going forward, not retroactive. Separators need to have pavement.

Simon suggested two changes: 1) areas devoted to motorized; and 2) narrow definition of equipment storage that potentially leaks contaminants.

Morgan asked about authority on drywells. Burns acknowledged no trigger for review. Now, use is reviewed by LDTAC. Other uses are legal nonconforming.

Higerd noted that rain-caused erosion ends up in drywell. Morgan saw it as a maintenance issue for water manager. Pump out siltation.

Bush asked if vehicle leaking oil is part of public nuisance. Criss cited environmental regulations. Simon noted nuisance actions are private causes. Criss added "behind walled off or locked gates."

Morgan noted drywells cost \$2,000-\$2,500, a cost Higerd described as significant.

Stump asked if installing drywells is retroactive. [Park] was developed under a set of conditions. Not big fan of retroactive when people participated in process in good faith. Criss stated drywells were in original document.

Commissioner Thompson suggested bringing the whole package back. Soils are hydrophobic; sheeting is a rare event; and downpour creates runoff. Also no fan of retroactive.

Simon noted current owners are in violation of existing Specific Plan, but it's not yet enforced.

Higerd indicated Public Works is not involved unless grading permit is required. Threshold is not exceeded by some of development at business park. Drainage system is in bathtub shape – everything finds its way down. Runoff from parcels was not considered. Need on-site retention.

How many uses are out of compliance on drywells? Morgan cited two or three, one especially.

Commissioner Roberts didn't want to increase impervious surfaces to justify oil/water separator. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Stacey Simon indicated if Commission conveys concept, staff will work out language. Burns noted new requirement of Public Works review. Maybe have alternative systems to paving. Criss has observed some owners just put stuff there without permits. Instruct to install drywells. Simon suggested clarification: "Areas devoted to vehicle access, parking and storage of equipment or materials which have potential to discharge oil or other petroleum-based contaminants shall be paved unless otherwise approved by LDTAC."

MOTION: Adopt Resolution R14-02 taking actions recommending that the Board of Supervisors approve the proposed Specific Plan Amendment #2, amending the Specific Plan to: 1) make minor technical changes; 2) require any proposed use to be reviewed by the Land Development Technical Advisory Committee (LDTAC); 3) clarify requirements for on-site storm-water retention and oil/water separator; 4) consolidate references to fencing and screening requirements into one section and clarify appropriate construction, design and applicability; 5) require Verticrete (or similar material) to screen use along property frontage; 6) require areas for vehicular access and storage areas to be paved to facilitate on-site retention system; and 7) clarify snow storage shall be equal to 25% of the area from which the snow is to be removed. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized. Homeowner wording changes; item 15a - "Areas devoted to vehicle access, parking and storage of equipment or materials which have potential to discharge oil or other petroleum-based contaminants shall be paved unless otherwise approved by LDTAC"; clarification of barbed wire around perimeter only. (Roberts/Lizza. Ayes: 5-0.)

B. EXPANDED HOME OCCUPATION 14-001/Draper (continued at applicant's request). Consider proposal to cut, split and deliver firewood as needed from owner's residence to buyers as an expanded home occupation. Owner is the sole employee, and on-site storage would be limited to a few cords of firewood. Business would be conducted as needed, but may operate daily. The property is approximately 1.3 acres (APN 011-040-029) located at 110 Mt. Patterson Dr., Bridgeport, and has a land use designation of Estate Residential (ER). A CEQA exemption is proposed.

Scott Burns cited this as the first expanded home occupation application. No staff report due to last-minute continuance; need more information from applicant. Attendees wanted to speak.

OPEN PUBLIC HEARING: Over a month ago **Karl & Joy Moldenhauer** purchased a home for beauty and serenity next to proposed project. They have been coming up for 30+ years for peace and quiet, and were upset by proposal. Wood lot in residential area would diminish quality of life. Joy recited restrictions in County Code regarding noise and visual impact. Firewood involves chainsaws, log splitters, traffic, blowing dust and wood debris, and vehicle exhaust. Noise travels fast. Visual eyesore. They opposed one day/week let alone seven. If permit is granted, no way to un-ring bell. Please do not approve. Will attend continued hearing in August.

Howard Johnson, owner east of subject property, stated complete opposition. Not good or fair use. Prime estate residential properties face Sawtooth Range, respectful of neighbors. Met with longtime planner Keith Hartstrom and spent an hour at the property. Fire safety issue already occurred on subject property – pile of sagebrush on windy day, burn barrel on property. Would enhance applicant's property value but devalue other properties. Would need justification, like for a variance. Otherwise, no fairness. He suggested looking around for more-appropriate properties; e.g., industrial loop by Caltrans yard away from neighbors, off highway. **CLOSE PUBLIC HEARING & CONTINUE TO AUG. 14.**

C. GENERAL PLAN HOUSING ELEMENT UPDATE. Adopt Resolution R14-03 taking actions recommending that the Board of Supervisors adopt the Housing Element Update. The Housing Element Update identifies and analyzes existing and projected housing needs, plans for the long-term provision of housing for a variety of income levels, and articulates County's programs and policies for preservation, conservation, improvement and housing production for the 2015-21 planning period. The update does not propose significant changes from the current Housing Element, and an addendum to the existing General Plan EIR is being utilized.

Brent Calloway showed timeline of update, including outreach to agencies and RPACs. Yearly progress report was sent to Housing & Community Development (HCD). The continuous web-based document automatically updates table of contents. The 2010 Census data were incorporated into tables. Rural area requirements for additional units were reduced from 292 to 46. Vacant parcel analysis was redone

completely for June Lake and Bridgeport, nonexistent for Lee Vining. Lane use controls: allow transitional/supportive housing with same permit process as actual structure being built.

Commissioner Lizza asked how to cite Housing Element sections. *General Plan (GP) into new digitally based format. Housing Element came quicker, so no formatting until figured out for GP update.*

Commissioner Roberts spotted typo in Aspen Springs on charts. Stacey Simon noted unusual format for Program 4,45: Do not use comma.

Scott Burns predicted that Digital 395 is upon us and most users will be online, not consulting a stack of documents. The GP will be more user friendly. Meet state deadline for Housing Element, get rest later.

Lizza wondered if transient overlay districts have potential to affect housing inventory. Burns clarified that it's for people who want to live in a house and rent a few times/year. Assumption is that house is not occupied full time. Calloway noted owners could rent seasonally as transient rental.

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

MOTION: Adopt Resolution R14-03 taking actions recommending that the Board of Supervisors adopt the Housing Element Update with formatting changes, typo correction, monitoring permanent housing conversion into transient rental housing. *(Lizza/Thompson. Ayes: 5-0.)*

5. WORKSHOPS:

A. PLANNING COMMISSION RULES: Stacey Simon explained that changes since review at February meeting were purely stylistic. Resolution R14-05 will be continued before going to BOS.

MOTION: Adopt Resolution R14-04 updating Planning Commission Rules. *(Bush/Roberts. Ayes: 5-0.)*

B. DEVELOPMENT CREDITS: Brent Calloway explained the program that started in 1980s, hidden in General Plan (GP) inside Bridgeport, Hammil Valley and Bodie Hills area plans. Proposed new chapter for all agriculture (ag) policies. Set up process to keep large ag parcels. Plenty of potentially developable land exists but could be controversial. Development credit allows single-family residence. Originally a ledger of development credits, now included directly on GP maps. Development credits were grandfathered in, now static. No policy change, just organizing.

Scott Burns noted water-ski lake in Hammil Valley has 10-acre minimum. Ideally, place sensitive land next to Bridgeport. Bridgeport has some parcels up to 640 acres. All Bodie Hills land is ag.

Williamson Act? State discontinued funding, so Mono is no longer involved.

6. REPORTS:

A. DIRECTOR: 1) **Frog/toad listing:** Handout. 2) **Sage grouse:** Comments till June 7, six-month decision deadline extension. Focus on Bi-State planning effort by Calloway and Sugimura. \$38 million to implement Bi-State. BLM will fund staff time to tighten up data if USFWS does not list and gets legal challenge. Part of General Plan (GP) update, with Dr. Paulus as consultant. Come up with policies to mitigate impacts for Conservation/Open Space Element in GP. Public workshop May 27 in Bridgeport: Help understand critical habitat and refine rule to continue standard agriculture practices. 3) **Heather deBethizy** starts as Bozeman city planner tomorrow. Not likely to fill Heather's position. 4) **County budget crisis:** Reduce expenditures, 12 Commission meetings/year. More project inquiries. BOS views Commission as supportive of economy. Excellent staff juggles things well, but can't take on much more. 5) **Budget town hall meetings:** Throughout county in May. 6) **Mono City road:** BLM's Environmental Assessment supplemented with CEQA, close in few weeks, then to BOS. Emergency gates replaced boulders. 7) **Conway Ranch:** Eastern Sierra Land Trust holds easement. RPAC input, different interests. Established to allow continued fish rearing, isolating that area, stringent development standards for future facility growth. Draft is out for public review.

7. INFORMATIONAL: No items.

8. ADJOURN at 1:25 p.m. to June 12, 2014

Prepared by C.D. Ritter, commission secretary