

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

January 18, 2018
(Adopted February 15, 2018)

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

STAFF: Gerry Le Francois, principal planner (videoconference); Wendy Sugimura & Michael Draper, analysts; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS: CAO Leslie Chapman, Sheriff Ingrid Braun, Charlie Brown

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:07 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 December 21, 2017, as submitted (*Bush/Pipersky. Ayes: 4. Absent: Lagomarsini.*)

4. PUBLIC HEARINGS: None

5. WORKSHOPS

A. CANNABIS REGULATIONS – An overview of application requirements and restrictions established by State departments followed by options the County may take to meet specific concerns as discussed at previous meetings.

Wendy Sugimura introduced the topic with statewide news. Revocation of Cole memo created drama, but difficult to ascertain effects. Layer of guidance removed, but action in other form is unknown., Sense of more uncertainty. Calaveras County banned cannabis on 3-2 vote after fluctuation on issue.

C and MU: What are "off-hours"? Address odors generally on nuisance level. Main Street policies: Attractive, maintained storefronts. Non-public uses off Main Streets. Activity on Main Street frontages. Offices different from vibrant, active storefronts, not drive traffic. Not all uses have same amount of activity. Hustle, bustle on Main Street. State cannabis regulations involve security features. Go with #4: Allow subject to discretionary retail permit process and encourage retail uses.

Michael Draper noted State is allowing temporary licenses, taking applications for annual licenses. State setting license fee and taxes. Mono wants to avoid duplication. Lahontan has its own regulations. Temp license allows business to operate while in application process. BOS not want temporary program. State looking for local approval, CEQA compliance, security bond of \$5,000 for 20 or more employees. Communities hiring more staff or consultants to deal with number of permits issued.

Inyo differentiate between large and small permits? 500' separation between businesses, as with Town. Return to CAC where concentration and number could be significant, Bridgeport same. Lots of interest in cultivation. Concern with number, concentration, Mono staff capacity. Cost passed on to operator. Had inquiries, but unknown actuality.

Calaveras influence Mono market? Some components in County code or General Plan. Tribal consultation period, three months for GPA. If keep all in house, could process 10.

Bush asked if PC wants to limit number of permits for cultivation for any given reason.

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

Lizza thought limiting number is contrary to encouraging small entrepreneurs. Issue should not be staff capacity.

Bush asked if BOS is doing it because it has to. Sugimura described BOS as more conservative on issue than PC.

CAO Leslie Chapman felt strongly. Limit is temporary, new industry, want to control. BOS nervous about Calaveras and others that have stumbled. Don't know enforcement, illegal monitoring. Discussion around State on market capacity. Easier it's made, the more ag industry is displaced. Maybe 50% not in business in few years. Not know how industry is going to mature. More of control thing, more than can handle.

BOS talk of saturation of land? Until open up permitting process, don't know who's out there, how serious, viable business plan. Unanswered till start permitting process.

Roberts saw 10 as measured approach, but Lizza thought 10 is very small number for county size of Mono.

Setbacks: Draper cited Butte County setbacks. Ag 50' front, rear, side. 300' for 20 acres or greater (from consultant) or adjacent to habitable structure owned by someone else. Outdoor grows not allowed on half-acre parcels.

Christy Milovich cited enforcement issue if under age 21 on property.

Setbacks due to nature of product? Yes. Draper noted valuable at small amounts.

Why need 300' unless have houses? Sugimura described setbacks as additional buffers to protect adjacent parcels.

Charlie Brown wanted to consider shapes of properties, like long, narrow in Antelope Valley.

Sugimura noted 300' from inhabited structures under separate ownership (odor control), from public rights of way, adjacent parcel not in ag use. Standard setbacks otherwise. Bush thought setbacks should not be punitive.

Draper mentioned visual screening: Fences < 7' high permitted but not required. Sugimura noted Mono typically does not have fencing. Growers might do as part of operation. Consider visual impact on viewshed.

Odor: Draper required odor mitigation plan or indicate why not needed.

Security plan: Required, subject to approval by law enforcement and code compliance. Include dark sky regulations. State leaves out security for cultivators. Background checks.

Sheriff Ingrid Braun wanted background checks on all employees. Illegal for minors to possess, traffic on black market. Not onerous to LiveScan (fingerprint-based).

With authority of sheriff? Braun can't prohibit but recommend disqualify. Could prohibit a license. Sheriff could recommend disqualification of employees based on their record.

Security plan across all industry types?

B. SHORT-TERM RENTALS & JUNE LAKE AREA PLAN UPDATE: Wendy Sugimura will delete redlines, return for final review. Type II defined in JLAP (June Lake Area Plan), moratorium expires Feb. 25.

Does Ch. 25 prohibit ads for illegal activity? If have commercial use, cannot advertise illegal activity. JLAP info: None changed from last meeting. Four pages condensed to one, items moved elsewhere. PC changed Clark Tract to year-round I and II, subject to discretionary permits. Upper Clark: Type I only, summer only (April 16 - Oct. 31), cap 3% including two STRs already approved. Make sure maps are incorporated. New Type II prohibited. Road conditions moved to Ch. 26. Rodeo Grounds to be explored for STR if Specific Plan is ever enacted. STR specific to owner, not property. Safety, infrastructures, small parcels with emergency access, HOA opposition are reasons for denial. Enforcement largely unchanged. Consider providing... Hotline for complaints, illegal rentals. Annual renewal: Cost to property owner, staff time at \$99/hr. Something to trigger it, not just blanket, no cost. Complaint? PC general consensus was not necessary. Subject to business license and TOT certificate. If violations ensue, annual renewal can be initiated. Lizza preferred only if violation. Penalty phase could be annual evaluation. Landline phones for emergency calls. Lizza: Places off grid, no electrical or phone. People renting remote experience. PC approves UP under Ch. 25. Ability to call for emergency services is required.

Roberts thought shut down due to dirt road could be used by any opponent. Puts PC at disadvantage. Sugimura indicated discretionary. Places onus on opposition to demonstrate roads are safety hazard. What if emergency vehicles can't access? Roberts thought these things should be considered.

Bush: Before approval is granted, not just reasons to deny.

Emergency services, utility and fire districts sign off? Sugimura indicated not for STR. She also reminded that Mono has no jurisdictional authority to require property owners to do anything. Bush noted owner could sell, bump up price. Make it follow owner, not house. Not permanent thing.

Type II feedback? Moratorium extension regardless of details discussion? *Yes*. Way to lift moratorium? *If moratorium expires, could apply for TROD. GPA still has overlay district.*

Lizza thought June Lake holds up [impedes] PC, so just do moratorium at June Lake. Sugimura noted Type II not JL specific, but countywide concern drove moratorium. Sugimura will let CAC know what's going on.

Roberts recalled PC/BOS meeting; Johnston thought rentals handled better with Use Permit. Once granted, it's done.

6. REPORTS

A. DIRECTOR: Director Scott Burns retired Dec. 31, still available. Sugimura is interim director, will fly position later. Two vacant positions: analyst, permit tech. Recruiting challenges, so application period extended when not have good applicant pools... Next couple months very busy. Package GPA for April: STR, cannabis, housing mitigation ordinance, RTP/Circulation Element. PC recommendation in March. Public hearing at BOS in April till decision... LHMP (Local Hazard Mitigation Plan) draft from consultants next month, RPAC tour, to PC, which will impact Safety Element. Another GPA for Safety element... North County water lease at Walker Lake, consultant on board... Scenic byway project wrapping up, ag grant. Housing policies after needs assessment, housing mitigation to address workforce housing. Housing Element update 2019.

B. COMMISSIONERS: Former planner bought hotdog cart, couldn't be happier. Bush was longtime manager at Chevy, moved to mountains, kept adding stuff to his life. Lizza's schedule overwhelming.

7. INFORMATIONAL: No items

8. ADJOURN at 1:35 pm to February 15, 2018

Prepared by CD Ritter, PC secretary