

MONO COUNTY PLANNING COMMISSION

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MINUTES

June 14, 2018
(Adopted September 20, 2018)

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

STAFF: Wendy Sugimura, interim CDD director; Nick Criss & Jake Suppa, code compliance; Walt Lehmann & Paul Roten (teleconference), public works. Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS:

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

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES** (*no May meeting*)

- March 22, 2018: Approve as amended: 1) Commissioner Lagomarsini was present. (Pipersky/Lagomarsini. Ayes: 4. Absent: Lizza.) Retracted. (*Pipersky/Lagomarsini. Ayes: 5. Absent: Lizza.*)
- March 22, 2018, adjourned to April 5. (*Pipersky/Roberts. Ayes: 3. Abstain due to absence: Lagomarsini. Absent: Lizza.*)
- April 5, 2018: Approve as submitted. (*Roberts/Pipersky. Ayes: Abstain due to absence: Lagomarsini. Absent: Lizza.*)

4. **ACTION ITEM**

A. ROCK CREEK CANYON SPECIFIC PLAN & TRACT MAP: Interpretation of setback requirements for Lot 6. Recommendation: 1) Find that the buildable area for Lots 1-6 is established by setbacks as stated in the EIR text; and 2) Determine if the nearest bank is part of the irrigation ditch or the stream for measuring the setback distance to the chicken coop.

Wendy Sugimura gave applicants opportunity to await full commission. Today needs at least three positive votes to pass. If two/two, fails. Applicants wanted to continue.

Jake Suppa presented a PowerPoint on the project. Coop less than 120 sf so no permit required. Disturbance envelopes and stream/ditch setback are at issue. No building area was defined on lots one to six. Continuation of historic uses in Specific Plan and Tract Map. Weir is notch or depression that could increase or decrease flows. Bank is sides of channel between which stream flow is confined. General Plan provides 30' from top of bank. **Variability and obscurity** in situation.

Problem for creek, pollute, danger, flood? *No.*

Purpose of setback rule? *Buffer between riparian ecosystem and development activity.*

Lagomarsini noted ditch flows year-round, eventually into Rock Creek.

Is ditch part of creek? *Two distinct channels have two distinct banks. Up for interpretation.*

Pipersky wanted to distinguish between creek and ditch. Specific Plan states restrictions on building near creek, but irrigation channel is historic pre-existing use. Bush indicated **10' from ditch, 30' from creek.**

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

Suppa stated rock weirs make efficient use of water, preferred as passthrough for fish, mayflies.

OPEN PUBLIC HEARING: Maggie Palchak presented downstream photo and presented five support letters. Manmade bank of sand bags. Fence goes to water. In original design. Coop constructed in Feb 2018.

Set precedent to build wherever want to? Suppa noted lot 6 left out in original recording. Bush indicated topography restricts building area.

Applicant Jim Lewey feels privileged to live there, tries to be as respectful and legal as possible.

CLOSE PUBLIC HEARING.

DISCUSSION: Creek goes through three lots? Suppa **hasn't analyzed other lots**. Pipersky stated fence allowed up to banks, meet setbacks if look at creek itself and ditch individually, unconditioned building **6' x 10' so no permit needed. Really not an issue, continue as is.**

Roberts thought in history of development, important scenic and cultural resource became enclave for affluent elites. Begging forgiveness not asking permission.

If ditch is part of creek? Roberts would consider a variance.

Lagomarsini cautioned when cleaning coop, be careful not to let waste into ditch or stream. Variance more appropriate. Been careful, but it does go back into Rock Creek.

Where does ditch begin? Against environmental law to let waste into creek? Palchak cited her own environmental background.

Lewey noted deep layering, clean coop twice per year to spread on garden.

Sugimura noted **where ditch goes to downstream parcels, need 10' setback. Measuring to bank of ditch or the creek here?** Roberts thought measure to center of weir, half ditch, half creek.

Bush noted concrete head gate would not be a problem.

MOTION: Buildable area for lots 1-6 is established by setbacks as stated in EIR text, PC determined nearest bank is part of ditch for measuring setback distance to chicken coop. (*Lagomarsini/Roberts. Ayes: 4. Absent: Lizza.*)

--- Break: 10:44-10.50 ---

5. WORKSHOP

10:40 A.M.

A. LOCAL HAZARD MITIGATION PLAN. *Staff: Dana Hoffman, Michael Baker International*

Wendy Sugimura introduced Dana Hoffman, project manager. Hazard mitigation means reduce or eliminate long-term risk to life and property. Required by FEMA (Federal Emergency Management Agency) and CalOES (California Office of Emergency Services) for funding. CWPP (Community Wildfire Protection Plan) is included, focused on fire on local and federal stakeholders. Influence where federal agencies concentrate fuel-reduction projects. Joint effort by Town and County. Five stakeholder meetings gave feedback on specific hazards. Significant community outreach was held. Used existing data from past studies. Main goal is approved plan that qualifies for FEMA post-disaster, shelf life five years, set up Mono to access mitigation grant funding. Educate community on hazards, reduce risks over time. Specific to climate change. Community events, seven RPAC meetings, Mono website, online survey posted and distributed. Draft plan open through end of July.

Planning team evaluated 14 hazards, including climate change. She presented structure of plan. Changes in development occurred since last plan. Twenty priority mitigation actions for next five years, additional for long term. High level of six communities with lone access route. Fire assessments included in Ch. 7, missing from Ch. 3 and Ch. 4. Design secondary access routes. Wildlife/vehicle collision included this time. Receive comments from PC and public, eventually to BOS. Submit to FEMA and CalOES in August.

Bush commended an amazing amount of work. Roberts described it as comprehensive. Into Code once adopted? Hoffman cited recommendations on reducing risk, option to apply for grant funding.

Lagomarsini noted extreme heat was omitted. Retirees in Chalfant need consideration. Hoffman thought it could be included in additional analysis. Short timeline, so may not happen. Sugimura **suggested adding "specific to Tri-Valley."**

Roberts recalled Petersen Tract had access routes. Different from June Lake Area Plan.

Hoffman: Slope issues, focused on hazard areas covered, not high fire area.

Roberts indicated step hill into Williams tract.

Pipersky: Utilities and loss of electricity, internet a hazard, or hazards result in that?

Hoffman: One hazard can lead to another; e.g., fire to flood. Discussed under wind and fire, not evaluated in that way. FEMA has specific hazards. More a risk than hazard?

Bush thanked Hoffman.

6. REPORTS

A. DIRECTOR: 1) **GP update:** Cannabis applications opened June 7, two complete apps; 2) **Opening day of STR:** Expect June Lake applications; 3) **LADWP irrigation:** Discussion with LADWP re irrigation practices in Long Valley, impacts to sage grouse and ranchers; 4) **Water transfer:** Workshop on North County water transfer program, public trust doctrine and Walker Lake in Nevada (level decreasing, terminal lake, endangering ecosystem). Acquire water rights to keep water in stream and into lake; CA and Nevada involved. MOU triggers CEQA. Voluntary program. Cannabis uses lots of water. Conceptual outreach point, bring shaped program soon. LA County \$7 million already in all activities. Mendocino, Santa Barbara, Humboldt top counties. District Court weighed in on decisions. Legal questions got resolved. How to interpret tribal rights, public trust doctrine. Entire watershed of Walker at issue, two forks. North of Conway Summit. CEQA consider impacts to riparian, sage grouse, wet meadows, etc.

B. COMMISSIONERS: Roberts: CCPCA (California County Planning Commissioners Associations) conference. planningcommission.org for presentation. Enviro greenmailing; phonyuniontreehuggers.com Elevator inside Shasta Dam, co-generation facility using heat, steam to kilns to dry lumber. Anderson is just south of Redding. No date set for Eureka. Noah Levy will organize. Shasta conservative and hippies as well. Sugimura reminded of travel/training budget for PC.

7. INFORMATIONAL: No items

8. ADJOURN at 11:30 am to regular meeting July 19, 2018

Prepared by CD Ritter, PC secretary