

# 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)

## AGENDA

June 15, 2017 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

\*Videoconference: Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

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Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / boards & commissions / planning commission](http://www.monocounty.ca.gov/boards%20&%20commissions/planning%20commission). For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

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*\*Agenda sequence (see note following agenda).*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda

**3. MEETING MINUTES:** Review and adopt minutes of April 20, 2017 (*no May meeting*)

**4. PUBLIC HEARING**

**10:10 A.M.**

**A. INTERPRETATION CONDITIONAL USE PERMIT 17-005/Simensen** for use of a home for a short-term rental (type I) with the owners living on site on an adjacent property. The properties are located at 332 and 342 Kinsley Street in Bridgeport. These parcels (APNs 008-132-027 & -017) have a land use designation of Multi-Family Residential Low (MFR-L). A Planning Commission Interpretation will be required to issue the proposed use permit. A CEQA exemption is proposed. *Staff: Gerry Le Francois*

**10:40 A.M.**

**B. CONDITIONAL USE PERMIT 17-004/Connolly** for use of a home for a short-term rental with the owners living on site (type I). The property is located at 326 Juniper Drive in Crowley Lake. This parcel (APN 060-120-005) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed. *Staff: Gerry Le Francois*

**11:10 A.M.**

**C. CONDITIONAL USE PERMIT 17-010/Paiva.** Construction of a new 2,300-square foot retail space, sign and landscaping plan for a Western arts and crafts gallery. The two-acre vacant property is located adjacent to Toiyabe Motel and Walker Flea Market on US 395 in Walker (APN 002-332-009). Land use designation is Mixed Use (MU) and Estate Residential (ER). A CEQA exemption is proposed. *Staff: Gerry Le Francois*

***More on back...***

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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

**11:40 A.M.**

**D. CONDITIONAL USE PERMIT 17-006/Race Communications – Mono City/South of Chalfant & VARIANCE 17-001/Race Communications – Mono City Connector over US 395.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Mono City and the community of White Mountain Estates located south of Chalfant. The project entails placement of new overhead strand and fiber on existing utility poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A Variance is required to permit installation of new overhead strand crossing US 395 on existing poles within a Scenic A CEQA exemption is proposed. *Staff: Paul McFarland*

**12:05 p.m.**

**E. CONDITIONAL USE PERMIT 17-008/Race Communications – Sunny Slopes, Aspen Springs and Tom’s Place.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Sunny Slopes, Aspen Springs and Tom’s Place. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed. *Staff: Paul McFarland*

**12:25 P.M.**

**F. CONDITIONAL USE PERMIT 17-009/Race Communications – Swall Meadows, Paradise, Benton & Benton Hot Springs.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Swall Meadows, Paradise & Benton. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A new backhaul line installed on existing poles following a portion of Lower Rock Creek Road is also proposed. A CEQA exemption is proposed. *Staff: Paul McFarland*

**12:40 P.M.**

**G. CONDITIONAL USE PERMIT 17-007/Race Communications – Bridgeport & Walker.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Walker and Bridgeport. The project entails placement of new overhead strand and fiber on existing utility poles, removal and replacement of existing strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed. *Staff: Paul McFarland*

**1:00 P.M.**

**H. CONDITIONAL USE PERMIT 15-004/Crowley Lake Skatepark.** Planning Commission review and approval of final design for skatepark (Condition 8 requires Planning Commission’s approval of final design). Project is located adjacent to the community center at 58 Pearson Road, Crowley Lake. Project was approved with a prior Negative Declaration. *Staff: Peter Chapman*

**6. WORKSHOP:** No items

**7. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**8. INFORMATIONAL:** No items

**9. ADJOURN** to July 20, 2017

**\*NOTE:** Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting in order to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

\*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing, but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov](http://www.monocounty.ca.gov) / departments / community development / commissions & committees / planning commission. For inclusion on the e-mail distribution list, send request to [cdritter@mono.ca.gov](mailto:cdritter@mono.ca.gov)

Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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## DRAFT SPECIAL MEETING MINUTES

April 20, 2017

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

**STAFF:** Scott Burns, director; Paul McFarland, assistant planner; Justin Nalder, intern & Christy Milovich, assistant county counsel (videoconference); Nate Greenberg, IT director; CD Ritter, commission secretary

**GUESTS:** Fred Stump, Mono Supervisor; Mike Moriarty, Mono Sheriffs; Raul Alcaraz & Domenic Pacini, Race Communications; Rick & Bonnie Noles, Tim Hansen, Zac Creager, Tim Alpers, Steve Shipley, Hiroki Okamoto, Ron Day, Dave Hodge & Dennis Domaille, citizens

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Chris Lizza called the meeting to order at 10:05 a.m. in the Town/County Conference Room in Mammoth Lakes, and attendees recited the pledge of allegiance to the flag.

**2. PUBLIC COMMENT:** No items

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of February 16, 2017 (*no March meeting*): Item 6: Mono's looking for revenue, according to Antelope Valley **RPAC**. Bush found exact opposite of what he expected at Antelope Valley **RPAC town hall meeting**. (*Bush/Pipersky. Ayes: 5-0.*)

**4. ELECTION OF CHAIR & VICE-CHAIR:** Elect Dan Roberts as chair (*Pipersky/Lagomarsini. Ayes: 5-0.*) and Scott Bush as vice-chair (*Pipersky/Lagomarsini. Ayes: 5-0.*). Lizza handed gavel to Roberts.

**5. COMMISSION BYLAWS:** Consider amending bylaws to allow remote teleconference participation by commissioners. Scott Burns gave background that included weather & technology problems. Now, cited improved technology, done by LTC and BOS as reasons.

Bush envisioned situation where never have full board together. OK if limitations like weather, but not just available at any time, lose back and forth, gets clunky, no eye contact. Limit it.

Once or twice a year? Other valid reasons? Burns suggested either Mammoth or Bridgeport, open site to public.

Lagomarsini noted Lahontan Regional Water Quality Control Board has teleconferencing with no limitations.

Burns noted bylaws state option of Bridgeport or Mammoth, other locations possible. Community centers?

Bush quipped that if it were that good, U.S. Congress would be doing it. He recommended that commissioners get together, meet with people, hear concerns, and show up to vote.

Burns will ask staff to draw up proposal.

### 5. PUBLIC HEARINGS

**A. CONDITIONAL USE PERMIT 17-003/Creager:** Project proposes conversion of an existing four-bedroom single-family home (APN 021-060-05, zoned Scenic Area Agriculture) to a Bed & Breakfast establishment (aka "The Mono Lake House"). Total home occupancy would be limited to 10 persons at one time. All proposed parking will be on site, and proposed signage is consistent with local signage guidelines. The project is located within the Mono Basin National Forest Scenic Area, and therefore subject to a Forest Service Compatibility Determination as directed by the Mono Basin Scenic Area Management Plan Private Land Development Guidelines and the County's Scenic Area Agriculture Land Use Designation. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.

Paul McFarland introduced B&B proposal. Special regulations exist within scenic area boundaries. Scenic Area AG. USFS oversight on public land so development not impact goals of scenic area. Parallel process in development: apply to County, USFS review proposed use as adjunct staff.

Sign visible from US 395. Directional sign heads people toward home. Use Commercial lodging for parking regulation. Four sleeping rooms, owner living on site, so rent three. Five parking spaces. Three transient vehicles. Paved apron by Caltrans OK, but not factored into parking. Public comments by letter, email, in person. Original

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proposal with events for up to 100, but removed. Talked about short-term rentals without management on site, also removed. Neighbors: Limit to 10 in home, limit trespassing on very private property, on-site parking. Parking at site, not along highway. No physical changes, just conversion of use.

Fire access? Lagomarsini suggested mentioning in will-serve letter

Commenter home site? *No fence, only tree line.*

Lizza wanted to include appendices E & F in scenic area. Document from mid '80s, hard to find, 19 pages text. "Certified use" Can change existing structures. "Developed Land Use Category." Coordination with County ordinances. Item 4C discussed. USFS agreed to compatibility, certified after use permit approved. Verbal approval, not written. USFS at somewhat of a loss, working together with Mono. Past staff contacted, not much there. Found old letters in Mono files. Many never complete. Mono in concert, use permit finding supports USFS determination, no separate letter needed.

How get compatibility from USFS, or Mono in lieu of? McFarland indicated once use permit is accepted, no need for separate process with USFS. Scenic Area Ag lets agencies work together.

Milovich stated that if no use permit, USFS would not give complete clearance. Run parallel, not separate.

If Mono provides use permit, USFS just falls in line? Milovich indicated USFS did initial determination. McFarland noted exact language in guidelines, p. 10. Milovich clarified "may" not is a "shall."

**OPEN PUBLIC HEARING: Tim Alpers**, property owner, explained structure was built in 1963 by Bantas, who moved to Hammil Valley. House had owners/renters. Alpers acquired in 1984 when vacant, in disarray, saw potential, remodeled, landscaped. Stunning piece of property. Worked with neighbors to keep nice without fence. Alpers now lives in Reno after retirement. Alpers was uncertain what would happen to property, party house, go to rack and ruin, devaluing. Worthy of all best efforts. Creager stopped by, fell in love with property and house. Requested lease option for purchase. Deal is good if good for everybody. Commended staff on "CC&Rs" for property. Not overrun with people, infrastructure exists, porches, view. Highest and best use would be young entrepreneurial couple setting up B&B. Local restaurants and shops would benefit. Networked worldwide for clientele. Win/win for everybody. Controls on land, small degree public access, stay open landscaped. Letter and question on relicted lands, sewage disposal system. Preferred Septic examining, will certify. Lease with State Lands Commission on relicted lands disputed for 49 years. Assure system is massive, no problems. Occupancy not exceed past. Give highest consideration to granting use permit.

**Rick Noles**, next door for 35 years. Protected privacy, under radar. Sprung on them, had to fight. B&B where people pay money for private spot. Been hearing it's going to be 10 people, a lot. No getting used to 10 new neighbors, no privacy. Everything that lives there get run out. Who knows what's going to happen, sporting goods store? Consider whole scenic area, what could be compatible.

**Bonnie Noles**, next door. Issue will impact lives at Mono Lake forever. Two important issues: Water supply & metering. Spring water used by two SFRs, rotating watering days. Metered water in easement. 2 af/parcel. If occupancy increases to 10, demand would go up. If overuse occurs, let Alpers/Creager incur penalty fees. No projection on water use by Mono. No mention of State-leased lands. Project qualifies for CEQA exemption because of no structural changes. Public gatherings/guests will access lake shore. Proposal not fully analyzed. Asking PC to withhold vote until all issues are resolved. Lease for septic and leach line. Only terms addressed. State might have concern about use of relicted land. Habitat threatened by people taking photos. Undisturbed area would become disturbed.

Alpers stated half-acre buffer between two properties originally fenced with horse grazing, trails to lake. Public has right to walk to lake. Talked to lands management department, saw no excessive uses.

Water supply? *Andy Zdon analyzed for 2 acre-feet (af), which far exceeds residential use.*

Half-acre buffer? *Alpers cited narrow 75'-wide separate parcel, open land. Owns land, never chose to build anything on it. Buffer area could be for picnics.*

Who owns land? *Alpers.*

State Lands Commission communication? *Alpers hasn't heard back.*

If 2 af were exceeded? *Alpers explained three parcels get 2 af. Penalties for overuse. Water historically used by brine shrimp plant. In 1980s, jet pump to suck water, pulled so much. Tim Hansen used existing well.*

Ever come close to exceeding? *Alpers stated never came close to exceeding due to team effort.*

Warning when getting close? *Alpers noted practices haven't changed since 2006. Spring was fantastic even in drought years. Noles cited 35 gal/min.*

Separate out water use? *Alpers indicated could separate at property line.*

Meter for new filtration system? *Alpers called company about metering Alpers property only.*

**Zac Creager**, proponent, owns catering company in Santa Cruz. Wanted to build legitimate business to make dream come true. Alpers home presented as possible B&B would be great spot. Girlfriend is wedding photographer. Community-oriented, loves lake, Lee Vining and Mono County. Expand to bring people in, see beauty. Want to be good neighbors, met with Noles. Respect privacy. Not huge operation, three rooms for rent. Closed in winter. Extreme environmentalist, so no tromping on tufa or sagebrush. Goal is to respect community, neighbors and environment.

Bush noted B&B limited to 10 people, but three bedrooms. *Essentially eight max if kids came. Create quiet, serene environment. Keep it couples or individuals.*

Bathrooms? *Three. Live in smaller bedroom. Master bedroom has full bath.*

**Tim Hansen**, shrimp plant operator, noted not short-term rentals, but this got by on another tack. Thought guests would want to go to lake, which is a big draw. Who would enforce that? Easy to say believe in private property rights. His commercial operation since early 1990s makes its share of noise, and he's tried to cooperate with neighbors.

Expect people to [go to lake] or not want them to? *Hansen stated everyone has access to public lands.*

McFarland contrasted trespassing with accessing public lands. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Lizza saw difficult issue, personal. No big change of use, house always 4-BD home, saw no change in what property is, just transient instead of residential. Mostly upper-class guests who would respect rights and environment. Commercial industrial use on other side, so already intrusions to Noles property. Recent construction and fire intruded. Not completely private place between lake shore and highway. State Lands issue irrelevant to use permit.

Bush saw no big change except few people walking around. Just like family coming to visit. Could be large family with teens and motorcycles.

Pipersky found all concerns answered, but 10 teens taking long showers is nothing compared to irrigation. Difficult to have more neighbors around, but not that much of a change. Consider separating water usage. If approve, make note of possible sixth parking space. Not see how PC would not approve use permit.

Lagomarsini noted it's unlike Airbnb. B&B is more above-board. Install water meter on neighbor's house at Creager/Alpers' expense.

Roberts saw very effort to address valid concerns. Difficult to have new neighbors. Large family could increase usage just as much.

**MOTION:** Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 17-003 subject to Conditions of Approval: Add additional parking spot to keep people out in case of fire. *(Bush/Lagomarsini. Ayes: 5-0.)*

Recently installed point-of-use water meter system.

Bonnie Noles was concerned about wildlife and dogs. *Maybe limit number of dogs/night. Creager would not allow dogs except his own on leash due to 395. Not turning B&B into pet hotel.*

--- Break: 10:40-10:45 ---

**B. CONDITIONAL USE PERMIT MODIFICATION 17-001/June Lake Brewing, LLC:** *Project proposes to convert two existing parking spaces to summer outdoor seating area with additional summer parking spaces to be established in winter snow storage areas. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland stated modifying use permit would allow summer parking. Upgrades to property need more than 20 spaces. Spaces not graveled or paved are not part of parking analysis. Graveled/striped employee parking. Modify conditions 2 and 3 that referenced original site plan. Inside site plan stays, outside changes.

Same parcel? *McFarland indicated separate parcels with separate APNs.*

**OPEN PUBLIC HEARING:** Justin Walsh, owner, was granted use permit in 2013, increased TOT numbers for Mono. Wants to continue beautifying property. Ohanas clientele may not buy beer.

Roberts noted garage doors were raised for bar area. *Walsh resubmitted ABC permits, in process, agent coming tomorrow.* **CLOSE PUBLIC HEARING.**

**DISCUSSION:** None

**MOTION:** Find the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit Modification 17-001 subject to Modified Conditions of Approval *(Bush/Lizza. Ayes: 5-0.)*

**C.CONDITIONAL USE PERMIT 17-001/Race Communications – Crowley:** *Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Crowley Lake and entails placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Maps and additional project information is available at [monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process](http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process). In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland noted projects are discrete.

Nate Greenberg, IT director for Mono County and Digital 395 last-mile efforts, has been considering last-mile connectivity to homes and businesses since 2012. Tasked with facilitating the significant challenge, he considered a consortium. Mono wanted to work with service providers, not do it itself. Race has been a valuable partner, with 92% of households to get service. Race was funded in 2014 for four projects. Unique, prideful position to have Digital 395 to businesses and residents. Elevate level of capacity.

Heavily engaged RPACs, brought ideas back into policy language. Formed technical advisory committee to coalesce ideas. General themes: Best service possible, now; didn't like wireless quality of service, wanted wire; and strong preference for co-location. Service vs. distribution: Some underground, others overhead. Use existing poles when possible. Goal: Facilitate distribution of best broadband service available. Utilize existing infrastructure and facilities before constructing new. Overhead line placement preferred, no unreasonable financial hardship.

What about Suddenlink? *Greenberg acknowledged other providers historically.*

Lizza recalled June Lake got service without use permit. *Greenberg didn't know if it came to PC or not.*

What makes these special? Burns indicated lines outside someone's house. Subject to policies, according to County Counsel. Take through process.

County franchise for cable system? *Greenberg stated franchise agreements related to TV more than broadband.*

**Raul Alcaraz**, CEO of Race Communications, noted cable operated under franchise agreement. As phone company at State level, Race is regulated by PUC (Public Utilities Commission). As State-regulated phone company, operates under agreement to work with existing phone and power companies (AT&T, PGE, etc.) to get on pole. Greenberg noted franchises were taken out of Mono's hands.

Alcaraz noted specific requirements to be met. Race will work with local authorities and initiate outreach.

McFarland described Crowley project as lengthy, throughout community. No new poles, only removal/replacement on existing poles and conduit. Use Permit authorizes Race for last mile rather than hundreds of Director Review permits. Three panels for Crowley. New overhead strand on existing poles. Phone at bottom, TV in middle, Internet at top. Visual impacts not significant. Additional lines to poles. Supported by Circulation Element communication policies. Project overseen by State law, encroachment and building permits. Much of county infrastructure not mapped. Hook up upon invite. Project can drastically change speed of connectivity. Most of cable infrastructure is to be replaced.

Alcaraz noted initial review found old cable company had gone defunct, left dangling and dangerous infrastructure on poles. Race acquired infrastructure, will remove all damaged, reuse. Expand at same location, stay at same level.

Stump recalled legal dispute when private property sold, cable made no attempt to establish service. Alcaraz stated Race takes pride in cleanup and upgrade.

Nodes? *Come from homes to specific panel, tied to Digital 395 (go out to it).*

Redundancy? *Collapsed network. Different levels of redundancy at nodes in town.*

**OPEN PUBLIC HEARING: Fred Stump**, District 2 supervisor, thanked commissioners for meeting in Mammoth. Crowley has held many community meetings – RPAC, budget, cannabis. No opposition at any meetings, only one opposition email. Will construct own conduit to street to access service. Read from Sally Miller's letter on Lee Vining, with permission. Asked often when connection would be done. Vast majority of residents support service. Supervisor Gardner is away, supports Lee Vining project. Cost differential between undergrounding or poles is 10x.

**Steve Shipley**, resident and 15-yr planning commissioner. More of overhead realm. Not clarified: Existing homes with underground utilities. Now get service without going underground. Bring conduit to pole to get service. If had overhead, could just do drop. Concern with minimizing visual impact. Totally for project, but deal with contractors not meeting criteria – no flaggers, no markings, haphazard work. Biggest gripe is 1.5" cables with splices everywhere. His viewshed is blocked with giant box hanging at eye level. Not want privilege, wanted others to get what they need.

**Ron Day**, part of RPAC and fire commissioner, spent long time working on issue of last provider. Wanted it there, if it goes on poles, would buy that.

**Mike Moriarity**, assistant sheriff/Mono, focused on public safety perspective. Sheriff's office excited for security cams in public areas. Many southland communities use cams as force multiplier, with positive impact on crime. Sense that nothing happens in Mono is not true. Staff patrol, footage streamed to BP, monitor cameras. Technology far cheaper than staff. Chalfant only has radios. Broadband would enable so much more. Computer terminals in car on tap.

**Haislip Hayes**, resident and RPAC member, concurred with comments. Idea of Digital 395 was conceived eight years ago. Today can bring it home. Strongly supported applicant, appreciated Mono's work.

**Hiroki Okamoto**, resident, thought Race would be in last August. Very important. Unreliable, slow service now. Uses internet as communication device. Cell phone does not work.

**Dave Hodge**, small biz owner, photographer, has to go to office to deal with files instead of staying home.

**Raul Alcaraz**, CEO of Race, met with consortium in 2014, first time in Mono. Successful in Kern County projects. Small growing company from Bay Area. Mono no longer seems foreign, feels part of area. In January, roads full of snow. Underground is best always, safest. When weighing variables of existing infrastructure, cost, etc., have to be flexible. No set way. No hodge-podging on pole. Race has right to be on poles, but wants to do things right. Met with Crowley last summer at packed house, predicted service by end of year. Want to get projects done. Hundreds of people want service, yesterday. Reached for other projects in Mono. Will address issues as arise. Requested support on UP.

Lizza suggested solution is to use same area so expectations don't change. No specific spot on pole? *Alcaraz stated Edison or Verizon tell where.* **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Lagomarsini spent \$600 for fiber. Doesn't have issues, computer works a lot better. FPD (Fire Protection District) looks forward to filing reports quicker. During January storm didn't lose internet or phone service. Heartily supports both projects.

Stump noted two property owners at Osage Circle objected.

***MOTION:*** Find that project qualifies as a Categorical 'Exemption under CEQA guidelines Sections 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make required findings as contained in project staff report; and approve Use Permit 17-003 subject to Conditions of Approval (*Pipersky/Lizza. Ayes: 5-0.*)

--- Break: 1:15 – 1:25 p.m. ---

**D. CONDITIONAL USE PERMIT 17-002/Race Communications – Lee Vining:** *Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Lee Vining and entails placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Maps and additional project information are available at [monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process](http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process). In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland cited no expansion of existing in-town infrastructure footprint. First of many projects in Mono. Caltrans working with Mono on encroachments. Calls and letters of support received. Resident Gary Walecke asked for conduit along Mattly Avenue. Conduit easements travel along or through private roads. Need verbal contact with owners/lessees. Mono City will be next. Variance from scenic corridor guidelines needed from Mono. Many residents undergrounded their own utilities. Soon Swall, Aspen Springs, Sunny Slopes, Pine Glade, etc. will be connected.

Mattly Avenue poles already there? *Fiber already underground.* Alcaraz explained connectivity in Lee Vining.

**OPEN PUBLIC HEARING: Dennis Domaille,** Tioga Inn project/Mobil/Whoa Nellie Deli, noted 95% of county households will have service, 100% in Lee Vining. He has 68 acres, 45 employees, 10 residences, vault with underground conduits to every place on property. Called Race, still no word. \$8,282/household in Lee Vining to get wires. Asked PC to postpone decision, meet with staff, find out what went wrong, why his project was left out. Probably only business in county not served. Has Schatnet now, not fast. Processes 1,500-2000 credit card transactions/day. Most of Lee Vining would jump ship on Schatnet, which would then depart town, leaving many without service.

**Raul Alcaraz** verified no subsidy in Lee Vining.

Stump recalled Lee Vining originally included, but PUC (Public Utilities Commission) dropped Lee Vining based on Verizon 4G service. Verizon does not use Digital 395, and at Round Fire in Swall Meadows, all systems collapsed.

Alcaraz indicated that if remove Lee Vining, keep Mono City, Swall Meadows and Benton. If keep in, get nothing. Pulled Lee Vining out, will figure out how to make Lee Vining work on Race's own dime and look at Domaille's situation. Acquired assets from State to get jump on the bill, look at extending. Alcaraz deferred reply till after PC meeting. People were upset Lee Vining was pulled from grant, but actually, Lee Vining might get service before those *with* grant.

Domaille appreciated explanation, thought it appropriate to set up meeting and report back. Would be more comfortable with insurance policy. Fully trusts Race Communications, not want to delay.

Bush suggested update at next "Ground Hog Day" meeting. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Lizza stated Domaille's business is great asset to county, locals, visitors. Appreciate his efforts. Roberts believed solution would be found.

***MOTION:*** Find that project qualifies as a Categorical 'Exemption under CEQA guidelines Sections 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make required findings as contained in project staff report; and approve Use Permit 17-002 subject to Conditions of Approval (*Lizza/Lagomarsini. Ayes: 5-0.*)

**6. WORKSHOP:** None

**7. REPORTS**

**A. DIRECTOR:** 1) Short-term rentals: BOS adopted Type I with use permit, 30-day noticing, set Type II moratorium; 2) June Lake Area Plan effort; 3) Introduced intern Justin Nalder of Bridgeport; 4) Housing survey under way.

**B. COMMISSIONERS: Roberts:** CCPCA (California County Planning Commissioners Association) conference May 4-6 at Visalia, field trips planned.

**8. INFORMATIONAL:** No items

**9. ADJOURN** at 1:58 p.m. to May 18, 2017

*Prepared by CD Ritter, commission secretary*



## Mono County Community Development Department

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)

June 15, 2017

**To:** Mono County Planning Commission

**From:** Gerry Le Francois, Principal Planner

**Subject:** Interpretation of Similar Use and Conditional Use Permit 17-005/Short Term Rental – Type I Simensen in the MFR-L land use designation.

### RECOMMENDED ACTIONS

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve Interpretation of Similar Use and CUP 17-005 subject to the findings and conditions contained in this staff report, OR
- 3) Approve CUP 17-005 subject to the findings and conditions contained in this staff report including requiring the two separate properties to be merged.

### BACKGROUND

This proposal CUP 17-005 / Simensen is located on adjacent parcels at 342 & 332 Kinsley Street in Bridgeport, and has a land use designation of Multifamily Residential Low (MFR-L). The property has a main house at 342 Kingsley Street (APN 008-132-017, ~6,000 sf) which the owners will live in, and on a separate, adjacent parcel at 332 Kinsley Street (APN 008-132-027, ~4,800 sf) is the proposed Type I Short Term Rental. The buildings are existing and no new construction is proposed, but the home and proposed Short Term Type I rental are on a two separate parcels. Adjacent uses include commercial properties to the north along US 395, and Multi Family Residential Low on all other sides.

Chapter 25 of the Mono County General established Type I Short-Term Rentals that “*are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. The use permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership.*”

### DISCUSSION

The current Chapter 25 was recently adopted in March 2017, and Type I rentals were a new addition to the policy. Type I rentals were differentiated to recognize that a rental where homeowners are present has different impacts and issues than a rental managed by second homeowners who are not present during the rental. The definition of a Type I rental is “owner-occupied or associated with an owner-occupied principal residence;” however, the definition does not specify that the rental must be located on the same parcel. In this particular case, the associated rental is on an adjacent parcel and no physical barriers, such as a road or another parcel or building, exist between the rental unit and the owner’s unit. The only separation is a legal line on a map. Therefore, an interpretation could be made that this situation meets the intent of Type I rentals and is a “similar use.”

However, the definition of a Type II rental is “an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner.” The Type II definition, therefore, creates a strong inference that Type I rentals excludes a unit located on a different parcel, meaning an adjacent lot would not qualify under the Type I definition. Instead, a unit on an adjacent parcel, such as in this particular case, would meet the definition of a Type II rental because it is not on the same parcel, and should therefore be processed as a Type II rental.

In crafting the policy language, this specific situation was not necessarily considered and the application of the definitions is ambiguous and subject to interpretation. Therefore, staff is recommending one of two options:

- A) Make the require findings of a “Similar Use” outlined below, or
- B) require the merger of the two properties.

A) Interpretation of "similar uses." under MCGP section 04.030 B:

*Where the term "and such other uses as the Director or Commission finds to be similar and not more obnoxious ... " is mentioned, it shall be deemed to mean other uses that, in the judgment of the Director or the Planning Commission, as evidenced by a written decision, are similar to and not more obnoxious to the general welfare than the uses listed for the same designation. If a use is found similar to a permitted use or similar to a use requiring a Director Review or Use Permit, it shall also be permitted subject to the same requirements as its most similar listed use. The Planning Commission shall make the interpretation for uses permitted subject to use permit.*

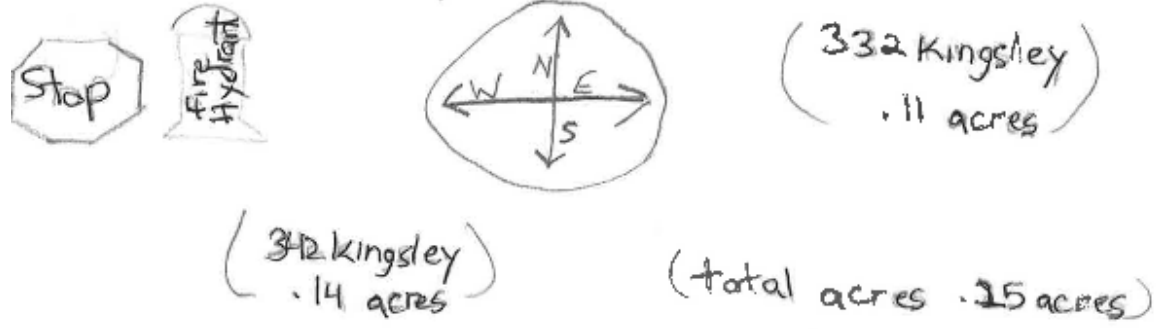
The Commission will need to make the required findings regarding the interpretation of similar use to allow a Type I Short Term Rental on two adjoining parcels.

- B) Require the properties to be merged, and then the proposed rental unit will be located on the same parcel as the owner-occupied main residence.



Project Location 342 & 332 Kingsley Street  
APNs 008-132-017 & -027

Simensen Site Plan: Type I Short Term Rental



**Site Photographs**

Proposed Type I Short-Term Rental at 332 Kingsley Street



Interpretation & CUP 17-005/Simensen

June 15, 2017

Owner's residence at 342 Kingsley Street



#### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE**

The LDTAC met April 17, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed Short-Term Rental application for processing.

#### **COMMENTS RECEIVED**

A public hearing notice was sent to all property owners within a 500' radius of the subject parcel 30 days prior to the public hearing. Attached are the comments letters received, which are generally in support of the project.

#### **GENERAL PLAN CONSISTENCY**

The project is generally consistent with the intent of Chapter 25 Short-Term Rental Type I provided the Commission can find this proposal is similar or the parcels are merged. This chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

Interpretation & CUP 17-005/Simensen

June 15, 2017

The project is required to comply with Chapter 26 Transient Rental Standards and Enforcement. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

In Chapter 26, The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.

The project is consistent with the following **Bridgeport Valley Area Plan Policies:**

**GOAL 7.** Provide for orderly growth in the Bridgeport Valley in a manner that retains the small town character, and protects the area's scenic, recreational, agricultural, and natural resources.

**Objective 7.A.** Guide future development to occur on existing private lands in Bridgeport Townsite, east of Bridgeport Reservoir, in the Evans Tract, and at Twin Lakes.

### **CEQA COMPLIANCE**

**Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption.**

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; and
- conversion of a single family residence to office use.

### **USE PERMIT FINDINGS**

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Project can provide the necessary parking of one space for the Type I rental; and
  - b) The structure at 332 Kingsley Street is existing and no new construction is proposed.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The property is accessed from Kingsley Street, and the use of property for a Type I Short Term Rental is not expected to generate a significant increase in traffic;
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

Interpretation & CUP 17-005/Simensen

June 15, 2017

- a) The proposed Type I Short Term Rental of an existing home at 332 Kingsley Street is not expected to cause significant environmental impacts; and
- b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

Option A) Interpretation of "similar uses." under MCGP section 04.030 B:

Where the term "and such other uses as the Director or Commission finds to be similar and not more obnoxious ... " is mentioned, it shall be deemed to mean other uses that, in the judgment of the Director or the Planning Commission, as evidenced by a written decision, are similar to and not more obnoxious to the general welfare than the uses listed for the same designation. If a use is found similar to a permitted use or similar to a use requiring a Director Review or Use Permit, it shall also be permitted subject to the same requirements as its most similar listed use. The Planning Commission shall make the interpretation for uses permitted subject to use permit.

Prior to taking an action to find a use similar to and not more obnoxious to the general welfare than the uses listed for the same designation, the Planning Commission shall find all of the following:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;  
*Find that this project being two separate parcels meets the intent of Chapter 25 for a Type I Short-Term Rental that is owner-occupied or associated with an owner-occupied principal residence. These two parcels are adjacent and no physical barriers, such as a road or other parcel/building, exist between the owner-occupied unit at 342 Kingsley Street and the Type I Short Term Rental at 332 Kingsley Drive. The Commission is interpreting that this project is owner-occupied due to the properties being adjacent to each other, with no separation by other barriers, in the MFR-L land use designation.*
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;  
*That the MFR-L designation is intended to provide for low-density multifamily residential development, such as duplexes and triplexes. Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units are subject to a Conditional Use Permit in this designation. This Type I Short Term Rental is consistent with higher density development of the MFR-L designation throughout the county.*
3. That the use is capable of meeting the standards and requirements of that designation;  
*This Type I Short Term Rental are subject to the requirements of Chapter 25 and Chapter 26 of the MCGP and the Commission is finding these adjacent parcels are similar to owner-occupied as in 1) above.*
4. That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.  
*This Type I Short Term Rental are subject to the requirements of Chapter 25 and Chapter 26 of the MCGP and the Commission is finding these adjacent parcels are similar to owner-occupied as in 1) above.*

Interpretation & CUP 17-005/Simensen

June 15, 2017



Option B)

The Commission cannot make the required finding under MCGP section 04.030 B and requires that as a condition of approval for CUP 17-005 that these two separate parcels, 008-132-017 and -027, be merged in order to qualify as a Type I short-term rental.

**MONO COUNTY  
Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 17-005 **APPLICANT:** Simensen

**ASSESSOR PARCEL NUMBERS:** 008-132-017 & -027

**PROJECT TITLE:** Type I Short-Term Rental / Simensen

**PROJECT LOCATION:** The project is located at 342 & 332 Kinsley Street, Bridgeport

On June 15, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-005/ Simensen, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 15, 2017

**EFFECTIVE DATE USE PERMIT** June 26, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** June 15, 2017

\_\_\_\_\_

- cc:  Applicant
- Public Works
- Building
- Compliance
- \_\_\_\_\_

Interpretation & CUP 17-005/Simensen

June 15, 2017

**CONDITIONS OF APPROVAL**  
**Conditional Use Permit 17-005 / Simensen**

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) Accessory dwelling units are not permitted while this CUP is still valid.
- 3) The project shall comply with provisions of Chapter 25 Short Term Rental, including the provision this Type I Short Term Rental shall run with the owner and not the land, and shall terminate upon a change of ownership of either parcel.
- 4) The project shall comply with provisions of Chapter 26 Transient Rental Standards and Enforcement.
- 5) Project shall comply with all Mono County Building Division requirements.
- 6) Project shall comply with Environmental Health requirements.
- 7) If the “similar use” findings cannot be made, these two separate parcels, 008-132-017 and -027 be merged as a condition of approval.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



John and Tina Olinger  
324 Kingsley Street  
Bridgeport, CA 93517

May 5, 2017

Mono County Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

Re: Public Hearing Scheduled for June 15, 2017 INTERPRETATION USE PERMIT 17-005/Simensen  
at the Mono County Courthouse, Bridgeport, CA

To Mono County Supervisors:

We currently own the property at 324 Kingsley Street adjacent to 332 Kingsley Street. We have owned this property since December 2012. Since that time, we have used our home as our vacation home in anticipation of the day we will be able to retire and reside in Bridgeport (summer 2020). We happened upon Bridgeport in 1995, while looking for a family vacation site. We were those vacation renters who fell in love with this area and dreamt of living here one day.

The Simensens have a similar story. They too moved to Bridgeport once they retired. They have greatly improved the properties at 332 and 342 Kingsley Street. It is our hope that you will strongly consider allowing the Simensens the right to rent out their home at 332 Kingsley (type 1) as a short term rental. While their main home at 342 Kingsley is not the owner-occupied home they will be renting out, it is less than 100 feet from the property they would like to be able to rent out as a vacation rental. There is no dividing fence or wall between their properties. The Simensens are responsible homeowners who will continue to reside less than 100 feet from their proposed short term rental property. When they purchased the second home next door to the home they reside, they had no intentions of merging the lots and should not have to do so in order to continue with their plans.

Vacation rentals add value to Bridgeport and Mono County in many fiscal ways. The county benefits from the taxes, increased tourism, and future home purchases. Many families prefer renting vacation homes, as we did 22 years ago. While we do understand the concern in regards to Type 1 vacation rentals and the shortage of affordable home rentals, we believe it would be in the best interest of the County and Bridgeport specifically, to allow a certain amount of Type 1 permits on a first-come first-serve basis. Each year as home owners apply to renew their permits, the Planning Commission can review their files to see if there were any complaints filed or problems with the past year's permittee's agreement. Limiting the number of Type 1 permits would allow the Planning Commission some control and show good faith to current full-time Bridgeport residents.

We appreciate your time and consideration with this matter, and we truly appreciate this community and county as a whole.

Best Regards,

John and Tina Marie Olinger

18  
RECEIVED  
JUN 09 2017  
MONO COUNTY  
Community Development

**From:** Donna Simensen [<mailto:picturethisdl@gmail.com>]

**Sent:** Thursday, June 08, 2017 11:39 AM

**To:** Larry Johnston <[ljohnston@mono.ca.gov](mailto:ljohnston@mono.ca.gov)>; Bob Gardner <[bgardner@mono.ca.gov](mailto:bgardner@mono.ca.gov)>; Stacy Corless <[scorless@mono.ca.gov](mailto:scorless@mono.ca.gov)>; Fred Stump <[fstump@mono.ca.gov](mailto:fstump@mono.ca.gov)>; John Peters <[jpeters@mono.ca.gov](mailto:jpeters@mono.ca.gov)>

**Cc:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>

**Subject:** Short term rental

To Supervisors: Peters, Stump, Corless, Gardner, and Johnston

Well, yes, were back on the agenda for June 15th . Doing the right thing. Everybody has their wants and needs, but the question is, is it going to be an impact on our community?

After looking at this issue for some time now, we have done everything we can to prove to you that, not only will our short term rental be an added plus for the town of Bridgeport by bringing in tourists that generate tax dollars, which this town so desperately needs. We will be helping those who desire another option of lodging. There are those that do require a little more privacy because of young and old family members that a motel and camping does not suit there needs. Also we have taken the extra step to show you that we do have neighborhood support as well. And for us personally, because we are retired, we are counting on our short rental to help our income. Just like you we moved up here in the Sierra's to enjoy the great outdoors. We want to share this great place with people that really appreciate this pristine environment.

We have applied for the Interpretation Plan of Action plus the Use of Land permit, plus our business license to try to expedite this process. We appreciate the support that you all have shown us in this difficult situation and you have made us feel that this could be a positive outcome. So, please show the community that if people do the "RIGHT" thing our government system can work!

Sincerely,

Donna & Jeff Simensen

Hi Neighbor!

We are Jeff & Donna Simensen. We are writing this letter to let you know that my husband and I are in the process of renting out our "Little Cottage", located at (332 Kingsley) as a short term rental (vacation home). We are very responsible people and we would like to insure you that we will provide a safe and respectful place for all involved that stay at our "Cottage", as well as to insure you, as our neighbor, that your privacy will be respected. We will always communicate with our guests. We want this to be a pleasant experience for all, and most importantly, we do understand how important it is to continue to have a good relationship with all of you. Please show your support, Thank you

W. M. Fuller

Donny & Soresen

Michael Jones

Ken & John

Ken Reynolds

Denise Elliott

Chris & G

W. Simpson

Ken & John

Ken & John

Ken & John

Tina & John Olinger

Elizabeth Petrenok

Benny & Kenard

Ken & John

Ken & John

329 Kingsley St.

184 Twin Lakes Rd.

313 KINGSLEY ST

135 Kingsley St.

5 MEADOWVIEW DR

287 Kingsley St.

425 MAIN ST

773 MAIN ST BRIDGEPORT

753 MAIN ST BRIDGEPORT

2050 HWY 315

245 Kingsley

245 Kingsley

324 Kingsley

twin Lakes Rd

64 Twin Lakes Road

Ken & John

## DEVELOPMENT STANDARDS

### CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT

#### Sections:

<b>26.010</b>	<b>Purpose and Findings.</b>
<b>26.020</b>	<b>Vacation Home Rental Permit.</b>
<b>26.030</b>	<b>Application and Issuance of a Vacation Rental Permit.</b>
<b>26.040</b>	<b>Standards and Requirements.</b>
<b>26.050</b>	<b>Rental Agreement and Owner Responsibility.</b>
<b>26.060</b>	<b>Compliance with Transient Occupancy Tax Requirements.</b>
<b>26.070</b>	<b>Enforcement.</b>
<b>26.080</b>	<b>Existing and Otherwise Permitted Rentals.</b>
<b>26.090</b>	<b>Unauthorized Rentals Prohibited.</b>

#### **26.010 Purpose and Findings.**

- A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

#### **26.020 Vacation Home Rental Permit.**

Any person who rents a residential structure that is not a condominium (hereinafter “rental unit” or “property”) within an area of the county designated as a transient overlay district on a transient basis shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district without a valid vacation home rental permit is a violation of this chapter.

#### **26.030 Application and Issuance of a Vacation Home Rental Permit.**

- A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.
- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:

1. The rental unit must be located within an area of the county designated as a transient overlay district;
2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager;
4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
5. A Mono County business license must be obtained and must remain active during all times that the property is used as a transient rental;
6. Any required fees must be paid in full; and
7. A Mono County Transient Occupancy Certificate must be obtained from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met.

**26.040 Standards and Requirements.**

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

- A. **Health and Safety Standards.** The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:
  1. The address of the rental unit must be clearly visible;
  2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
  3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
  4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to



- occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
  6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
  7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
  8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.
  9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
  10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
  11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
  12. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;
  13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
  14. There shall be at least one screened window per bedroom to allow for proper ventilation;
  15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;
  16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
  17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;

18. Exits shall be kept free from storage items, debris or any impediments at all times;
19. No tree limbs are allowed within 10 feet of any chimney or flue openings;
20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
21. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
  - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit; and
  - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
  - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
  - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
  - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.

- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified

and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.

- D. **Parking.** Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.
- E. **Trash and Solid Waste Removal.** A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
- F. **Snow Removal.** Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

#### **26.050 Rental Agreement and Owner Responsibility.**

- A. **Rental Agreement.** The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.
- B. **Owner Responsibility.**
  - 1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.
  - 2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.

3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this chapter.
4. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to County upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

#### **26.060 Compliance with Transient Occupancy Tax Requirements.**

Each owner shall be responsible for obtaining a transient occupancy registration certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

#### **26.070 Enforcement.**

- A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use requirements in any other land use designation of the county shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing.
- B. An inspection and/or audit of each unit subject to this chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.
- C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.

- D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.
1. The County shall provide the property owner with a notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.
  2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
    - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
    - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
  3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
  4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.
  5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
  6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.
- E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:
1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;

2. The hearing shall be in accordance with the procedures set forth in section D above; and
  3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.
- F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

**26.080 Existing and Otherwise Permitted Rentals.**

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

**26.090 Unauthorized Rentals Prohibited.**

The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

# Mono County Community Development Department

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)

June 15, 2017

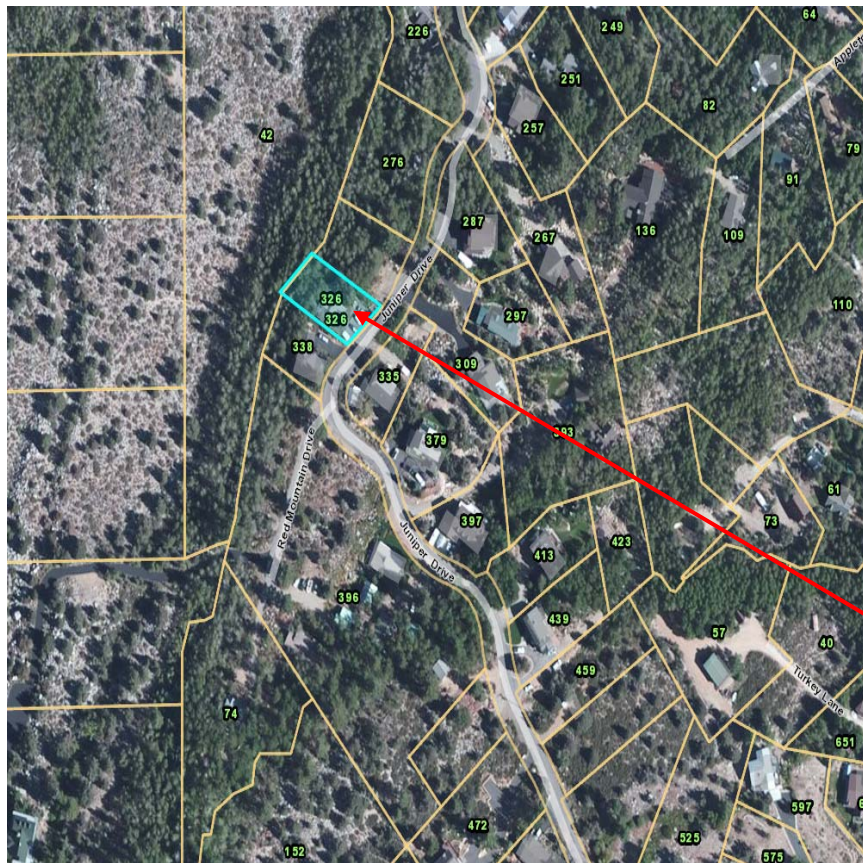
**To:** Mono County Planning Commission  
**From:** Gerry Le Francois, Principal Planner  
**Subject:** Conditional Use Permit 17-004/Short-Term Rental - Connolly

## RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 17-004 subject to the findings and conditions contained in this staff report

## BACKGROUND

This proposal, CUP 17-004 / Connolly, is located at 326 Juniper Drive in Crowley Lake, and has a land

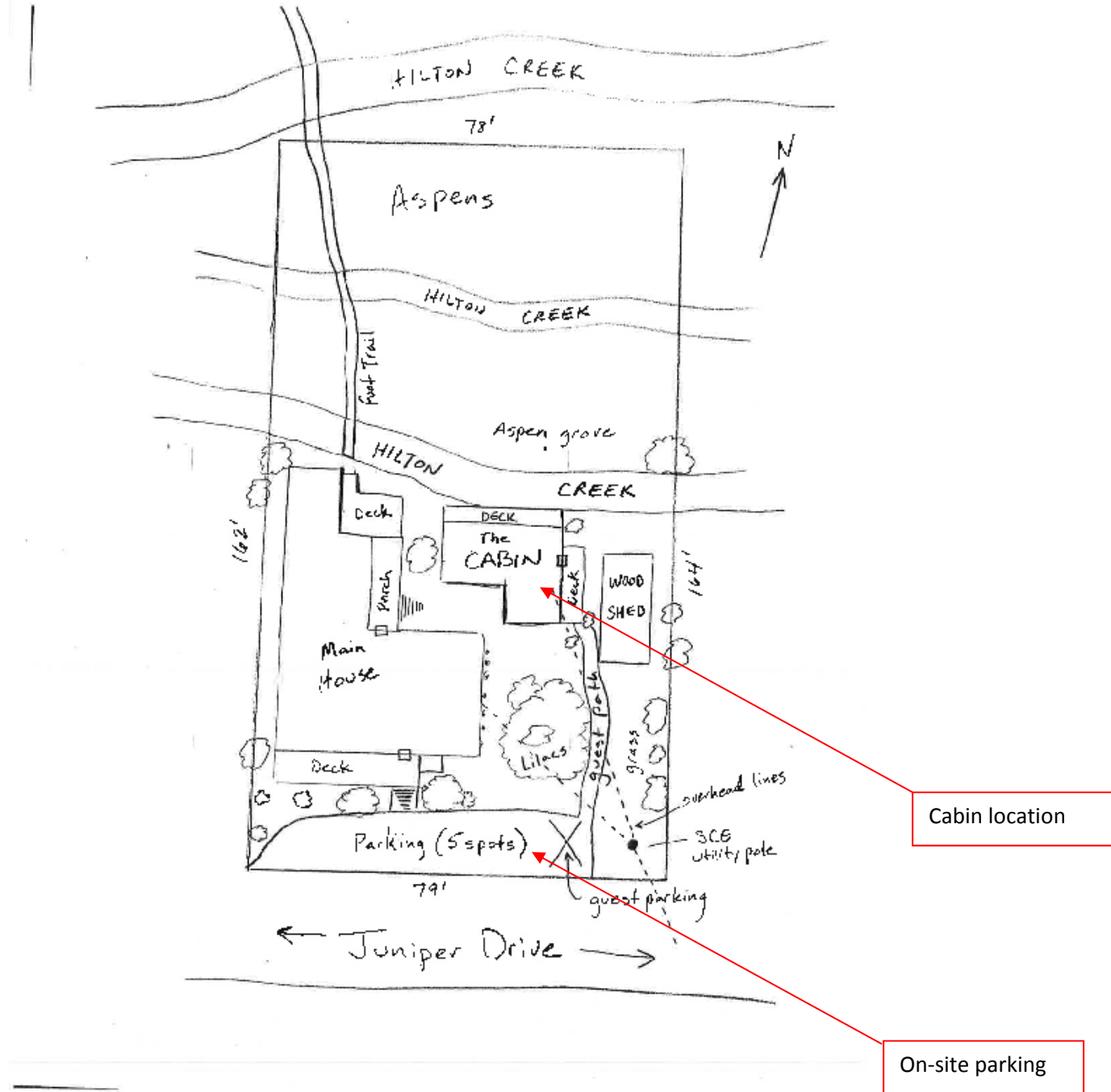


use designation of Single-Family Residential (SFR). The property has a main house and a 275-square foot brick cabin. The parcel (APN 060-120-005) is approximately 0.3 acres in size (see site plan). The applicant is a full-time resident of the main house.

Project Location – 326  
Juniper Drive

Chapter 25 of the Mono County General established type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. The use permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership.

**Site Plan: CUP 17-004 / Connolly Type I Short-Term Rental**





## LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met April 17, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing.

## COMMENTS RECEIVED

A public hearing notice was sent to all property owners within a 500' radius of the subject parcel 30 days prior to the public hearing. Two comments received are attached for the Commission's review.

## GENERAL PLAN CONSISTENCY

The project is consistent with the intent of Chapter 25, Short-Term Rental Type I. This is recognition of the demand by visitors for diverse lodging options. This chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

The project is required to comply with Chapter 26, Transient Rental Standards and Enforcement. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

The project is consistent with the following **Long Valley Area Plan Policies**:

**Objective 23.B.** Maintain, protect and enhance the quality and livability of community areas.

**Policy 23.B.1.** Preserve and enhance existing single-family residential uses.

**Policy 23.C.1.** Provide adequate land for existing and future commercial needs.

**Action 23.C.1.a** Designate a sufficient amount of land to accommodate tourist and community commercial needs.

## CEQA COMPLIANCE

**Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption.**

Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances,
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences, and
- conversion of a single-family residence to office use.

## USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Project provides the necessary parking of one space for the Type I rental; and
  - b) The 275-sq. ft. rental cabin is an existing structure.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The property is accessed by Juniper Drive, a private road, and use of property for a Type I rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - a) The proposed type I short-term rental of an existing 275-sq. ft. cabin is not expected to cause significant environmental impacts; and
  - b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed type I short-term rental is required to comply with Chapters 25 and 26 of the General Plan.

**MONO COUNTY****Planning Division****DRAFT NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UP 17-004 **APPLICANT:** John Connolly**ASSESSOR PARCEL NUMBERS:** 060-120-005**PROJECT TITLE:** Type I Short-Term Rental / Connolly**PROJECT LOCATION:** The project is located at 326 Juniper Drive, Crowley Lake

On June 15, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-004/ Connolly, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 15, 2017**EFFECTIVE DATE USE PERMIT** June 26, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION****DATED:** June 15, 2017

cc: X Applicant  
 X Public Works  
 X Building  
 X Compliance

**CONDITIONS OF APPROVAL**  
**Use Permit 17-004 / Connolly**

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) The project shall comply with provisions of Chapter 25, Short-Term Rental.
- 3) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
- 4) Property shall be maintained in a neat and orderly manner. Any unnecessary vehicles should be stored and screened from nearby properties.
- 5) Project shall comply with all Mono County Building Division requirements.
- 6) Project shall comply with Environmental Health requirements and occupants using this Type I Short-Term Rental shall be provided with potable drinking water.
- 7) Applicant shall obtain a “will-serve” permit from the Long Valley Fire Protection District, if required.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

34  
RECEIVED  
JUN 05 2017  
MONO COUNTY  
Community Development

Trish Qualls 309 Juniper Drive Crowley Lake

Dear Community Development Department,

Thank you for the opportunity to comment on the request for conditional use permit #17-004/Connelly. As a proud member of the Crowley Community, full time resident and a long time employee in the public sector of Mono County I want to express my concern for short term rentals. It would be remiss of me not to mention that the Connelly's are outstanding citizens, community members and very well liked.

- Any action to allow Short Term Leases (STL's) would be destructive to the fabric of our neighborhoods and the well-being of homeowners. STL's go against the intent of a residential area. I purchased my property with the knowledge that short term leases were not allowed in the neighborhood.
- The Crowley Lake Loop is a residential area. STL's are not allowed. They were not allowed when the Connolly's purchased their property.
- Real estate agents and sellers could be required to disclose to a buyer the existence of short term rentals. Disclosure of STL's could lead to lower home prices and lawsuits. I purchased my property because I wanted to reside in a residential area.
- My decision to purchase a home on the Juniper Loop was also made as an investment in a residential area in addition to a home to reside in with the protection that no STL's were allowed.
- The Connolly's currently have five cars parked perpendicular to the road along with a utility trailer, motorcycles, a travel trailer in summer and spring along with a snow blower and bicycles. The excessive amount of vehicles resembles a motel. The Connolly's have no garage. (Please refer to Attachment Photo Image 0032)
- With multiple rentals and crowded parking conditions, the Connolly's blow their snow across the street onto property that is not theirs. causing visibility dangers and creating a blind curve.
- The extra traffic with two rentals on this narrow road that is not two lane has become a nuisance.
- Allowing an STL would allow moneymaking at the expense of neighbors.
- Road Upkeep is compromised on a Private Road with multiple rentals. The residents of Juniper Loop pay fees to upkeep the road per parcel. There are three residences currently in operation at the Connolly address. The Connolly's reside on the property, along with a long term rental and a very busy short term rental. (See attachments for bookings Doc 1, Doc 2, Doc 3. Please refer to Attached Advertisement of Residence.)
- The Connolly's two rentals are causing noise pollution.
- The Connolly's two rentals are causing light pollution.

Ultimately, the decision to allow short and/or long term rentals would have long term irreversible effects on all of the homeowners in Crowley Lake. This would be a major and detrimental change to the Crowley community.





















# Cabin on Hilton Creek

1br Home/Apartment

Mammoth Lakes, CA, United States

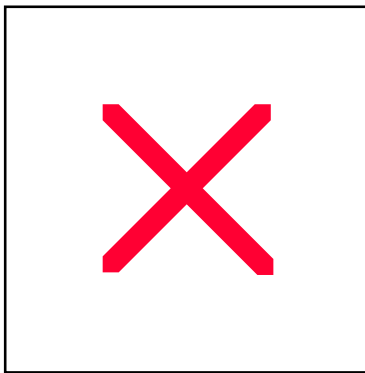
WifiParking

103 reviews



John

This property may have been deactivated by the owner, enter your dates and we will help you find similar properties nearby.



1 Guest

1 Room

## Description

The Space

Old cabins have an authentic feel that is tough to replicate. Seldom will you find one that is built right on the edge of a rushing creek-bed in the High Sierra. Here it is! Each season is different but summer and fall are guest favorites. Please note that during the winter (and most of spring) Yosemite National Park cannot be accessed easily from the cabin because Tioga Pass (HWY 120) is closed. The cabin is on the small side but perfect for two, well behaved children can be accommodated but no pets please. We love pets, but some of our eldest family members have pet allergies and use this cabin too. The bed is a double (slightly smaller than queen sized), the bathroom has a shower, and the kitchen is combined into the living room. Cable TV and wifi are available, sometimes the creek makes so much noise it is hard to hear the TV! During the colder times of year we have a wonderful wood burning stove and plenty of firewood. If you don't know how to build a fire, let us know, my wife and I are pro's. Some folks are concerned that the cabin is isolated in the middle of nowhere and that access is difficult. We live on the property, have a main house and two rental cabins in

back. Our road is paved, parking is paved and its a short 25 foot walk to the front door. In the winter we will remove snow to make your life easier. The neighborhood is upscale and quiet. Although the cabins are close together the creek creates an ambiance of privacy and drowns out all sounds, this cabin faces the creek and forest -- you may as well be deep in the wilderness. Domestic water is piped in straight from the creek. It's filtered but guests should drink bottled water, we'll start you off with a gallon. Creek water is perfect for showering, cooking, brushing teeth, etc. You'll notice the difference. In our house it's treated to drinking quality standards and could be the best water you ever taste. Let us know if you ever run low and we'll fill your container.

#### Guest Access

20 years of local information. Maps and books. Gallons of rushing water, 24-7. Hiking and walking trails from the cabin. Outdoor propane BBQ area, covered for weather conditions. Fruit trees - in season. Snow removal.

#### Interaction with Guests

We live an active outdoor life but like to meet new guests if we are around. Real estate is a passion, if you're interested let us know.

#### The Neighborhood

Hilton Creek is located at 7100 feet with many smaller branches of the creek flowing through the neighborhood. We're just 15 minutes from Mammoth Lakes and Mammoth Mountain. Even so you might find even more interesting side trips up Rock Creek, McGee Creek, or Convict Canyon.

#### Getting Around

There is limited public transit coming and going 3 times per day down at the general store. We've been known to pick guests up from the airport and trail heads with advance notice! One of our favorite things is to connect the various Eastern Sierra communities by way of dirt-bikes and mountain bikes. Year-round there are several walking paths in and around our neighborhood.



Millions of people are using Airbnb to sleep in strangers' homes, beds, and even couches. They have an amazing selection and you can't find their stuff anywhere else. There is a catch: you often need to contact several hosts to actually get a place to stay, so make sure you give yourself some lead time.

#### Amenities



TV  
Cable TV  
Wireless Internet  
Kitchen  
Free parking on premises  
Indoor fireplace  
Heating  
Smoke detector  
Carbon monoxide detector  
Essentials  
Shampoo  
Laptop friendly workspace  
translation missing: en.hosting\_amenity\_49  
translation missing: en.hosting\_amenity\_50  
Private entrance

#### Bedrooms

1

#### Sleeps

2 - Real Bed

#### Bathrooms

1

#### **Place's rules**

Please care for our old cabin as if it were yours and leave it in the clean condition that we have provided for you. It truly is a special place and we want to make it available for guests for many years to come. (with your help of course!) To us clean condition means doing your dishes, tidying up, and running the vacuum cleaner if needed. Don't worry about doing laundry, taking out the trash, or emptying ashes.

#### Checkin time

2:00 PM

#### Checkout time

11:00 AM

#### **Location**



Crowley Lake, CA 93546, United States

## Reviews & Ratings

Overall Score: Excellent

100% - 103 reviews

[airbnb](#)

100% - 103 reviews

Is this your place?

- Claim your property page and access your free AllTheRooms for Property Owners account.
- Update business information
- Respond to reviews and privately message customers

See the customer

This screenshot shows the Airbnb listing page for a cabin in Crowley Lake, California. The price is \$95 per night. The listing includes a description, cancellation policy (Moderate), safety features (Smoke detector, Carbon monoxide detector), and availability (2 nights minimum stay). A calendar widget is open for May 2017, showing dates from May 17 to May 25. The neighborhood map shows the location in Crowley Lake, California, United States.

This screenshot shows the same Airbnb listing page, but with the calendar widget open for June 2017. The dates selected are June 2 to June 3. The rest of the page content, including the description, cancellation policy, safety features, and neighborhood map, remains the same as in the May 2017 screenshot.

This screenshot shows the same Airbnb listing page, but with the calendar widget open for July 2017. The dates selected are July 3 to July 8. The rest of the page content, including the description, cancellation policy, safety features, and neighborhood map, remains the same as in the previous screenshots.

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
760-932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 15, 2017

To: Mono County Planning Commission  
From: Gerry Le Francois, Principal Planner  
Re: Use Permit 17-010/Paiva

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(c) and file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 17-010 subject to Conditions of Approval.

### PROJECT

The proposed project is construction and use of a new 2,300-square foot retail building with signage and landscaping. The building will be for a Western arts gallery. This parcel (APN 002-332-009) has a land use designation of Mixed Use (MU). Property is currently vacant and is approximately two acres

**Project Location**  
APN 002-332-009  
Walker, CA



in size.

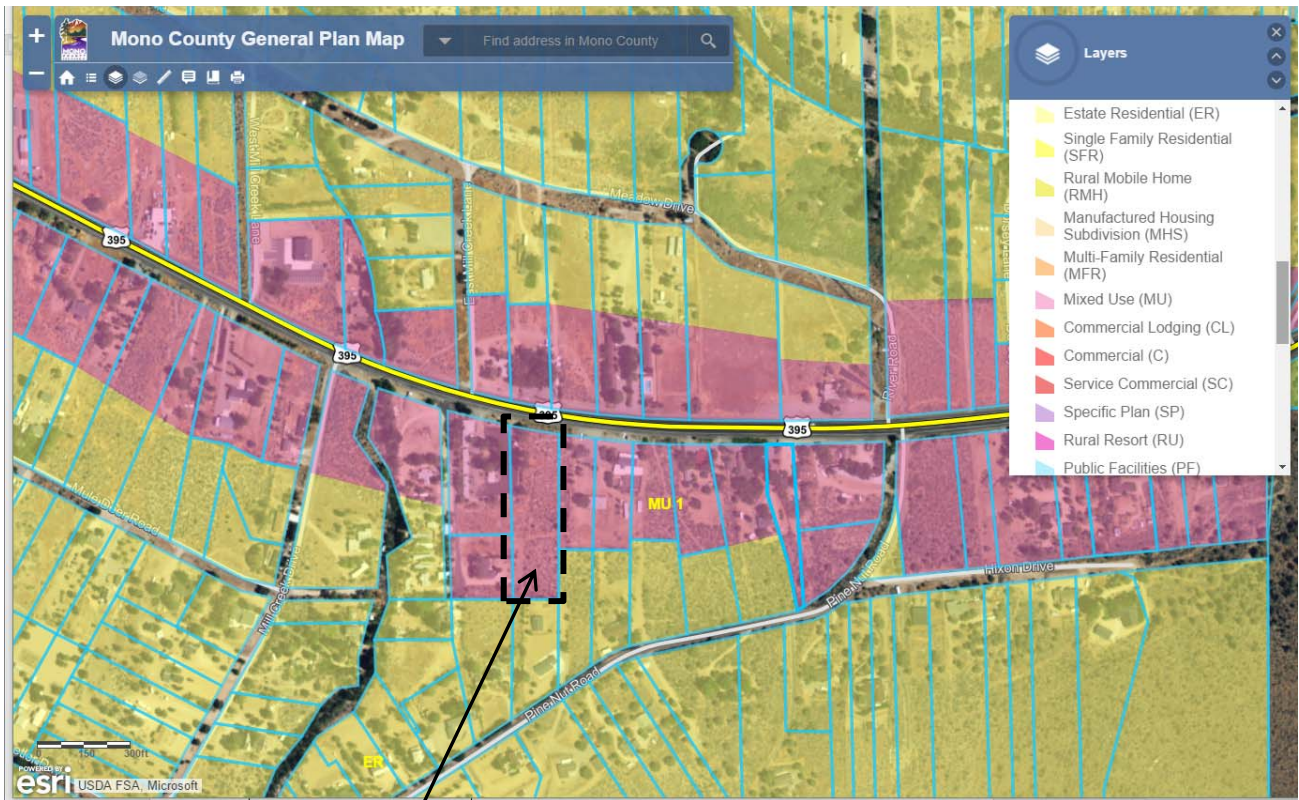
**PROJECT SETTING**

The vacant parcel is in Walker adjacent to Toiyabe Motel and across US 395 from the Walker Burger. Property has access to and from US 395.

**Site Plan: Western Arts & Crafts Gallery**



**FIGURE 3: LAND USE DESIGNATION MAP**



Project Location

**DISCUSSION**

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements.

**SIGNAGE**

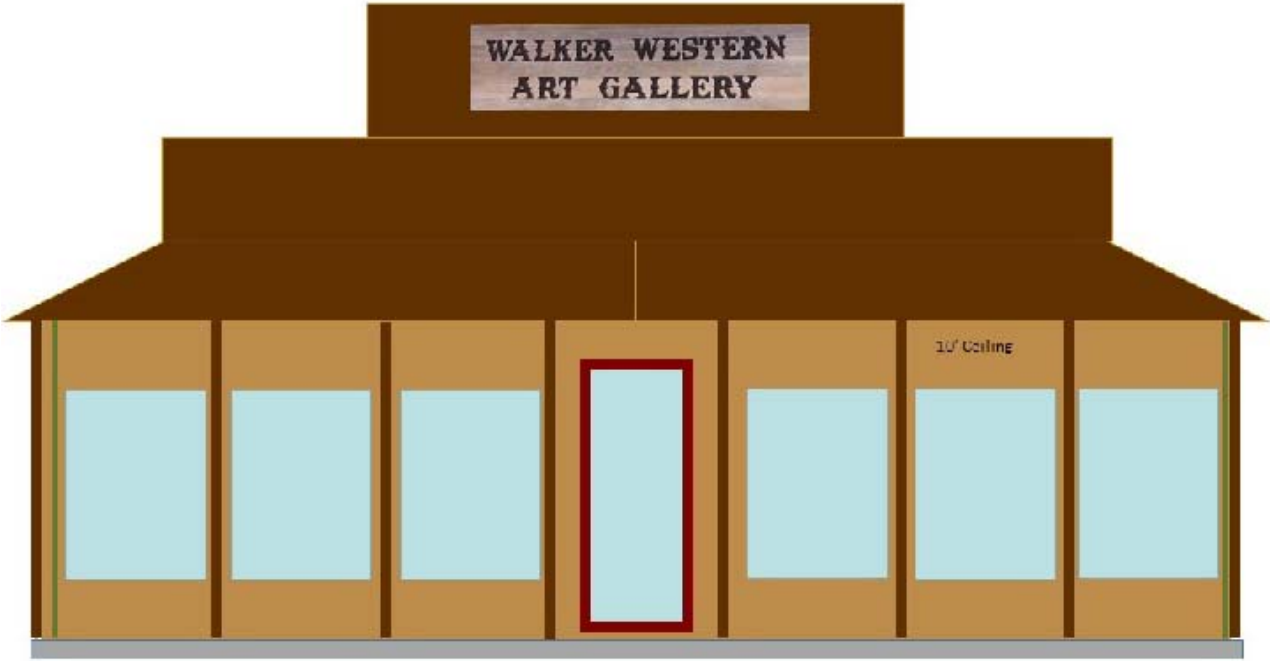
Chapter 7 of the Mono County General Plan (MCGP) regulates proposed signs. Two signs are proposed for the project. One freestanding sign is 12 feet high and 55 square feet with down-directed lighting. The second sign is attached to the building façade at 22.5 square feet. The freestanding sign is located adjacent to the driveway entrance.

Table 1 - Sign Plan – Chapter 7 MCGP

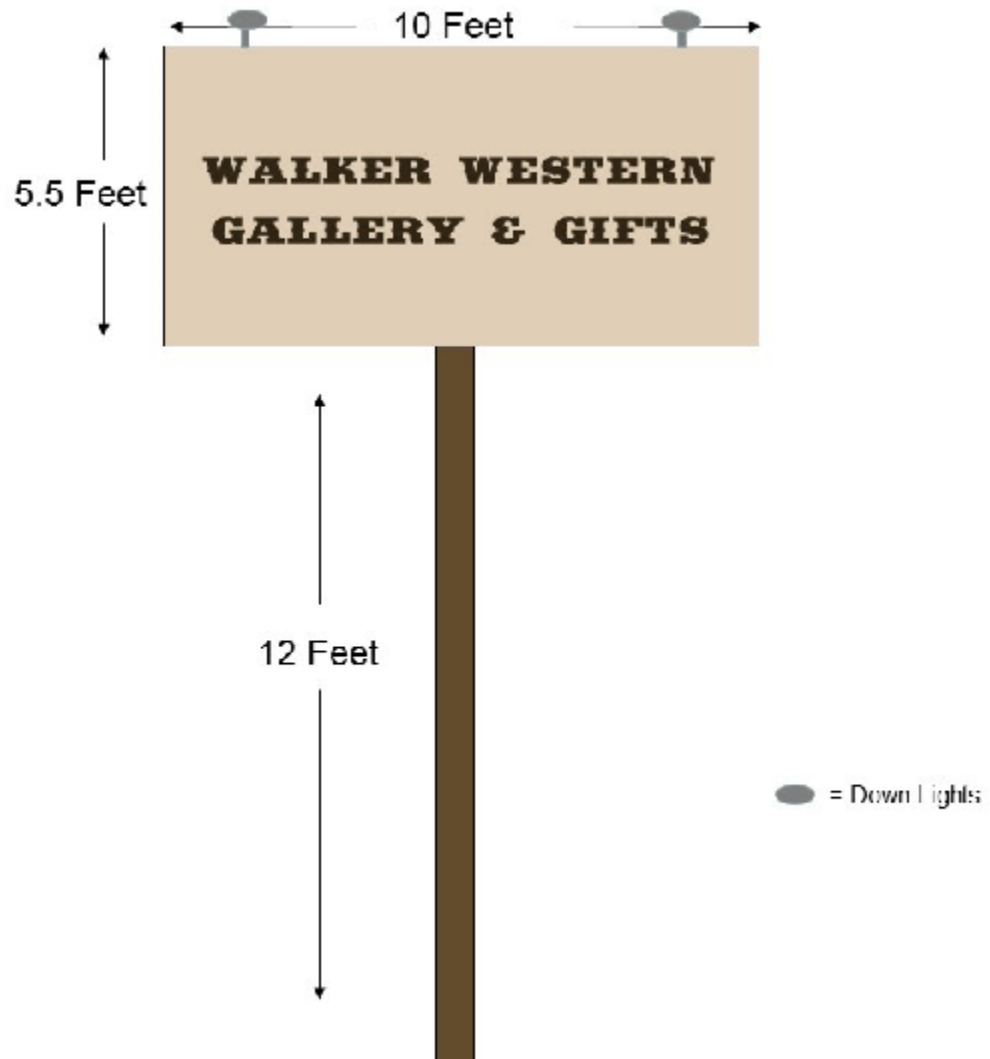
Type	Standard in Chapter 7 Signs	Complies Yes / No
Attached sign MCGP 07.030 A	Attached signs may occupy 1 sq. ft. for each 2 lineal feet of business frontage upon which the sign is located.	Yes. Sign area is 22.5 square feet (169' of frontage / 2 = 84.5 s.f.)
Freestanding sign MCGP 07.030 C	One freestanding is permitted for parcels with a minimum of 100 feet of street frontage. The maximum height shall be 20 feet or the height of the associated building, whichever is less. Freestanding signs may occupy 1 sq. ft. for every three	Yes. Sign area is 55 s.f., maximum height is 12' and sign is required to be set back 5' from property line.

	lineal feet of street frontage, up to a maximum of 100 sq. ft. Freestanding signs shall be set back a minimum of five feet from the property line.	
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Attached Sign Dims = 108"W x 30"H



50W x 46D x 23 H



Sign illumination is subject to MCGP 07.040 B which states:

*For those signs to be lit, indirect illumination from a separate light source is required. An indirectly illuminated sign is defined as any sign whose illumination is reflected from its source by the sign display surface to the viewer's eye, the source of light not being visible from the street or from abutting property.*

The project has been conditioned to comply with the above requirement.

#### **PARKING REQUIREMENTS**

Twelve parking spaces are required for the project. Uncovered parking spaces at elevations below 7,000 feet shall be 9' wide x 18' long, and a handicapped parking space, if required, shall be 14' wide x 20' long (allowing for a 5' loading area).



Table 2 – Parking – MCGP Chapter 6

Use	Standard	Provided for Western Arts Crafts Gallery project
General retail, services & offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.	A total of 12 spaces is required.

### Planning Commission Action

The Commission will need to consider if the paved parking standard can be reduced to an improved semi-permeable surface (or aggregate base) as permitted by MCGP section 06.010 B:

*No parking area or parking space that has been established for the purpose of complying with the provisions of this chapter shall hereafter be relinquished or reduced, unless equivalent spaces are provided as, approved by the Director or Commission.*

### GENERAL PLAN CONSISTENCY

As noted above, the General Plan Land Use Designation for this property is Mixed Use (MU).

According to the Mono County General Plan:

*The “MU” designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; to provide for efficient use of land and increased opportunities for affordable housing; to provide a transition between intensive commercial uses and residential uses; and to be applied to areas with existing mixed-use development.*

### MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies

The proposed project promotes the existing Countywide Land Use policies:

**Objective 1.E.** Provide for commercial development to serve both residents and visitors.

**Policy 1.E.1.** Concentrate commercial development within existing communities.

**Action 1.E.1.a.** Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.

**Policy 1.E.2.** Commercial uses should be developed in a compact manner; commercial core areas should be established/retained in each community area, and revitalized where applicable.

**Action 1.E.2.a.** Orient new commercial development in a manner that promotes pedestrian use. Avoid strip commercial development.

### MONO COUNTY LAND USE ELEMENT, Antelope Valley Area Plan

The proposed project promotes the existing Antelope Valley Area Plan policies:

**Objective 4.A.** Guide future development to occur within the US 395 corridor and existing communities.

**Policy 4.A.2.** Provide for a mix of residential, commercial, recreational, institutional, and industrial park land uses in a manner consistent with the overall goal for the Antelope Valley.

**Action 4.A.2.a.** Designate a sufficient amount of land to accommodate tourist and community commercial needs within existing community areas.

**Policy 4.E.2.** Encourage district infill that improves connections and integration among businesses and improves the physical appearance of Walker and Coleville Main Streets.

**Policy 7.D.2.** Develop plans for Main Street Revitalization in Bridgeport, including traffic calming, pedestrian safety and other enhancements to encourage exploration of the town and surrounding area.

## LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC considered the project on May 23, 2017, as a conditional application acceptance by Environmental Health, Public Works, and Planning Division.

## ENVIRONMENTAL REVIEW

The project qualifies for a Class 3 categorical exemption from the provisions of CEQA (CEQA Guidelines, 15303(c)). CEQA identifies this as a Class 3 – New Construction. A Class 3 exemption consists of construction and location of limited number of new, small facilities or structures such as; “A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.”

## USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Retail trade and services are listed as a Permitted Use, subject to Use Permit within the Mixed Use designation;
  - b) Adequate site area exists for the proposed art gallery and gift shop
  - c) Parking is sufficient for retail, employees, customers, and deliveries;
  - d) The location of the proposed project is consistent with the Antelope Valley Area Plan’s intent for concentrating resident- and visitor-oriented services in and along Walker main street;
  - e) With conditions, the parking plan and sign plan will conform to all requirement of the General Plan;
  - f) Signage is required to comply with Chapter 7 Signs; and
  - g) The required landscaping plan is provided in attachment 1.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The parcel is accessed by US 395 and is adequate for the kind of traffic generated by the proposed use. Parking is sufficient for employees, customers, and deliveries; and
  - b) The proposed uses are not expected to generate significant amounts of traffic to alter existing circulation patterns, and the location of the project along US 395 should encourage pedestrian/bicycle use for visitors already in town.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - a) The proposed uses are not expected to cause significant environmental impacts. The modifications are to existing building and disturbed areas. The property has a commercial designation appropriate for these uses;
  - b) The proposed project is a conforming use according to the Mono County General Plan’s Land Use Element. The use permit process provides the public with opportunity to

comment on the proposal, and no comments have been received in opposition to the project.

4. The proposed use is consistent with the map and text of the Mono County General Plan because:

- a) The mixed use land use designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; and
- b) The project is located within the Walker community area. The Antelope Valley Area Plan to guide future development to occur within the US 395 corridor and existing communities.

**Attachment 1: Landscaping Plan**

-  New Tree
-  Shrub



**MONO COUNTY****Planning Division****DRAFT NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UP 17-010 **APPLICANT:** Michael Paiva**ASSESSOR PARCEL NUMBERS:** 002-332-009**PROJECT TITLE:** Western Arts & Crafts Gallery Use Permit**PROJECT LOCATION:** The project is located on APN 002-332-009 in Walker, CA

On June 15, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-010/Paiva, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 15, 2017**EFFECTIVE DATE USE PERMIT** June 26, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION****DATED:** June 15, 2017

cc: X Applicant  
X Public Works  
X Building  
X Compliance

**CONDITIONS OF APPROVAL**  
**Use Permit 17-010/Paiva**

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) Project shall include 12 parking spaces (Chapter 6, Parking Standards or amended by the Planning Commission) as discussed in the staff report. A final parking site plan shall be submitted as part of the building permit submittal.
- 3) The applicant shall obtain or update encroachment permit as may be required from Caltrans for access.
- 4) All signs shall be in conformance with the Chapter 7, Signs of the Mono County General Plan.
- 5) The project shall comply with the Landscaping Plan as shown in Attachment 1.
- 6) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations. Any sign lighting shall comply with Chapter 7.
- 7) Project is required to comply with any requirements of the Antelope Valley Fire Protection District (AVFPD). The applicant shall provide a “will serve” letter from the Antelope Valley FPD indicating it will provide service to the project.
- 8) Project shall comply with all Mono County Building Division and Environmental Health requirements.
- 9) Applicant shall obtain necessary business licenses.
- 10) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
760-932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 15, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit 17-006/Race Communications – Mono City & South of Chalfant (White Mountain Estates) and Variance 17-001/Race Communications - Mono City line over 395 Scenic Corridor

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval and approve Variance.

### PROJECT

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Mono City and “South of Chalfant” (White Mountain Estates) through the placement of new strand and fiber along existing utility poles, installation of new underground conduit with new fiber, replacement and installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties in Mono City. Figures 1a and 1b illustrate the project’s extent across the communities of Mono City and South of Chalfant (White Mountain Estates); digital versions of the project maps are available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>. Review and permitting of this project is guided by Chapter 11 – Utilities of the Mono County General Plan and supported by the Communications Policies from the General Plan’s Circulation Element. Chapter 11 dictates “a use permit must be obtained prior to allowing overhead construction” (11.010D). This project is exempt from CEQA under Sections 15301, 15303 and 15304.

Provision of a direct fiber connection from the Digital 395 backbone to the proposed Mono City distribution infrastructure requires installation of a new fiber strand over US 395 within a Scenic Highway corridor along an existing utility corridor. Chapter 11.010F(1) directs “within Scenic Highway corridor, a variance...is required prior to approval of overhead construction.”

This staff report provides findings for both the proposed Use Permit and Variance. With the exception of the new fiber strand crossing US 395, analysis and findings are limited to the proposed infrastructure to be placed within County rights of way and to placement of overhead line drops to structures on private land.

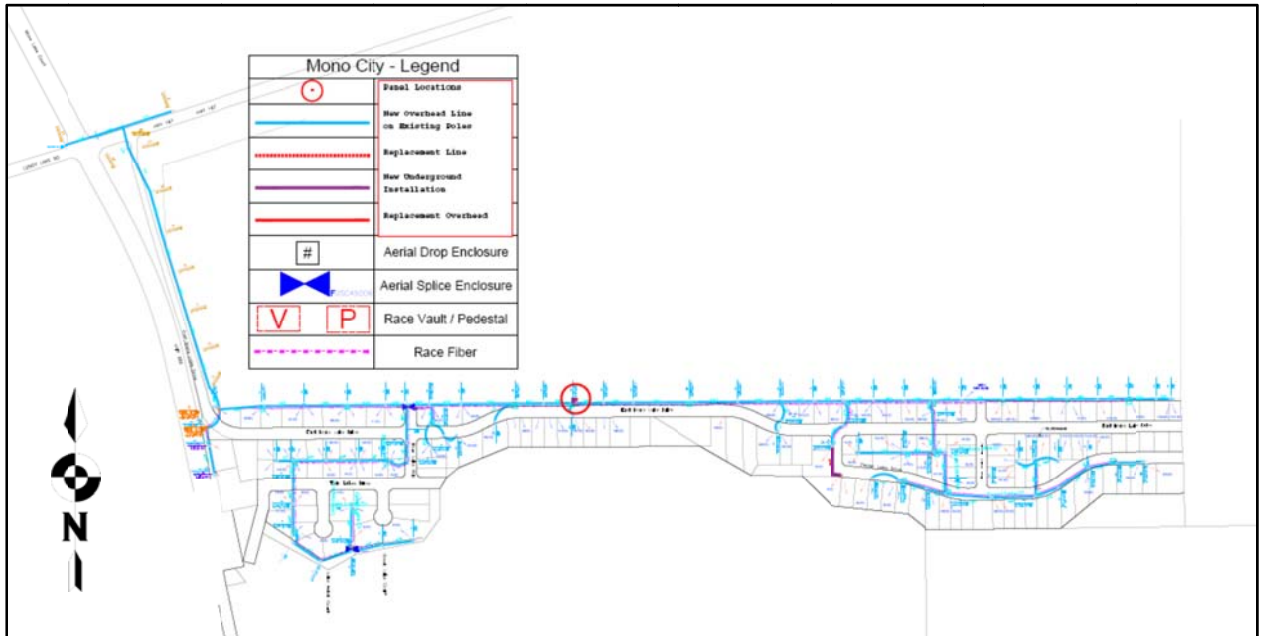


Figure 1a: Project extent in contiguous community of Mono City

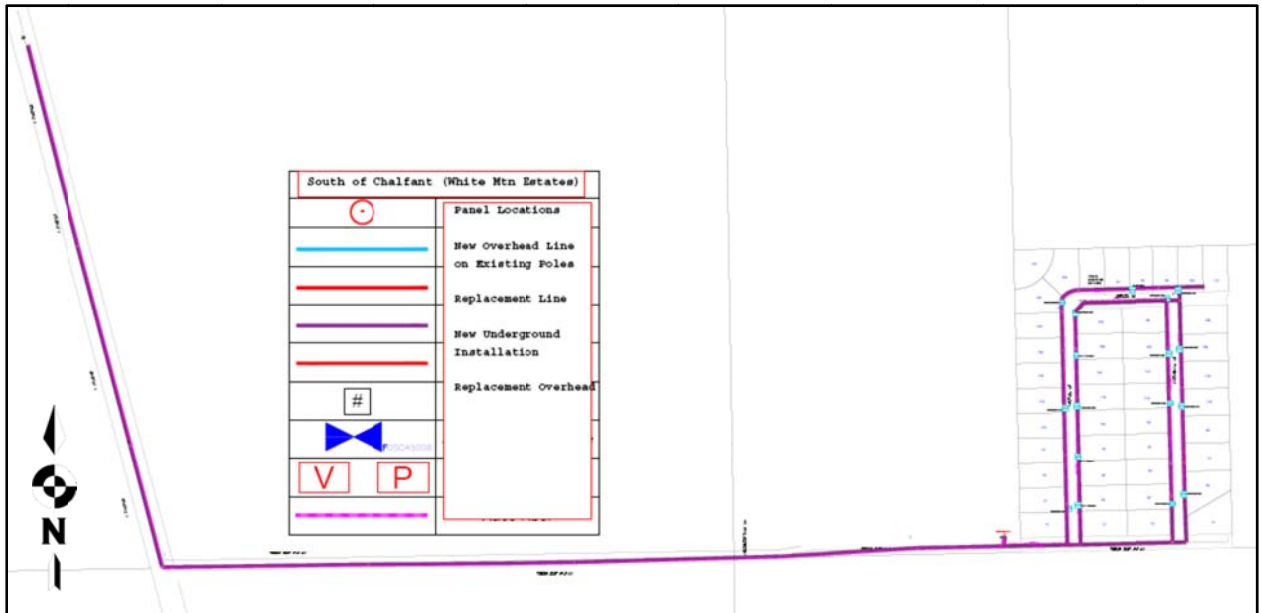


Figure 1b: Project extent in contiguous community of White Mountain Estates

**PROJECT SETTING**

This proposed last-mile strand and fiber installation project will take place across two communities – approximately 100 acres of continuous homes and the main access route (County Road - East Mono Lake Drive) of Mono City (*Figure 1a and Table 1a*) and 50 acres of contiguous homes and main access route (County Road - White Mountain Estates Road) of White Mountain Estates (*Figure 1b and Table 1b*).

**Table 1a: Mono City Proposed Race Infrastructure**

<b>Project Component</b>	<b>Linear feet</b>	<b>Percentage of total wireline infrastructure</b>
Removal and replacement existing overhead strand	0	0%
Removal and replacement of existing underground fiber	0	0%
New overhead strand on existing poles*	11,500'	98%
New underground conduit	260'	2%
<b>TOTAL WIRELINE</b>	<b>11,760'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals	0	
Flush-mount electrical vaults	1	
Panels	1	
Properties proposed to be served overhead	86	
Properties proposed to be served underground	38	
Temporary utility poles to be placed*	30	

\* All new overhead strand placement will take place on existing utility poles except where specific non-Race owned existing utility poles have failed mandated California Public Utilities Commission (CPUC) pole load testing. In conformance with CPUC regulations, Race Communications will be installing temporary<sup>1</sup> poles directly adjacent to failed poles; new Race overhead strand will then be placed on newly placed temporary poles. These temporary poles will be removed and a new permanent pole placed at the location of the failed pole by the owner of the failed pole. All overhead line will then be placed on the new permanent pole.

**Table 1b: South of Chalfant (White Mountain Estates) Proposed Infrastructure**

<b>Project Component</b>	<b>Linear feet</b>	<b>Percentage of total wireline infrastructure</b>
Removal and replacement existing overhead strand	0	0%
Removal and replacement of existing underground fiber	0	0%
New overhead strand on existing poles	260'	3%
New underground conduit	9750'	97%
<b>TOTAL WIRELINE</b>	<b>10,010'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals	0	
Flush-mount electrical vaults	42	
Panels	1	
Properties proposed to be served overhead	0	
Properties proposed to be served underground	43	
Temporary utility poles to be placed	0	

<sup>1</sup> Mono County General Plan at 02.01170 – “**Temporary Use** is any use or occupation of land for a period of 180 days or less.”



## **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE & PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting Jan. 1, 2017. Following extensive communication over the winter months between Race and County staff, use permit applications for Mono City and South of Chalfant were accepted as complete at the March 20, 2017, LDTAC meeting. The Variance to support the installation of new overhead line crossing Scenic Highway 395 was received by County staff May 12, 2017. Public hearing notices for the June 15, 2017, Planning Commission meeting were mailed to all property owners within a 30-foot radius of the proposed project the week of May 22. Public comments received to date have been largely supportive of the project while acknowledging the potential visual impact as acceptable when measured against the service. No comments in opposition to the proposed project in general or to project specifics have been received to date.

## **ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under the following exemptions.

**Section 15301 – Existing Facilities** “*consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination*” covers the portion of the total proposed project linear feet to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new permanent utility pole construction and will not expand the linear extent of the existing utility pole network.

**Section 15303 – New Construction or Conversion of Small Structures** “*consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction*” covers the proposed new overhead drops from Race strand on existing utility poles to individual homes and businesses, as well as the installation of new flush-mount vaults and a Race port.

**Section 15304 - Minor Alterations to Land** “*consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored*” covers the proposed trenching, backfilling and surface restoration along existing County rights of way for the placement of additional underground conduit.

## **DISCUSSION**

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### **GENERAL PLAN CONSISTENCY**

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” A Use

Permit is required as this project will be installed largely overhead to serve Mono City and largely underground in new conduit to serve White Mountain Estates. Encroachment permits from Mono County Public Works will be required for any and all work located in County rights of way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>2</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and mapping of new infrastructure to be submitted to the county Public Works Department upon completion of installation.
3. New wireline placed in existing underground before new conduit or overhead lines installed: The lack of suitable existing conduit and the existing utility pole infrastructure in Mono City yields a project that will be a mix of new overhead installation on existing poles (Mono City) and underground conduit (White Mountain Estates). As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.
4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F requires said installation be subject to a use permit authorized with at least one Planning Commission finding and anticipated impacts be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e., new line hung on existing poles, not replacement line) is installed. All proposed new lines will be co-located with existing lines along existing utility corridors. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to occur only subsequent to a request for service from the given property’s owner or duly authorized lessee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Mono City, staff proposes the Commission find that the proposed 98% of the total project identified for overhead installation be supported by a finding based on the fact that the installation of new overhead strand on existing poles “will not significantly disrupt the visual character of the area.” Proposed findings are detailed below in the Findings section.

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<sup>2</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

This finding is supported by the considerations recommended in Section 11.010D in that:

- Mono City already supports a robust network of overhead utility lines, and installation of new overhead line will not create a significant cumulative visual impact. To reiterate, all new overhead lines will be placed along existing overhead utility corridors. While no new poles or new overhead runs expanding the current extent of the overhead network are proposed, the load testing failure of 30 existing poles in Mono City will require the placement of 30 temporary poles to support the new overhead strand. These temporary<sup>3</sup> poles with the new strand will be placed directly adjacent to the existing failed pole. Race Communication’s lease agreements with the permanent pole owner obligate the pole owner to both remove the temporary pole and replace the failed pole with a new permanent pole. The timeline for removal of the temporary pole and replacement of a new, compliant permanent pole is not defined by the California Public Utilities Commission. The replacement of currently failing utility poles with new CPUC General Order 95 compliant poles represents a potential safety benefit to the community of Mono City.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are co-located with existing lines along existing utility corridors. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger “aerial splice” boxes than are currently seen on existing telephone lines.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

#### **MONO COUNTY GENERAL PLAN, Land Use Element**

##### **Objective 1.I Maintain and enhance the local economy**

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

##### **Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.**

##### **Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan**

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

#### **MONO COUNTY GENERAL PLAN, Circulation Element**

#### **IV. POLICIES – Communications**

##### **Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.**

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

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<sup>3</sup> Mono County General Plan at 02.01170 – “**Temporary Use** is any use or occupation of land for a period of 180 days or less.”

**Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.**

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

**Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.**

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights-of-way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights-of-way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

**USE PERMIT FINDINGS**

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 11,500’ of new overhead line on along existing utility corridors (11,500 in Mono City). As this new line is proposed for installation along existing overhead utility corridors in a community with an extensive network of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a use permit after making certain findings. An accounting of these required findings is detailed below.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan. This chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations. As further directed by Chapter 11, the potential impacts of the proposed new overhead installation will be minimized, avoided and mitigated to the extent possible through compliance with the Conditions of Approval.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project components covered by this use permit will take place within existing County rights of way (where an encroachment permit will be required) in existing communities. Project activity on private lands will require notice and invitation by said land owner or an authorized lessee prior to installation as required by Condition of Approval #3.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a building permit from Mono County Community Development/Building Division and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies of the Mono County General Plan and has been analyzed with appropriate findings made and Conditions of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.

## **V. VARIANCE FINDINGS**

The Planning Commission can approve a variance for the installation of new overhead communication line within a Scenic Highway corridor as directed by Mono County General Plan Section 11.010F(1) based only on the provisions of the General Plan and only when all of the following findings can be made:

1. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surrounding, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:*

As directed by Mono County General Plan Section 11.010F(1), a variance is required when new overhead line is proposed to be installed within a designated Scenic Highway corridor. The proposed overhead line crossing US 395 north of SR 167 will be placed on existing utility poles following existing utility lines. The proposed line will not be creating a new utility corridor that causes new visual impacts or results in damage to scenic resources.

The location of the proposed line is at the intersection of two state highways: US 395 and State Route (SR) 167. Highway intersections have requirements, standards and other needs for lighting, signage, visibility, etc. At this intersection, two sets of existing utility poles (one street lamp standard and one regular powerline along with existing guy lines), numerous large directional and regulatory signs, and barbed wire easement fencing currently exist. In addition, orange wind socks and flashing intersection lighting have been installed to address safety concerns related to high wind conditions and increasing the visibility of the intersection to cue SR 167 motorists to stop, and both

measures are supported by past accident history. Therefore, due to its location, the immediate viewshed at the intersection of SR 167 and US 395 does not enjoy the pristine visual conditions of other portions of the Scenic Highway that Section 11.010(F) intends to protect, and a variance from the strict application of undergrounding requirements is supported.

2. *The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:*

As noted above, the proposed new overhead communication line crossing Highway 395 will follow an existing power line along an existing utility corridor. A variance authorizing overhead line placement within a Scenic Combining District would be available to any and all other properties in the area as directed by Section 11.010F(1), as well as justified by the proposed location's current visual character and existing overhead uses.

3. *The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:*

Granting the requested variance to install additional communication line on existing utility poles will actually prove potentially beneficial to public welfare and property. By proposing to place additional line on existing poles, Race Communications has been required to test the existing utility poles for load capacity. As the existing poles in the area have failed these mandated load tests, Race Communications will be required to install temporary utility poles directly adjacent to the existing failing poles until the pole owners remove these temporary poles and replace the failing with a permanent pole. Replacement of these failing poles represents a measurable benefit to public welfare and property given the ongoing history of existing, aged utility pole failures leading to economically damaging and ecologically impactful wildfires in the Mono Basin. The internet service afforded by placement of the new proposed overhead line crossing US 395 has been cited in public comments as a desirable benefit to future-served properties.

4. *The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the county because:*

The proposed variance simply fulfills the direction of the Mono County General Plan Section 11.010F(1) requiring a variance for any new overhead communication lines to be installed with a Scenic Highway corridor. Additionally, the project as a whole is consistent with the direction given throughout the Mono County General Plan Chapter 11 – Utilities and supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies.

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION, USE PERMIT and VARIANCE

**USE PERMIT & VARIANCE:** UP 17-006 & V 17-001      **APPLICANT:** Race Communications

**ASSESSOR PARCEL NUMBERS:** Numerous  
**PROJECT TITLE:** Race Communications – Mono City & South of Chalfant (White Mountain Estates)

**PROJECT LOCATION:** The project is located across the communities of Mono City and White Mountain Estates.

On June 15, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, and pursuant to Chapter 33, section 33.010 of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-006 and Variance 17-001, Race Communications, subject to the following conditions, at the conclusion of the appeal period.

#### CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 15, 2017  
**EFFECTIVE DATE USE PERMIT** June 26, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

#### MONO COUNTY PLANNING COMMISSION

**DATED:** June 15, 2017

cc:

Applicant  
 Public Works  
 Building  
 Compliance

## CONDITIONS OF APPROVAL

### Use Permit 17-006/ Race Communications – Mono City & South of Chalfant

- 1) All project activity shall be substantially reflect the project as proposed and depicted on Figures 1a and 1b of this staff report, and as described and represented in the Use Permit Application dated 3/3/2017. Any and all future development or installations beyond the scope illustrated on Figures 1a and 1b and submitted as part of the Use Permit Application Package for Race Communications – Mono City & South of Chalfant annotated with “Map Version Use Permit 17-006 15 June 2017 PC Hearing” shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D the following actions are required for this permit to remain in force:
  - a. All work within County Rights of Way shall require an encroachment permit before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized lessee for Race service to said property.
- 4) To avoid to the extent possible unexpected and unwelcome disturbance to private property owners and residents, Race and associated contractors shall contact each individual parcel affected by the proposed work covered within this use permit before commencing construction in a given community. This notice describing the pending work shall be done door to door in person or via a door hang tag left on the front door of the affected residence or business. Notice shall consist of a general description of the planned work coupled with a general timeline (e.g., “We plan to hang new line on the poles in front of your home starting next week and lasting up to three weeks.”) and be distributed at least one week prior to the commencement of said work.
- 5) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 6) Project proponent shall undertake due diligence to ensure all necessary permits, easements and authorizations from local, state (Including Caltrans) and federal agencies are in place before commencing new installation activities authorized by this use permit.
- 7) Applicant shall obtain necessary business licenses.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 15, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit 17-008/Race Communications – Sunny Slopes, Aspen Springs and Tom’s Place

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval.

### PROJECT

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Sunny Slopes, Aspen Springs and Tom’s Place through the placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, replacement and installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Figure 1 illustrates the project’s extent across the contiguous communities of Sunny Slopes, Aspen Springs and Tom’s Place; a digital version of the map is available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>.

Review and permitting of this project is guided by Chapter 11 – Utilities of the Mono County General Plan and supported by the Communications Policies from the General Plan’s Circulation Element. This project is exempt from CEQA under Sections 15301, 15303 and 15304.

This staff report provides findings for both the proposed Use Permit and Variance. The analysis and findings of this Use Permit are limited to the proposed infrastructure to be placed within County rights of way and to placement of overhead line drops to structures on private land.

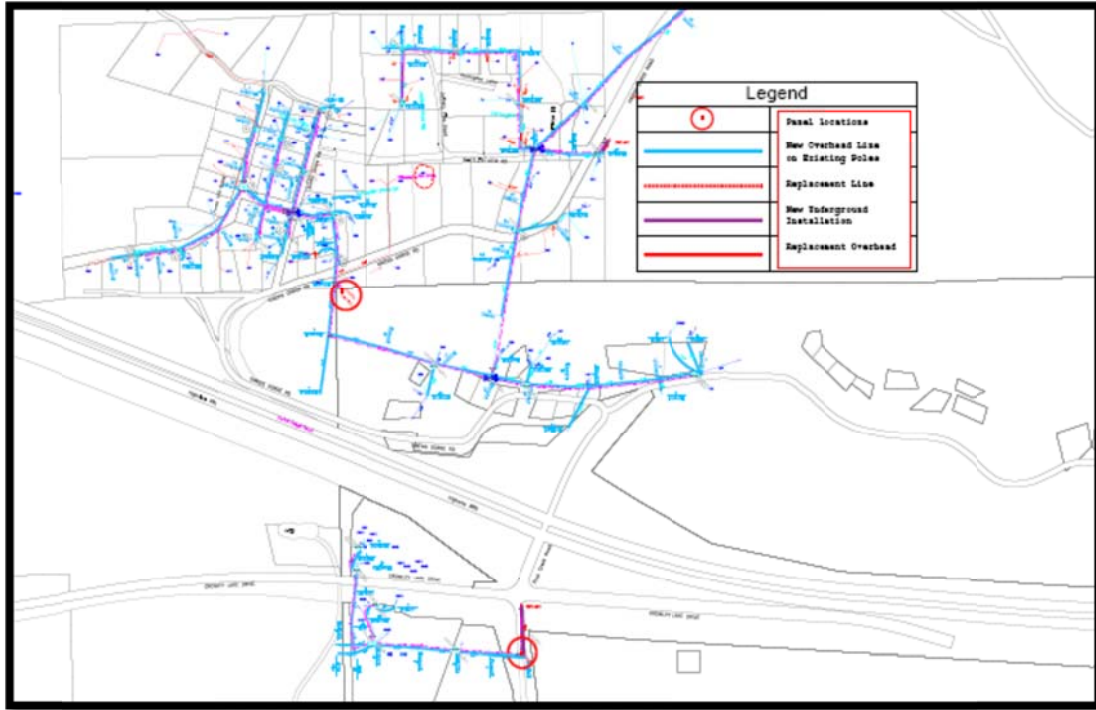


Figure 1a – Project Extent in Contiguous Communities of Sunny Slopes and Tom's Place

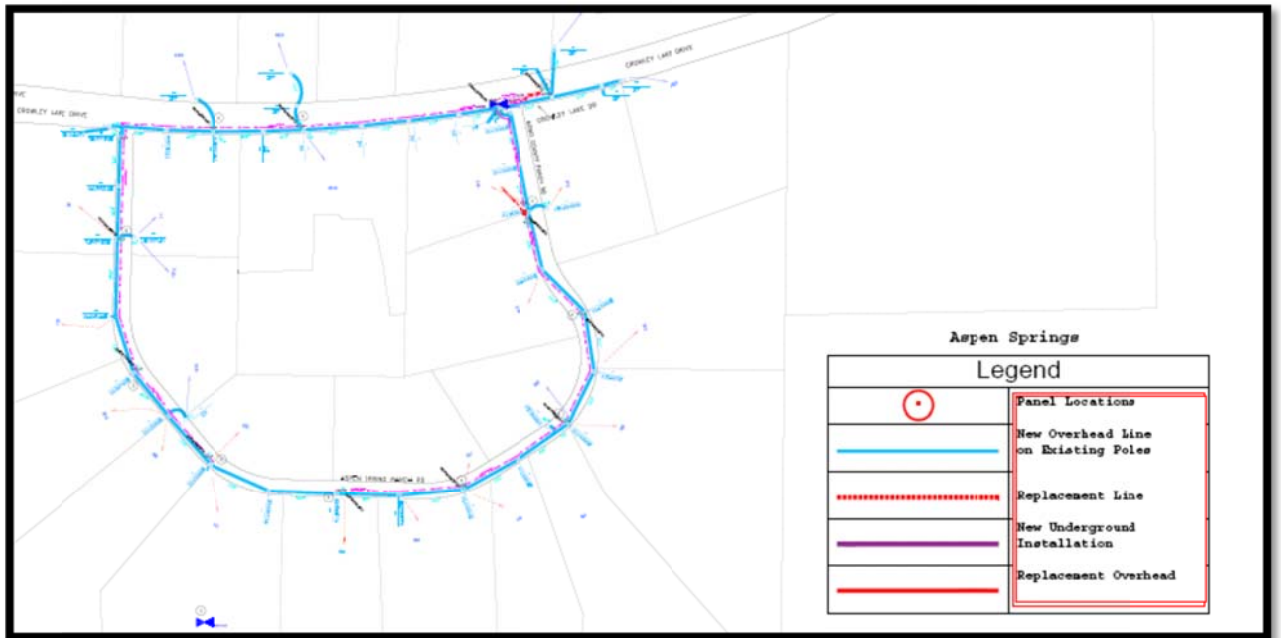


Figure 1b – Project Extent in the Contiguous Community of Aspen Springs

## PROJECT SETTING

This proposed last-mile strand & fiber installation project will take place across the approximately 180 acres of continuous homes and businesses in Sunny Slopes and Tom's Place (*Figure 1a Table 1a*) and the approximately 197 acres of contiguous homes in Aspen Springs (*Figure 1b and Table 1b*)

**Table 1a – Sunny Slopes and Tom's Place**

Project Component	Liner feet	Percentage of total wireline infrastructure
Removal and Replacement Existing Overhead Strand	0	0%
Removal and Replacement of Existing Underground Fiber	0	0%
New Overhead Strand on Existing Poles*	20,900'	98%
New Underground Conduit	570'	2%
<b>TOTAL WIRELINE</b>	<b>21,170'</b>	
<b>Associated Project Infrastructure</b>		
	Number	
Pedestals	0	
Flush Mount Electrical Vaults	0	
Panels	3	
Properties Proposed to be Served Overhead	116	
Properties Proposed to be Served Underground	36	
Temporary Utility Poles to be Placed*	Unknown	

**Table 1b – Aspen Springs**

Project Component	Liner feet	Percentage of total wireline infrastructure
Removal and Replacement Existing Overhead Strand	0'	0%
Removal and Replacement of Existing Underground Fiber	0'	0%
New Overhead Strand on Existing Poles*	6900'	97%
New Underground Conduit	110'	3%
<b>TOTAL WIRELINE</b>	<b>7010'</b>	
<b>Associated Project Infrastructure</b>		
	Number	
Pedestals (replacement)	1	
Flush Mount Electrical Vaults	0	
Panels	1	
Properties Proposed to be Served Overhead	9	
Properties Proposed to be Served Underground	15	
Temporary Utility Poles to be Placed*	Unknown	

\*All new overhead strand placement will take place on existing utility poles except for where specific non-Race owned existing utility poles have failed mandated California Public Utilities Commission (CPUC) pole load testing. In conformance with CPUC regulations, Race Communications will be installing temporary<sup>1</sup> poles directly adjacent to failed poles; new Race overhead strand will then be

<sup>1</sup> Mono County General Plan at 02.01170 – “**Temporary Use** is any use or occupation of land for a period of 180 days or less.”

*placed on newly placed temporary poles. These temporary poles will be removed and a new permanent pole placed at the location of the failed pole by the owner of the failed pole. All overhead line will then be placed on the new permanent pole. At the time of this staff report, the number of temporary poles was not known by the project proponent.*

#### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE and PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting January 1, 2017. Following extensive communication over three months between Race and County staff, Use Permit applications for Sunny Slopes, Tom's Place and Aspen Springs were formally accepted as complete at the March 20, 2017 LDTAC meeting. Public hearing notices for the June 15, 2017 Planning Commission meeting on this Use Permit were mailed to all property owners within a 300 foot radius of the proposed project the week of May 22, 2017. No public comments been received to date on this specific project other than questions inquiring as to potential service outside the proposed served area.

#### **ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under the following exemptions.

**Section 15301 – Existing Facilities** “*consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination*” covers the portion of the proposed project to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new utility pole construction and will not expand the linear extent of the existing utility pole network in the communities of Sunny Slopes, Tom's Place and Aspen Springs.

**Section 15303 – New Construction or Conversion of Small Structures** “*consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction*” covers the proposed new overhead drops from Race strand on existing utility poles to individual homes and businesses, as well as the installation of new flush mount vaults and a Race port.

**Section 15304 - Minor Alterations to Land** “*consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored*” covers the proposed trenching for new underground conduit.

#### **DISCUSSION**

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

#### **GENERAL PLAN CONSISTENCY**

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use

designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” While a portion of the proposed infrastructure in Sunny Slopes, Tom’s Place and Aspen Springs is proposed to be installed underground or as replacement overhead strand, the remaining infrastructure is proposed for new overhead installation along existing overhead utility corridors and in newly installed underground conduit. Therefore, a Use Permit is required. Additionally, encroachment permits from Mono County Public Works will be required for any and all work located in County rights-of-way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>2</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and mapping of new infrastructure to be submitted to the County Public Works Department upon completion of installation.
3. New wireline placed in existing underground before new conduit or overhead lines installed: While a portion of the total project is proposed for installation in new underground conduit, the lack of existing conduit, lack of setbacks for many homes and businesses to facilitate a path for trenching, lack of usable mapping of existing underground infrastructure (water, sewer, propane lines), and the fact that nearly all of these communities are currently served by existing overhead utility networks yields a project that will not be completely installed underground. As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.
4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F not only requires said installation be subject to a Use Permit authorized with at least one Planning Commission finding and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs Planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e. new line hung on existing poles, not replacement line) is installed. All proposed new lines will be co-located with existing lines along existing utility corridors. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to only occur subsequent to a request for service from the given property’s owner or duly authorized lessee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the

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<sup>2</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Sunny Slopes, Tom’s Place and Aspen Springs, staff proposes the Commission find that the proposed portion of the total project identified for overhead installation be supported by a finding based on the fact that the installation of new overhead strand on existing poles “will not significantly disrupt the visual character of the area.” Proposed findings are detailed below in the Findings section.

This finding is supported by the considerations recommended in Section 11.010D in that:

- These communities currently support a robust network of overhead utility lines, and installation of new overhead line will not create a significant cumulative visual impact. To reiterate, all new overhead lines will be placed along existing overhead utility corridors. No new permanent poles or new overhead runs are proposed. The proposed overhead drops to individual property lines will, in many cases, be replacing unused cable line and/or following existing drops off existing utility poles.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are to be co-located with existing lines on existing poles. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger “aerial splice” boxes than are currently seen on existing telephone lines.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

#### **MONO COUNTY GENERAL PLAN, Land Use Element**

##### **Objective 1.I Maintain and enhance the local economy**

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

##### **Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.**

##### **Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan**

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

#### **MONO COUNTY GENERAL PLAN, Circulation Element**

##### **IV. POLICIES – Communications**

**Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.**

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

**Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.**

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

**Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.**

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights-of-way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights-of-way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

**USE PERMIT FINDINGS**

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 28,200 of new overhead line on existing poles. As this new line is proposed for installation on existing poles in a community with an extensive network of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings. An accounting of these required findings is detailed below.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan. This chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations. As further directed by Chapter 11, the potential impacts of the proposed new overhead installation will be minimized, avoided and mitigated to the extent possible through compliance with the Conditions of Approval.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project will take place within existing County Rights of Way (where an encroachment permit will be required) in an existing community. Project activity on private lands will require notice and invitation by said land owner or an authorized lease prior to installation as required by Condition of Approval #3.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a Building Permit from Mono County Community Development and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies of the Mono County General Plan and has been analyzed with appropriate findings made and Conditions of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.



**MONO COUNTY****Planning Division****DRAFT NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UP 17-008 **APPLICANT:** Race Communications**ASSESSOR PARCEL NUMBERS:** Numerous**PROJECT TITLE:** Race Communications – Sunny Slopes, Aspen Springs and Tom’s Place**PROJECT LOCATION:** The project is located across the communities of Sunny Slopes, Aspen Springs and Tom’s Place

On June 15, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-002, Race Communications, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 15, 2017**EFFECTIVE DATE USE PERMIT** June 26, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION****DATED:** June 15, 2017

cc: X Applicant  
X Public Works  
X Building  
X Compliance

## CONDITIONS OF APPROVAL

### Use Permit 17-008/ Race Communications – Sunny Slopes, Aspen Springs & Tom’s Place

- 1) All project activity shall be substantially reflect the project as proposed and depicted on Figures 1a and 1b of this staff report, and as described and represented in the Use Permit Application dated 3/3/2017. Any and all future development or installations beyond the scope illustrated on Figures 1a and 1b and submitted as part of the Use Permit Application Package for Race Communications – Sunny Slopes, Aspen Springs & Tom’s Place dated 3/3/2017 shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D the following actions are required for this permit to remain in force:
  - a. All work within County Rights of Way shall require an encroachment permit before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized lessee for Race service to said property.
- 4) To avoid to the extent possible unexpected and unwelcome disturbance to private property owners and residents, Race and associated contractors shall contact each individual parcel affected by the proposed work covered within this use permit before commencing construction in a given community. This notice describing the pending work shall be done door to door in person or via a door hang tag left on the front door of the affected residence or business. Notice shall consist of a general description of the planned work coupled with a general timeline (e.g “We plan to hang new line on the poles in front of your home starting next week and lasting up to three weeks.”) and be distributed at least one week prior to the commencement of said work.
- 5) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 6) Project proponent shall undertake due diligence to ensure all necessary permits, easements and authorizations from local, state and federal agencies are in place before commencing new installation activates authorized by this use permit.
- 7) Applicant shall obtain necessary business licenses.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

RECEIVED  
JUN 09 2017  
MONROE COUNTY  
Community Development

Dear CD Ridder,

I am writing this letter in support of the conditional use permit 17-008 with Race Communications for Digital 395. My family and I live in Aspen Springs and we are very interested in a line hook up for better telecommunications. Let's make it a go!

Maureen and Bill Vogel

6255 Crowley Lake Dr.

Aspen Springs

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 15, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit 17-009/Race Communications – Swall Meadows, Paradise, Benton and Benton Hot Springs

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval.

### PROJECT

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Swall Meadows, Paradise, Benton and Benton Hot Springs through the placement of new strand and fiber along existing utility poles and in new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties.

Additionally, this project includes the proposed installation of a new overhead backhaul line along an existing utility corridor from Swall Meadows to Round Valley. Figures 1a through 1d illustrate the project's extent across the contiguous communities of Swall Meadows, Paradise, Benton and Benton Hot Springs; digital versions of the maps are available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>.

Review and permitting of this project is guided by Chapter 11 – Utilities of the Mono County General Plan and supported by the Communications Policies from the General Plan's Circulation Element. This project is exempt from CEQA under Sections 15301, 15303 and 15304.

The analysis and findings of this Use Permit are limited to the proposed infrastructure to be placed within County rights of way and to placement of overhead line drops to structures on private land. Connections to individual homes within the Utu Utu Gwaitu Tribal Reservation are not covered by this Use Permit.

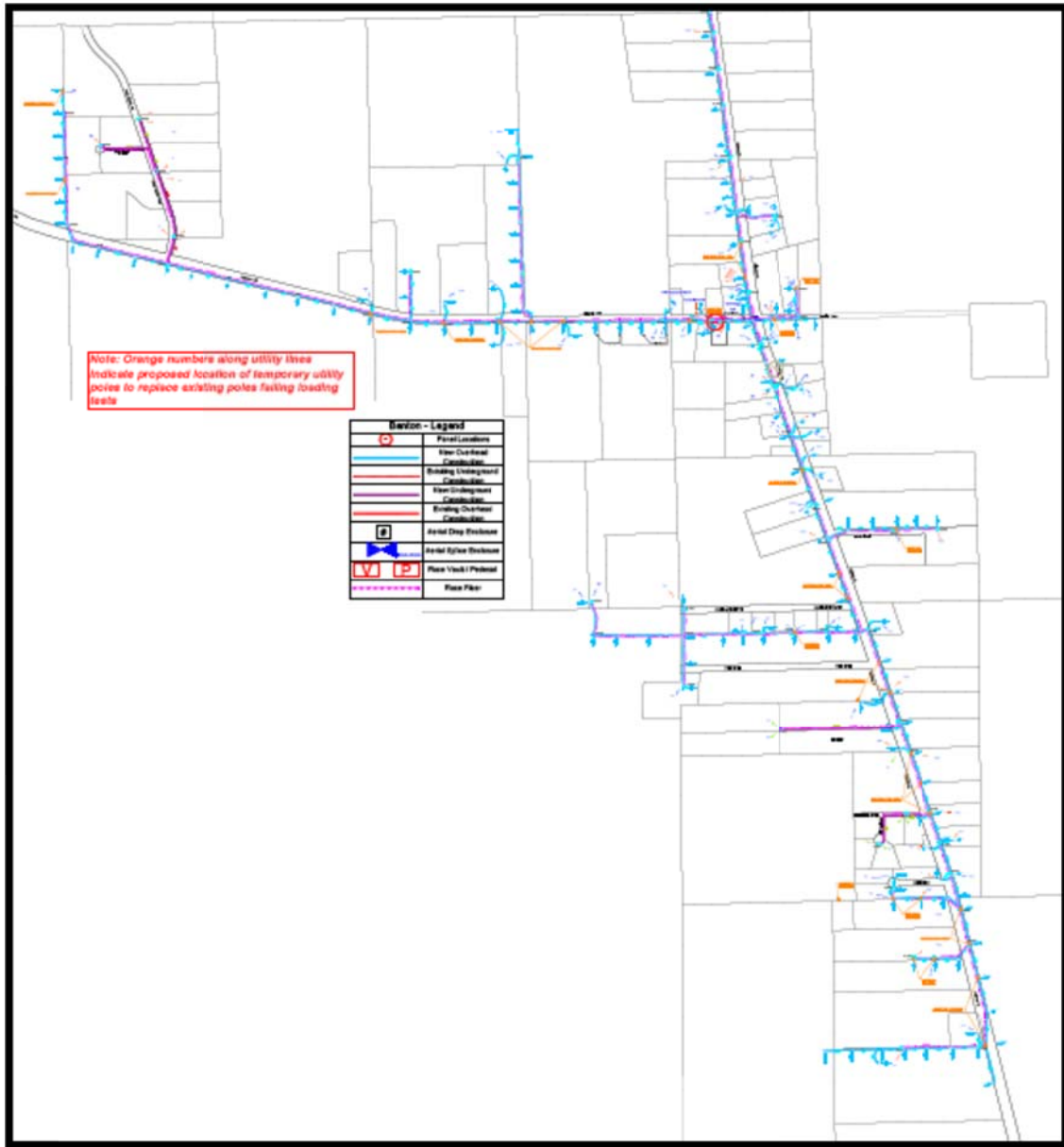


Figure 1a: Project extent in contiguous community of Benton

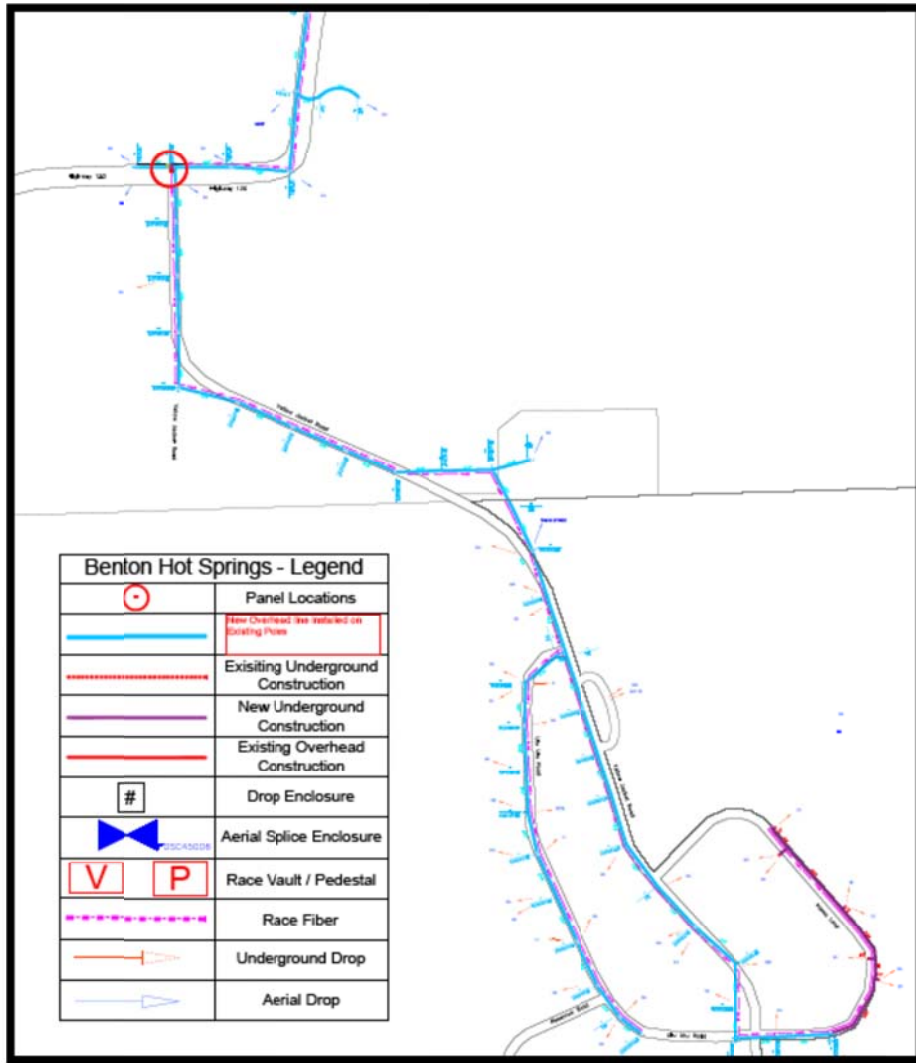


Figure 1b: Project extent in contiguous community of Benton Hot Springs (homes on Tribal Lands are not covered by this Use Permit)

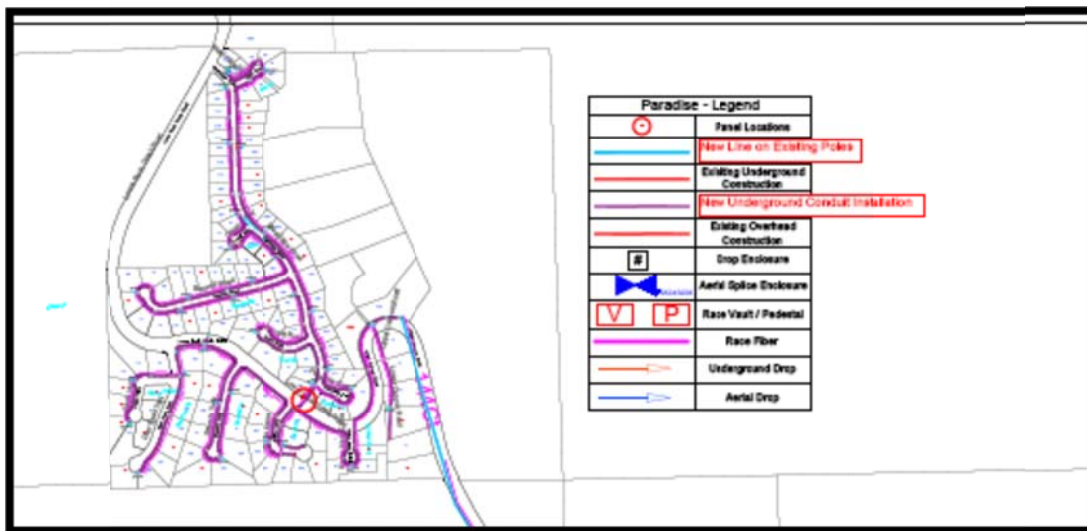


Figure 1c: Project extent in contiguous community of Paradise

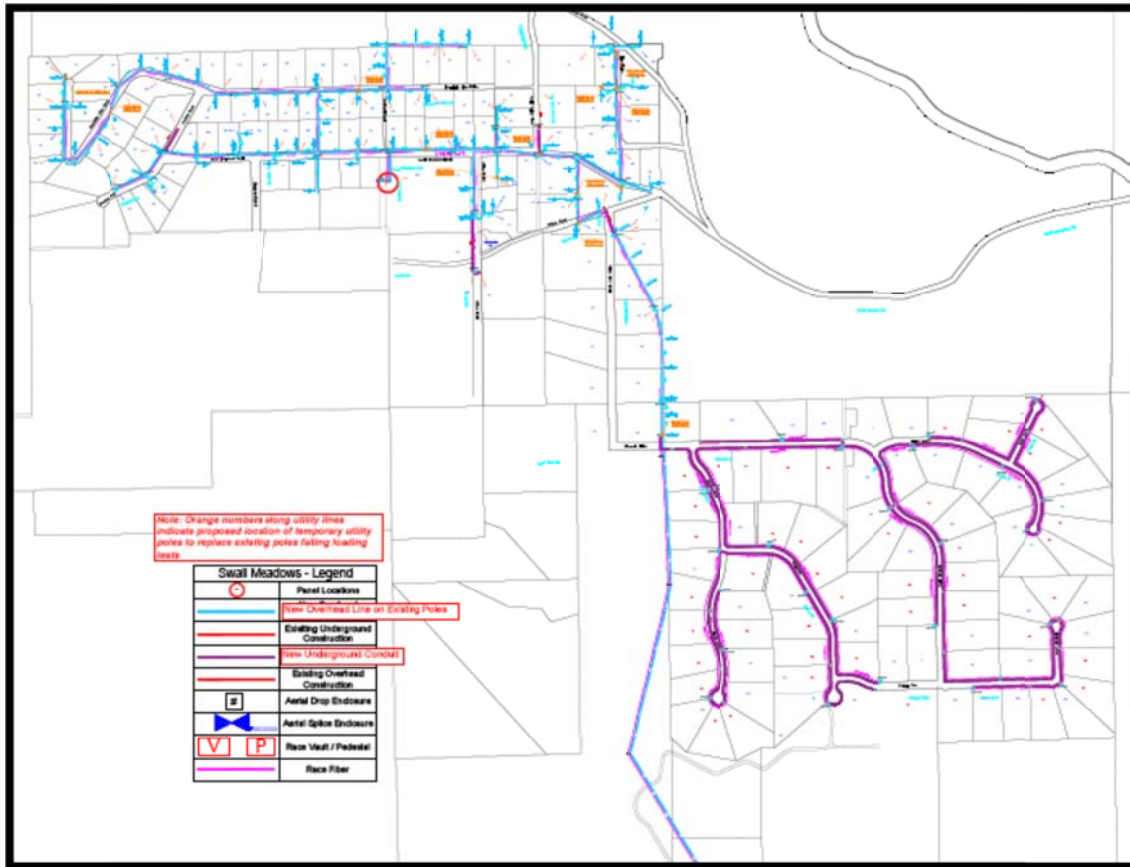


Figure 1d: Project extent in contiguous community of Swall Meadows

### PROJECT SETTING

This proposed last-mile strand & fiber installation project will take place across the approximately 1,000 acres of continuous homes, businesses and public institutional properties in Benton (Figure 1a and Table 1a), the approximately 50 acres of homes and along Yellow Jacket Road in Benton Hot Springs (Figure 1b and Table 1a), the approximately 75 acres of homes in Paradise (Figure 1c and Table 1b), and the approximately 4,630 acres of contiguous homes in Swall Meadows (Figure 1d and Table 1b).

Table 1a: Benton & Benton Hot Springs Proposed Race Infrastructure

Project Component	Liner feet	Percentage of total wireline infrastructure
Removal and replacement existing overhead strand	0'	0%
Removal and replacement of existing underground fiber	0'	0%
New overhead strand on existing poles*	41,600'	90%
New underground conduit	4690'	10%
<b>TOTAL WIRELINE</b>	<b>46,290</b>	
<b>Associated Project Infrastructure</b>	<b>Number</b>	
Pedestals	0	
Flush-mount electrical vaults	8	
Panels	3	
Properties proposed to be served overhead	65	
Properties proposed to be served underground	35	

Temporary Utility Poles to be Placed*	32	
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**Table 1b: Paradise & Swall Meadows Proposed Race Infrastructure**

Project Component	Liner feet	Percentage of total wireline infrastructure
Removal and replacement existing overhead strand	0'	0%
Removal and replacement of existing underground fiber	0'	0%
New overhead strand on existing poles*	58,982'	72%
New underground conduit	25,244'	28%
<b>TOTAL WIRELINE</b>	<b>82,226'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals (replacement)	0	
Flush-mount electrical vaults	122	
Panels	3	
Properties proposed to be served overhead	155	
Properties proposed to be served underground	49	
Temporary utility poles to be placed*	12	

\*All new overhead strand placement will take place on existing utility poles except for where specific non-Race owned existing utility poles have failed mandated California Public Utilities Commission (CPUC) pole load testing. In conformance with CPUC regulations, Race Communications will be installing temporary<sup>1</sup> poles directly adjacent to failed poles; new Race overhead strand will then be placed on newly placed temporary poles. These temporary poles will be removed and a new permanent pole placed at the location of the failed pole by the owner of the failed pole. All overhead line will then be placed on the new permanent pole. At the time of this staff report, the number of temporary poles was not known by the project proponent.

#### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE and PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting Jan. 1, 2017. Following extensive communication over three months between Race and County staff, Use Permit applications for Swall Meadows, Paradise, Benton and Benton Hot Springs were formally accepted as complete at the June 5, 2017, LDTAC meeting. Public hearing notices for the June 15, 2017, Planning Commission meeting on this Use Permit were mailed to all property owners within a 300-foot radius of the proposed project in each community the week of May 22, 2017. Public comments received to date on this specific project have been supportive of the project, with some individuals questioning specific build-out details (questioning extent of areas served) or providing thoughtful suggestions to improve functionally/economics of the proposed system through minor infrastructure modifications (i.e., moving pedestal locations). Race has proven very responsive to these public inquiries and has been in direct communication with the public to address their particular concerns.

#### **ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under three separate exemptions.

**Section 15301 – Existing Facilities** “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the

<sup>1</sup> Mono County General Plan at 02.01170 – “**Temporary Use** is any use or occupation of land for a period of 180 days or less.”



*lead agency's determination*” covers the portion of the proposed project to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new utility pole construction and will not expand the linear extent of the existing utility pole network in these communities.

**Section 15303 – New Construction or Conversion of Small Structures** “*consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction*” covers the proposed new overhead drops from Race strand on existing utility poles to individual homes and businesses, as well as the installation of new flush mount vaults and a Race port.

**Section 15304 - Minor Alterations to Land** “*consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored*” covers the proposed trenching for new underground conduit.

## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### GENERAL PLAN CONSISTENCY

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” While a portion of the proposed infrastructure in Swall Meadows, Paradise, Benton and Benton Hot Springs is proposed to be installed underground, the remaining infrastructure is proposed for new overhead installation along existing overhead utility corridors. Therefore, a Use Permit is required. Additionally, encroachment permits from Mono County Public Works will be required for any and all work located in County rights of way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>2</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and mapping of new infrastructure to be submitted to the County Public Works Department upon completion of installation.
3. New wireline placed in existing underground before new conduit or overhead lines installed: the lack of existing usable conduit and or usable conduit space, lack of setbacks for many homes and

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<sup>2</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

businesses to facilitate a path for trenching, lack of usable mapping of existing underground infrastructure (water, sewer, propane lines), and the fact that nearly all of these communities (save Paradise and southeastern Swall Meadows) are currently served by existing overhead utility networks yields a project that will not be completely installed underground. As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.

4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F not only requires said installation be subject to a Use Permit authorized with at least one Planning Commission finding and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs Planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e., new line hung on existing poles, not replacement line) is installed. All proposed new lines will be co-located with existing lines along existing utility corridors. However, the lack of existing, purchasable cable plants (wireline communications infrastructure) in these communities precludes the removal and replacement strategy employed in communities such as Lee Vining, Crowley and Bridgeport. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to only occur subsequent to a request for service from the given property’s owner or duly authorized lessee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Swall Meadows, Paradise, Benton and Benton Hot Springs, staff proposes the Commission find that the proposed portion of the total project identified for overhead installation be supported by a finding based on the fact that the installation of new overhead strand on existing poles “will not significantly disrupt the visual character of the area.” Proposed findings are detailed below in the Findings section.

This finding is supported by the considerations recommended in Section 11.010D in that:

- Benton, Benton Hot Springs, a portion of Swall Meadows and the County right of way portion of Lower Rock Creek Road currently support a network of overhead utility lines, and installation of new overhead line along these existing overhead utility corridors will not create a significant cumulative visual impact. To reiterate, all new overhead lines will be placed along existing overhead utility corridors. No new permanent poles or new overhead runs are proposed. The proposed overhead drops to individual property lines will, in many cases, follow existing drops off existing utility corridors.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are to be co-located with existing lines along existing corridors. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger “aerial splice” boxes than are currently seen on existing telephone lines.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

### MONO COUNTY GENERAL PLAN, Land Use Element

#### Objective 1.I Maintain and enhance the local economy

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

**Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.**

#### Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

### MONO COUNTY GENERAL PLAN, Circulation Element

#### IV. POLICIES – Communications

**Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.**

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

**Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.**

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

**Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.**

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights of way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights of way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

## USE PERMIT FINDINGS

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 100,582' of new overhead line on existing poles (approximately 80% of total new line proposed for installation). As this new line is proposed for installation along existing overhead utility corridors in communities with extensive networks of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings. An accounting of these required findings is detailed below.

### Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan. This chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations. As further directed by Chapter 11, the potential impacts of the proposed new overhead installation will be minimized, avoided and mitigated to the extent possible through compliance with the Conditions of Approval.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project will take place within existing County rights of way (where an encroachment permit will be required) in existing communities. Project activity on private lands will require notice and invitation by said land owner or an authorized lease prior to installation as required by Condition of Approval #3.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a Building Permit from Mono County Community Development and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies of the Mono County General Plan and has been analyzed with appropriate findings made and Conditions of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.



**Conditions of Approval: Use Permit 17-009/ Race Communications – Swall Meadows, Paradise, Benton and Benton Hot Springs**

- 1) All project activity shall substantially reflect the project as proposed and depicted on Figures 1a and 1b of this staff report, and as described and represented in the Use Permit Application dated 4/4/2017. Any and all future development or installations beyond the scope illustrated on Figures 1a and 1b and submitted as part of the Use Permit Application Package for Race Communications – Swall Meadows, Paradise, Benton and Benton Hot Springs shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D the following actions are required for this permit to remain in force:
  - a. All work within County Rights of Way shall require an encroachment permit before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized lessee for Race service to said property.
- 4) To avoid to the extent possible unexpected and unwelcome disturbance to private property owners and residents, Race and associated contractors shall contact each individual parcel affected by the proposed work covered within this use permit before commencing construction in a given community. This notice describing the pending work shall be done door to door in person or via a door hang tag left on the front door of the affected residence or business. Notice shall consist of a general description of the planned work coupled with a general timeline (e.g. “We plan to hang new line on the poles in front of your home starting next week and lasting up to three weeks.”) and be distributed at least one week prior to the commencement of said work.
- 5) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 6) Project proponent shall undertake due diligence to ensure all necessary permits, easements and authorizations from local, state and federal agencies are in place before commencing new installation activates authorized by this use permit.
- 7) Applicant shall obtain necessary business licenses.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

**Mono County  
Community Development Department**

PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
commdev@mono.ca.gov

**Planning Division**

PO Box 8  
Bridgeport, CA 93517  
760-932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 15, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit 17-007/Race Communications – Bridgeport and Walker

**RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15302, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval.

**PROJECT**

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Walker and Bridgeport through the placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, replacement and installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Figure 1 illustrates the project's extent across the communities of Bridgeport and Walker; a digital version of the map is available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>. Review and permitting of this project is guided by Chapter 11 – Utilities of the Mono County General Plan and supported by the Communications Policies from the General Plan's Circulation Element. This project is exempt from CEQA under Sections 15301, 15302, 15303 and 15304.

This staff report provides findings for the proposed Use Permit. The analysis and findings of this Use Permit are limited to the proposed infrastructure to be placed within County rights of way and to placement of overhead line drops to structures on private land.

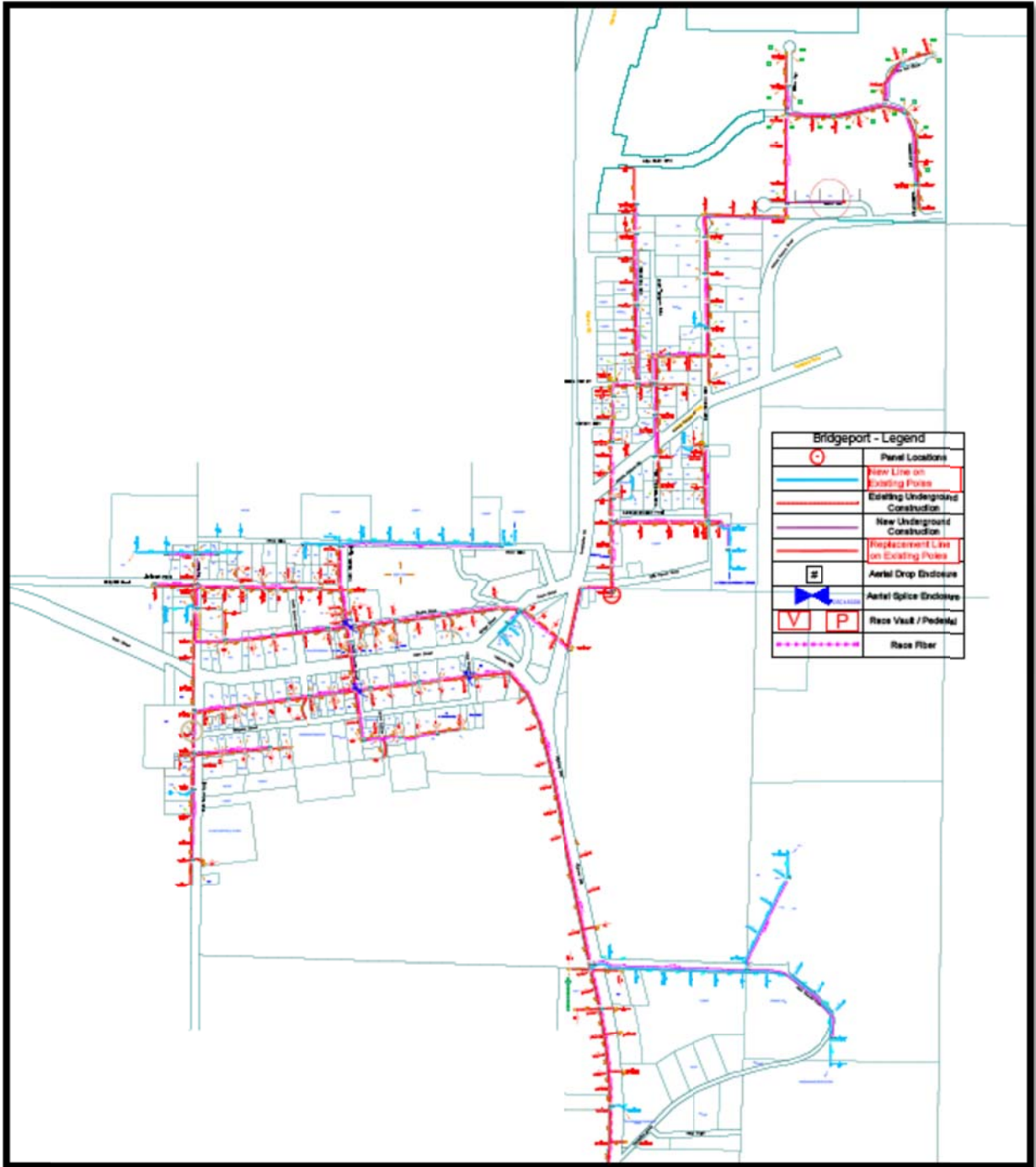


Figure 1a: Project extent in contiguous community of Bridgeport (Central)



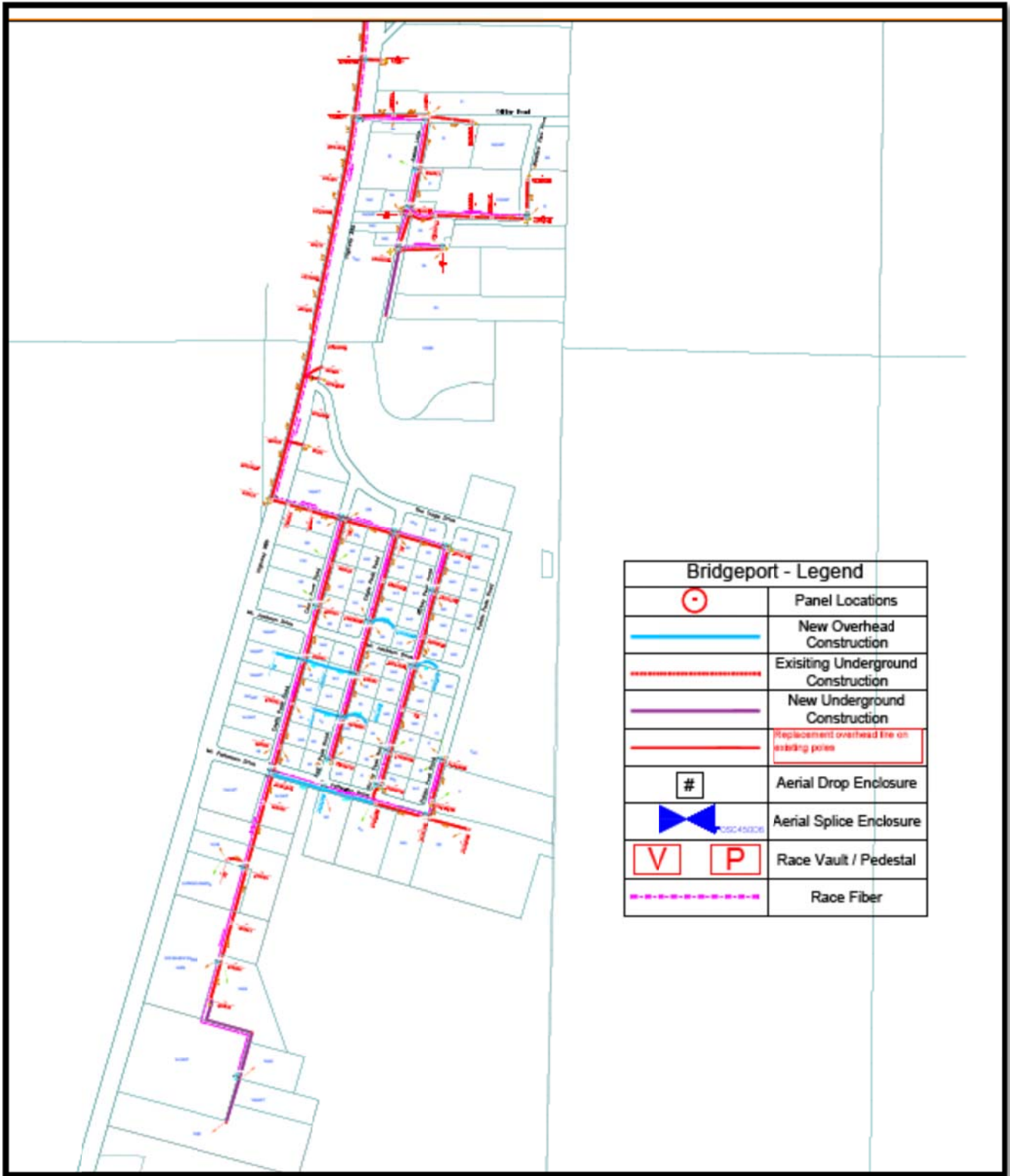
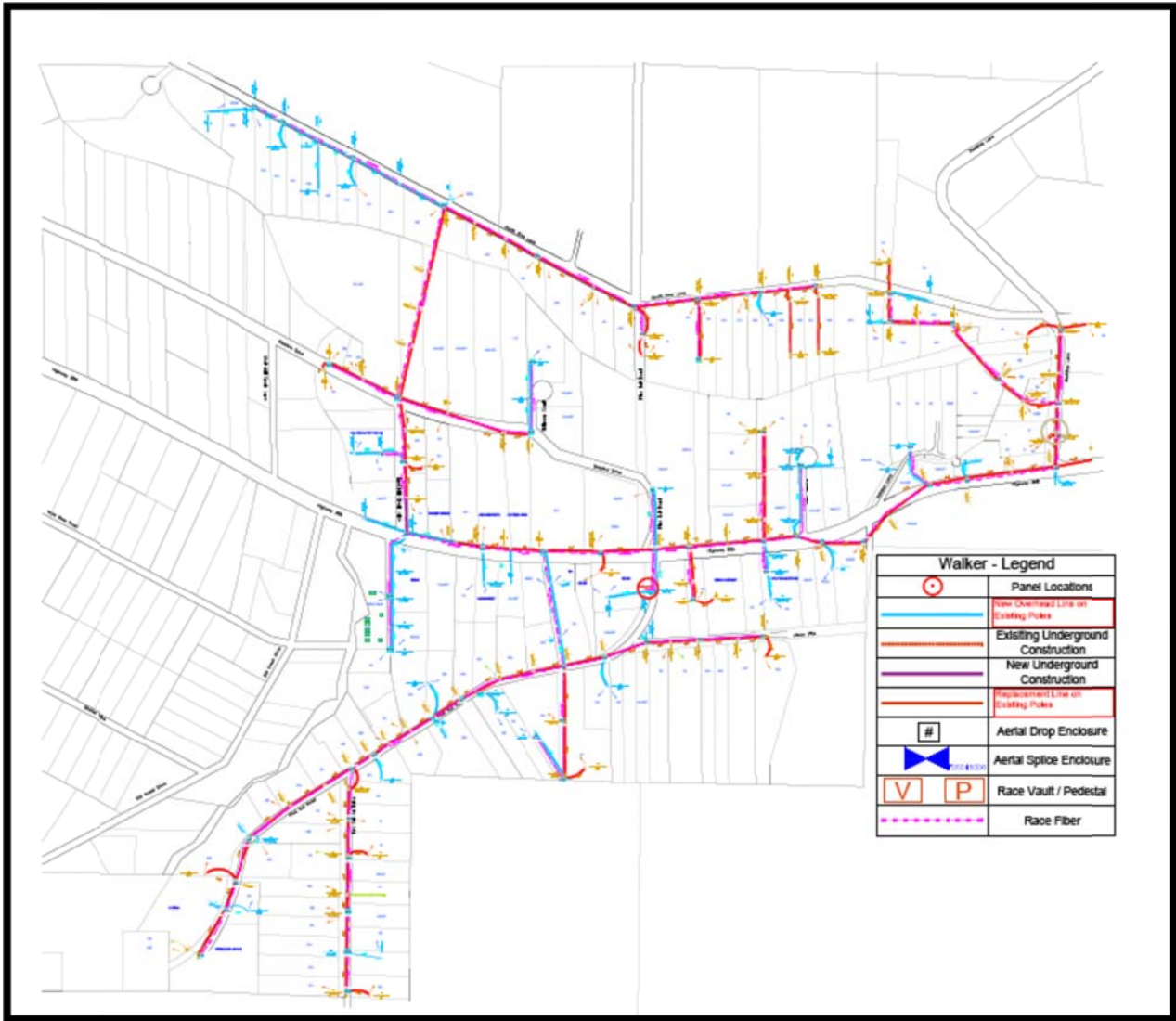


Figure 1b: Project extent in contiguous community of Bridgeport (South)



**Figure 1c: Project extent in contiguous community of Walker**

**PROJECT SETTING**

This proposed last-mile strand & fiber installation project will take place across the approximately 800 acres of continuous homes, businesses and public institutional properties in Bridgeport (*Figures 1a and 1b and Table 1a*) and the approximately 450 acres of contiguous homes, business and public institutional properties in Walker (*Figure 1c and Table 1b*)

**Table 1a: Bridgeport Proposed Race Infrastructure**

<b>Project Component</b>	<b>Liner feet</b>	<b>Percentage of total wireline infrastructure</b>
Removal and Replacement Existing Overhead Strand	40,000'	72%
Removal and Replacement of Existing Underground Fiber	700'	1%
New Overhead Strand on Existing Poles*	14,000'	25%
New Underground Conduit	880'	2%
<b>TOTAL WIRELINE</b>	<b>55,580'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals	0	
Flush Mount Electrical Vaults	2	
Panels	1	
Properties Proposed to be Served Overhead	231	
Properties Proposed to be Served Underground	36	
Temporary Utility Poles to be Placed*	Unknown	

**Table 1b: Walker Proposed Race Infrastructure**

<b>Project Component</b>	<b>Liner feet</b>	<b>Percentage of total wireline infrastructure</b>
Removal and Replacement Existing Overhead Strand	21,080'	69%
Removal and Replacement of Existing Underground Fiber	0'	0%
New Overhead Strand on Existing Poles*	9260'	30%
New Underground Conduit	212'	>1%
<b>TOTAL WIRELINE</b>	<b>30,552'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals (replacement)	1	
Flush Mount Electrical Vaults	0	
Panels	1	
Properties Proposed to be Served Overhead	90	
Properties Proposed to be Served Underground	10	
Temporary Utility Poles to be Placed*	Unknown	

*\*All new overhead strand placement will take place on existing utility poles except for where specific non-Race owned existing utility poles have failed mandated California Public Utilities Commission (CPUC) pole load testing. In conformance with CPUC regulations, Race Communications will be installing temporary<sup>1</sup> poles directly adjacent to failed poles; new Race overhead strand will then be placed on newly placed temporary poles. These temporary poles will be removed and a new permanent pole placed at the location of the failed pole by the owner of the failed pole. All overhead line will then be placed on the new permanent pole. At the time of this staff report, the number of temporary poles was not known by the project proponent.*

<sup>1</sup> Mono County General Plan at 02.01170 – “**Temporary Use** is any use or occupation of land for a period of 180 days or less.”

## **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE and PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting Jan. 1, 2017. Following extensive communication over three months between Race and County staff, Use Permit applications for Bridgeport and Walker were formally accepted as complete at the June 5, 2017, LDTAC meeting. Public hearing notices for the June 15, 2017, Planning Commission meeting on this Use Permit were mailed to all property owners within a 300-foot radius of the proposed project the week of May 22, 2017. No public comments been received to date on this specific project other than questions inquiring as to potential service outside the proposed served area.

## **ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under four separate sections of the Class 3 exemptions.

**Section 15301 – Existing Facilities** *“consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination”* covers the portion of the proposed project to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new utility pole construction and will not expand the linear extent of the existing utility pole network in the communities of Bridgeport or Walker.

**Section 15302 - Replacement or Reconstruction** *“consists of replacement or reconstruction of existing facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including...replacement or reconstruction of existing utility system and/or facilities involving negligible or no expansion of capacity”* covers the portion of the proposed project wireline and associated components to be removed and replaced from the existing Escape Broadband cable plants in Bridgeport and Walker.

**Section 15303 – New Construction or Conversion of Small Structures** *“consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction”* covers the proposed new overhead drops from Race strand on existing utility poles to individual homes and businesses, as well as the installation of new flush mount vaults and a Race port.

**Section 15304 - Minor Alterations to Land** *“consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored”* covers the proposed trenching for new underground conduit.

## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### GENERAL PLAN CONSISTENCY

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” While a portion of the proposed infrastructure in Bridgeport and Walker is proposed to be installed underground or as replacement overhead strand, the remaining infrastructure is proposed for new overhead installation along existing overhead utility corridors and in newly installed underground conduit. Therefore, a Use Permit is required. Additionally, encroachment permits from Mono County Public Works will be required for any and all work located in County rights of way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>2</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and mapping of new infrastructure to be submitted to the County Public Works Department upon completion of installation.
3. New wireline placed in existing underground before new conduit or overhead lines installed: While a portion of the total project is proposed for installation in existing underground conduit, the lack of existing conduit, lack of setbacks for many homes and businesses to facilitate a path for trenching, lack of usable mapping of existing underground infrastructure (water, sewer, propane lines), and the fact that nearly all of these communities are currently served by existing overhead utility networks yields a project that will not be completely installed underground. As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.
4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F not only requires said installation be subject to a Use Permit authorized with at least one Planning Commission finding and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs Planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” To facilitate co-location of proposed wireline infrastructure, Race Communications

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<sup>2</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

purchased existing cable operations in Bridgeport and Walker from Escape Broadband which is proposed for removal and replacement with new Race strand. Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e. new line hung on existing poles, not replacement line) is installed. All proposed new lines will be co-located with existing lines along existing utility corridors. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to only occur subsequent to a request for service from the given property's owner or duly authorized lessee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Bridgeport and Walker, staff proposes the Commission find that the proposed portion of the total project identified for overhead installation be supported by a finding that the installation of new overhead strand on existing poles "will not significantly disrupt the visual character of the area." Proposed findings are detailed below in the Findings section.

This finding is supported by the considerations recommended in Section 11.010D in that:

- Bridgeport and Walker currently support a robust network of overhead utility lines, and installation of new overhead line will not create a significant cumulative visual impact. To reiterate, all new overhead lines will be placed along existing overhead utility corridors. No new permanent poles or new overhead runs are proposed. The proposed overhead drops to individual property lines will, in many cases, replace unused cable line and/or following existing drops off existing utility poles.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are to be co-located with existing lines on existing poles. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger "aerial splice" boxes than are currently seen on existing telephone lines. In the case of line removal and replacement, this project proposes to remove and replace over 61,080' of existing overhead cable company line.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

### **MONO COUNTY GENERAL PLAN, Land Use Element**

#### **Objective 1.I Maintain and enhance the local economy**

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

**Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.**

**Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan**

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

## MONO COUNTY GENERAL PLAN, Circulation Element

### IV. POLICIES – Communications

**Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.**

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

**Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.**

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

**Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.**

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights of way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights of way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

### USE PERMIT FINDINGS

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 23,260’ of new overhead line on existing poles (27% of total new line proposed for installation). As this new line is proposed for installation on existing poles in a community with an extensive network of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings. An accounting of these required findings is detailed below.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan. This chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations. As further directed by Chapter 11, the potential impacts of the proposed new overhead installation will be minimized, avoided and mitigated to the extent possible through compliance with the Conditions of Approval.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project will take place within existing County Rights of Way (where an encroachment permit will be required) in an existing community. Project activity on private lands will require notice and invitation by said land owner or an authorized lease prior to installation as required by Condition of Approval #3.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a Building Permit from Mono County Community Development and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies of the Mono County General Plan and has been analyzed with appropriate findings made and Conditions of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.





**CONDITIONS OF APPROVAL**  
**Use Permit 17-007/ Race Communications – Bridgeport & Walker**

- 1) All project activity shall substantially reflect the project as proposed and depicted on Figures 1a and 1b of this staff report, and as described and represented in the Use Permit Application dated March 3, 2017. Any and all future development or installations beyond the scope illustrated on Figures 1a and 1b and submitted as part of the Use Permit Application Package for Race Communications – Bridgeport and Walker dated 3/3/2017 shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D the following actions are required for this permit to remain in force:
  - a. All work within County Rights of Way shall require an encroachment permit before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized lessee for Race service to said property.
- 4) To avoid to the extent possible unexpected and unwelcome disturbance to private property owners and residents, Race and associated contractors shall contact each individual parcel affected by the proposed work covered within this use permit before commencing construction in a given community. This notice describing the pending work shall be done door to door in person or via a door hang tag left on the front door of the affected residence or business. Notice shall consist of a general description of the planned work coupled with a general timeline (e.g., “We plan to hang new line on the poles in front of your home starting next week and lasting up to three weeks.”) and be distributed at least one week prior to the commencement of said work.
- 5) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 6) Project proponent shall undertake due diligence to ensure all necessary permits, easements and authorizations from local, state and federal agencies are in place before commencing new installation activities authorized by this use permit.
- 7) Applicant shall obtain necessary business licenses.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# Mono County Community Development Department

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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)

June 15, 2017

To: Mono County Planning Commission

From: Peter Chapman, Project Manager

Re: Conditional Use Permit 15-004/Crowley Lake Skatepark: Review and Approval of Final Design

## RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

1. Review the proposed skatepark design developed through community workshops led by Spohn Ranch Inc., a California-based skatepark design and construction firm contracted by Mono County Department of Public Works.
2. Approve the skatepark design, and note any required changes, if needed.

## PROJECT

The project is a 10,000-square foot public, concrete skatepark with construction and restoration of a 28-space parking lot, including 10 new paved parking spaces and minor restoration to 18 existing paved parking spaces, a new accessible sidewalk along the new parking spaces, and installation of prefabricated single-occupancy accessible restroom. The project is located on the Crowley Lake Community Center parcel, 58 Pearson Road in Crowley Lake (APN 060-210-020).

## BACKGROUND

Use Permit 15-004 was approved by the Mono County Planning Commission on Dec. 10, 2015, as part of the site plan for the Crowley Lake Community Center (CLCC) property owned by Mono County. The staff report and Use Permit from the Dec. 10, 2015, meeting are included for reference. A Condition of Approval required by Use Permit 15-004 is review and approval of final design of the skatepark by the Planning Commission.

Release of the project manual for bidding the construction of the skatepark, parking lot, and bathroom utilities was approved by the Mono County Board of Supervisors on Feb. 14, 2017. Five competitive bids were received and a contract was awarded to Spohn Ranch Inc. on April 11, 2017. As required in the contract, Spohn Ranch has led two public, community workshops to engage local participation in the detailed design of the skatepark. The workshops were attended by local youth, their parents, local adults and sheriff department personnel. The skatepark design presented in this agenda item to the Planning Commission represents the results of the community-engaged design process. Please note that the design and renderings of the proposed skatepark will be presented at the Planning Commission meeting June 15, 2017.

## ATTACHMENTS

- Staff report and Conditional Use Permit 15-004

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

December 10, 2015

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Use Permit 15-004 / Crowley Lake Skate Park

### RECOMMENDATION

It is recommended that following the public hearing, the Planning Commission take the following actions:

1. In accordance with the California Environmental Quality Act (CEQA), determine none of the conditions in CEQA Guidelines §15162(a) applies to the proposed Crowley Lake Skate Park, and adopt the Crowley Lake Skate Park Addendum to the 1997 Negative Declaration for the Crowley Lake Community Center and Library, and direct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and,
3. Approve Use Permit 15-004 subject to Conditions of Approval.

### PROJECT

The proposed project is for construction of an up to 10,000 square foot (sf) skate park on the east side of the Crowley Lake Community Center parcel. The project site is located at 58 Pearson Rd. in the community of Crowley Lake on assessor's parcel number 060-210-020 at the intersection of South Landing Road and Pearson Road. The parcel is 2.1 acres, County owned, and has a land use designation of Public Facility. The site is primarily flat and mainly developed on the western half of the parcel with the parking area, community center, community garden, and bus stop. To the south is a parcel owned by Church on the Mountain with a land use designation of Public Facility. Across South Landing Drive and Pearson Road is the Crowley Lake Mobile Home Park and Crowley Lake General Store. Southeast of the property is 4.5 acres of undeveloped land designated Single-Family Residential between the site and the closest single-family neighborhood known as Sierra Springs.

### BACKGROUND

In 1997, Conditional Use Permit 37-97-01 was approved specifying site locations and standards for a proposed new community center, library and basketball court (see figure 2). In 2002, the Board of Supervisors authorized Public Works to oversee the design and construction of the now-built Crowley Lake Community Center. County Service Area 1 (CSA) was able to fully fund the proposed project. The current location of the community center varies from the original use permit site plan and was sited further to the east on the parcel following a community outreach process of the CSA. A new site plan was drawn by the Mono County Public Works Department to memorialize the as-built changes (see figure 3). In 2011, with Mono County Board of Supervisors authorization, the CSA converted the land between the community center and parking area into a community garden (see figure 4).

The CSA prepared a Ten Year Plan identifying and prioritizing potential projects in the Long Valley area. The Board of Supervisors reviewed the plan in 2013 and directed the CSA to conduct additional outreach to the community for input on proposed projects. The CSA responded by a community survey in the fall of 2012. The survey was well received by the community, and was reviewed by the Long Valley Regional Planning Advisory Committee. The results of that survey were incorporated into the Ten Year Plan (see attached).

Although the results of the community survey identified the library as the top priority, it is not a reasonably foreseeable project due to current limitations of funding, staffing and support from the Mono County Office of Education and Friends of the Library at this time. Acknowledging the community’s support for a future library, the proposed site plan dedicates sufficient space, as indicated by the Crowley Lake Friends of the Library president, for the facility. The remaining identified priority projects have since been completed by the CSA, including improvements to Crowley Lake ballfield, community center solar panels, and additional playground equipment for the Crowley Lake Park.

Site planning, including alternative layouts, was reviewed in consultation with Public Works, Planning and Building; the preferred site plan is the project as presented. At the October 27, 2015 CSA meeting, a motion was approved to make the skate park its number one priority.

**Figure 1:  
Land Use Designations in Crowley Lake**

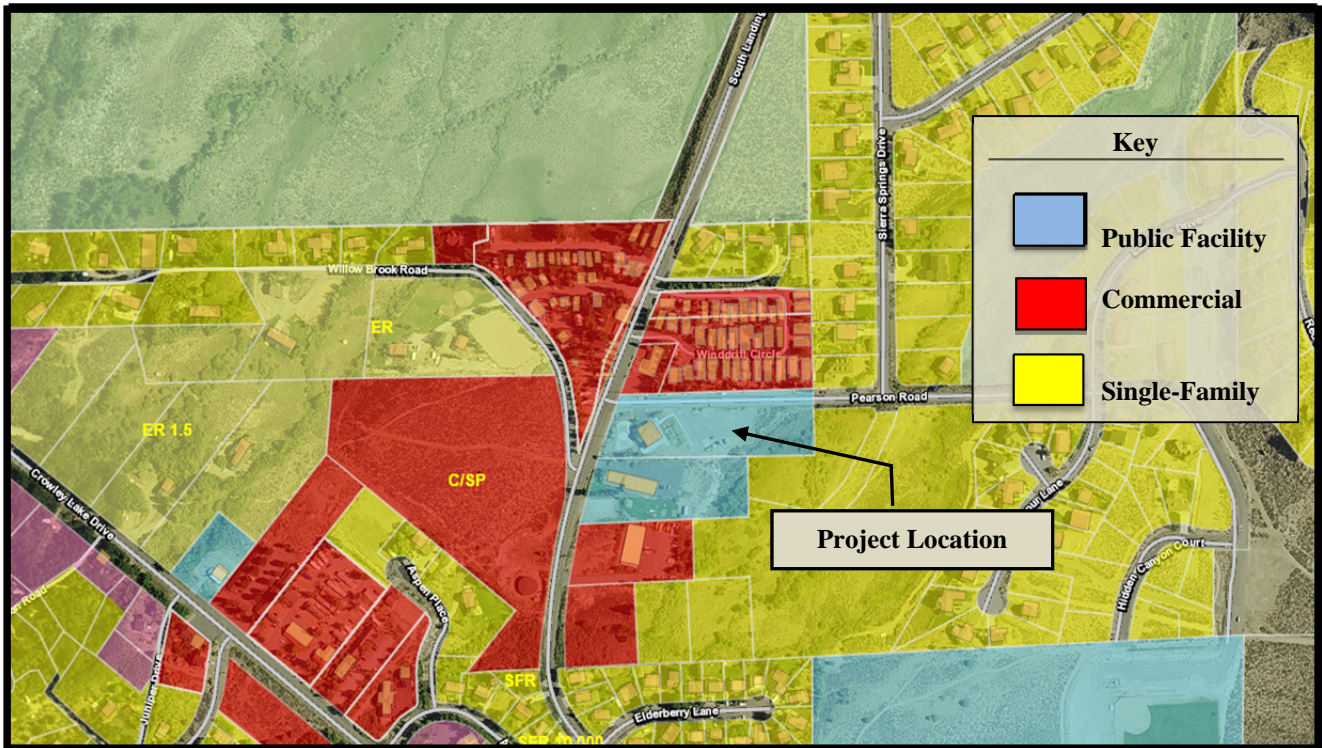
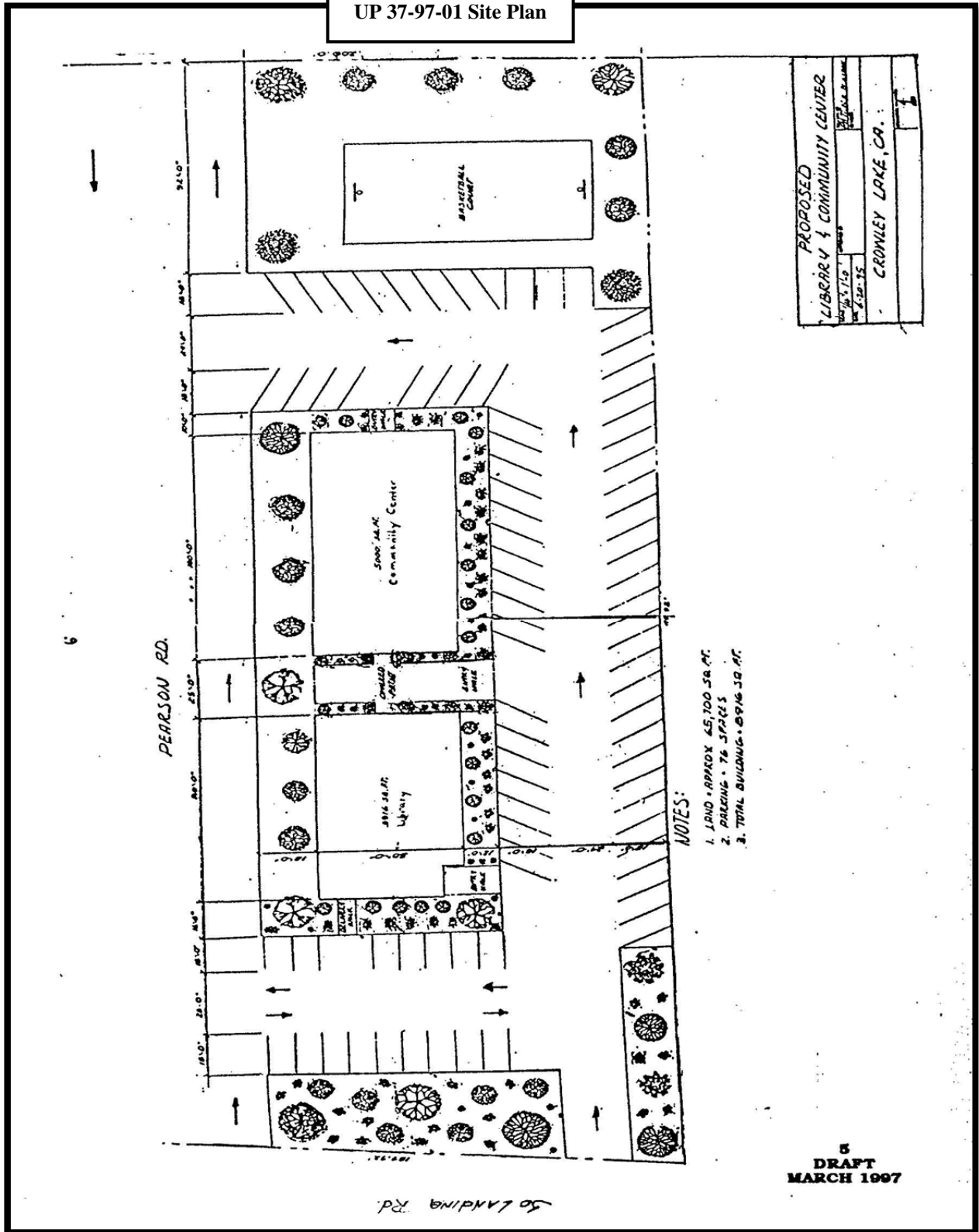


Figure 2:  
UP 37-97-01 Site Plan

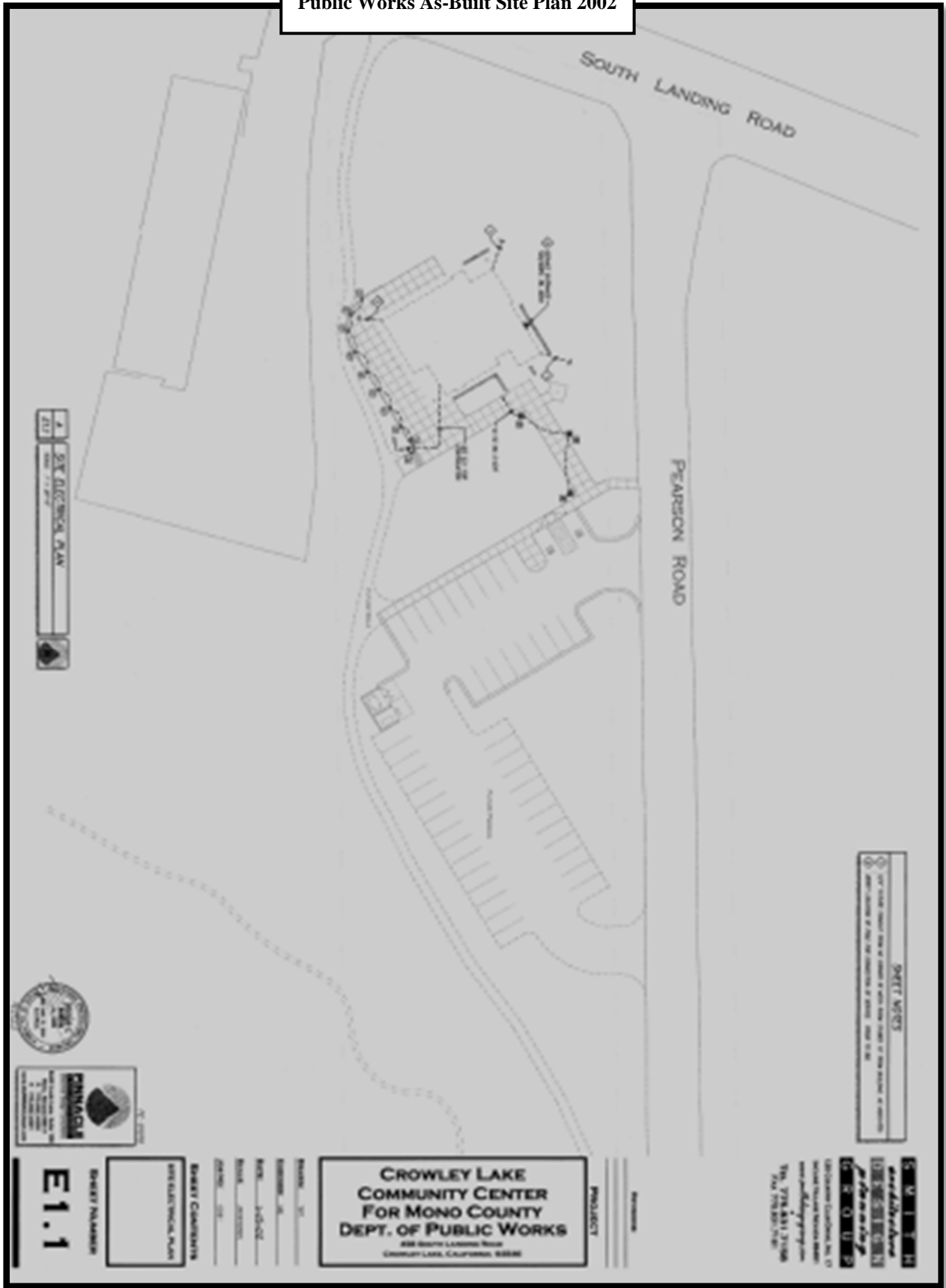


PROPOSED  
LIBRARY & COMMUNITY CENTER  
DATE: 3/15/97  
BY: [Signature]  
CROWLEY LAKE, CA.

- NOTES:
1. LAND AREA: 45,700 SQ. FT.
  2. PARKING: 76 SPACES
  3. TOTAL BUILDING: 9,916 SQ. FT.

5  
DRAFT  
MARCH 1997

Figure 3:  
Public Works As-Built Site Plan 2002



**Figure 4:  
Community Garden**

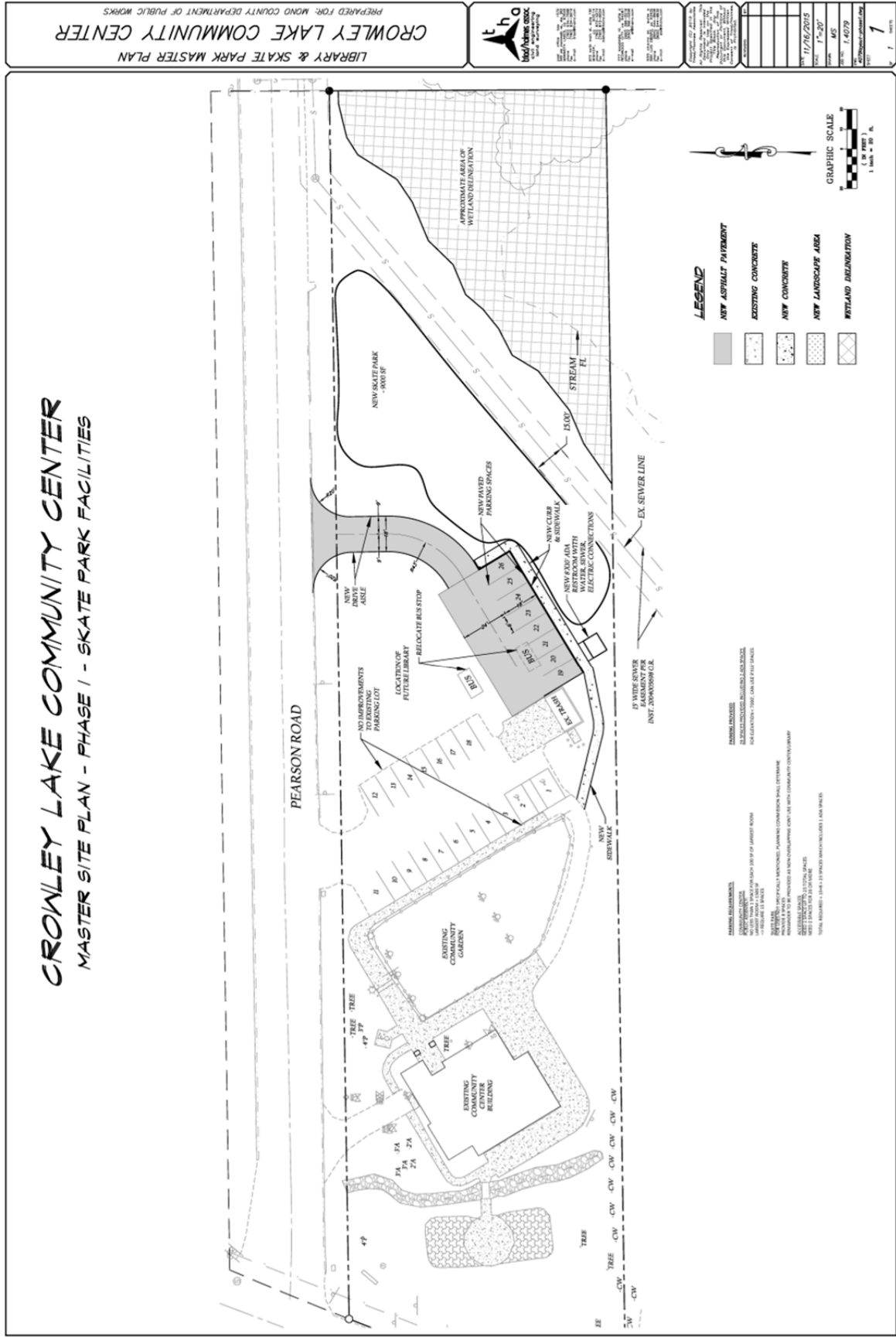


### **PROJECT SPECIFICS**

As stated, the project area is located along South Landing Drive and Pearson Road, which serves as the commercial core for Crowley Lake. The property is in the center of the community and is easily accessed by neighboring properties. The current site plan memorializes all existing and proposed uses including: the existing Crowley Lake community center (CLCC), community garden, sidewalk, pergola and outdoor area behind CLCC, parking, bus stop, trash enclosure, Digital 395 transformer box, and sewer lines. The proposed uses include: 10,000-sf skate park, paving the remaining looped road with an additional encroachment to the east onto Pearson Road, relocation of existing bus stop, new curb and sidewalk, additional parking spaces, and a new ADA unisex restroom with water, sewer and electric connections. Site planning, including alternative layouts, was reviewed in consultation with Public Works, Planning and Building; the preferred site plan is the project as presented. Additionally, the site plan delineates the wetland boundary per Dr. Jim Paulus' study (see attached Addendum) where no disturbance can occur.

As stated in the project description, submitted by the CSA, the skate park will be constructed primarily of poured and finished concrete, steel, and rocks, with a park design that will be vetted by the community. The skate park design will include use of local materials and vistas, is expected to be similar to the Volcom Brothers skate park in Mammoth Lakes, and will avoid the adjacent wetland and riparian area. Skate park features are intended to serve all ability levels and may include a continuous motion pump track, below-grade mini ramps and bowls, and above-grade features like hips, quarter pipes, volcanoes, pyramids, tombstones, etc. Maximum heights above and below grade may extend 4-6 feet in either direction.



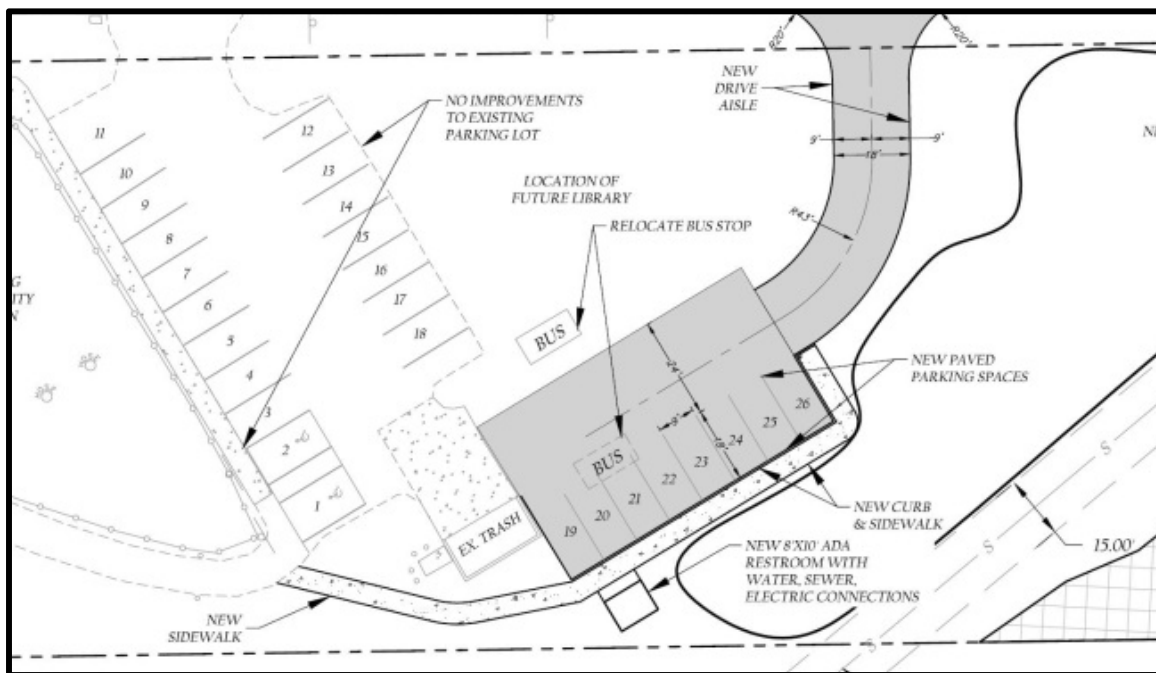


## PARKING REQUIREMENTS

Mono County General Plan, Chapter 06, does not specifically address parking requirements for a skate park, however Table 06.010 "Required Number of Spaces, does state: "For any uses not specifically mentioned herein, the Commission shall determine the number or amount of parking required." Additionally, proposed off site and joint use parking are allowed subject to compliance with specific circumstances. Reductions in parking can be made when a facility is near a public transit stop, which the community center is, and where bike racks are provided.

The number and location of the proposed parking associated with the skate park was reviewed by the Land Development Technical Advisory Committee and their recommendations were presented to the Planning Commission for initial input on April 9, 2015. The proposal included the existing 18 paved parking spaces, two dedicated ADA spaces, and an additional eight spaces is proposed for development of the skate park. As required by the CA Building Code a new ADA-compliant sidewalk will be provided from the community garden's southern entrance to the skate park and adjacent to the last parking space (#26). In order to accommodate the new parking, the existing bus stop will be relocated approximately 30' to the north and will require buses to then enter from the new eastern driveway. The Planning Commission agreed the proposed number of parking spaces was sufficient and that the travel way for the loop road shall be paved in the first phase.

An additional six spaces are anticipated for final build-out of the envisioned master site plan, but are not required to be paved at this time. Pearson Road, County owned, is commonly used for overflow parking and is wide enough to accommodate additional parallel spaces on both sides of the street. Both Public Works and the Building Division were consulted and their recommendations were incorporated into the final design of the parking plan.



## SIGNAGE

At this time there is no proposed design for a sign at the skate park, however an identification sign is anticipated. Any signage proposed shall comply with Chapter 16, Signs, and shall be reviewed in conjunction with the final design of the skate park per the conditions of approval. Established skate park rules will also be posted as required by the Risk Management Department prior to issuing a Certificate of Occupancy and considered by the Commission upon final skate park design approval.

## PUBLIC OUTREACH

As noted previously, the CSA has outreached to the community via surveys to develop its Ten Year Plan. The Board of Supervisors reviewed and accepted the final plan in 2013. The CSA has long collaborated with the Long Valley RPAC on their priority projects, and policies were incorporated into the Long Valley Area Plan supporting the CSA's Ten Year Plan.

This October, the CSA held a public workshop to update and gain feedback from the Long Valley community on the proposed skate park site plan. A flyer to all properties within the CSA 1 boundaries was sent notifying residents of the workshop. The workshop was well attended and no opposition was apparent. Many school kids and parents spoke in favor of the skate park, stating the need for more activities in the area for kids. At that time, a skate park committee was also established to help fundraise and provide ongoing input during the design phase of the project.



A Planning Commission public hearing notice to surrounding property owners within 1000 feet of the community center parcel was sent November 20. To date, no comments have been received.

## FINAL DESIGN APPROVAL

As required by the conditions of approval, the final design of the skate park shall be reviewed and approved by the Planning Commission at a noticed public hearing. The CSA wanted to secure the Use Permit approval for the site plan prior to expending any additional funds on an architect for the design of the skate park. Such design shall be in conformance with any requirements and limitations set forth in the environmental addendum, UP15-004 and as required by County departments.

## LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC has considered and reviewed the project on multiple occasions and their recommendations have been incorporated into the Use Permit and conditions of approval.

## ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA §15164[b]) states:

*“(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” (Emphasis added.)*

Section 15162(a), in turn, describes conditions under which a subsequent Negative Declaration must be prepared; none of these conditions exist, and therefore an addendum to the 1997 Negative Declaration is determined to be the appropriate environmental analysis. For a detailed explanation and analysis, please see the attached Crowley Lake Skate Park Addendum to the 1997 Negative Declaration for the Crowley Lake Community Center and Library.

### **USE PERMIT FINDINGS**

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

#### Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The 2-acre site will be able to accommodate the 10,000sf skate park with the existing and possible future uses.

The parcel is designated Public Facility, which allows for quasi-public facilities such as a skate park.

There are not defined setbacks for the PF designation however; Cal Fire typically requires a minimum 30' on all sides on parcels greater than one acre. After consultation, Cal Fire indicated the proposal, as presented, is in compliance with setback requirements per PRC 4290 Article 5 section 1276.01(a) (see email attachment from Jeremy Mitchell).

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

South Landing Road and Pearson Road provide site access. The project is not expected to generate significant amounts of traffic to alter existing circulation patterns. Because of its central location, many are likely to walk, bike, or skate to the site.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

This project is not expected to impact adjoining property owners, if conducted in accordance with Mono County General Plan standards and conditions of this Conditional Use Permit. Furthermore, the site complements the existing adjoining community garden and community center and has exhibited support from the community. The location and use of a skate park has not been contested by adjacent owners.

4. *The proposed use is consistent with the map and text of the existing General Plan because:*

As noted above, the General Plan Land Use Designation for this property is Public Facility (PF). According to the Mono County General Plan, "the 'PF' designation is intended to provide for a variety of public and quasi-public facilities and uses."

Permitted uses subject to a Conditional Use Permit under the PF land use designation include public facilities structures and uses, including but not limited to: County buildings, community centers, parks, ball fields, etc.

The proposed development is consistent with the Long Valley Area Plan policies contained in the Mono County General Plan Land Use Element. The sections below from the Mono County General Plan support the project in Long Valley:

### **MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies**

**GOAL 1.** Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.

**Objective 1.A.** Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

Policy 1.A.1. Contain growth in and adjacent to existing community areas.

### **MONO COUNTY LAND USE ELEMENT, June Lake 2010: June Lake Area Plan**

**Long Valley GOAL 23.** Maintain the rural residential character of the Long Valley communities (i.e., Long Valley, McGee Creek, Crowley Lake/Hilton Creek, Aspen Springs, and Sunny Slopes) in a manner that provides for commercial uses to serve community needs, and that protects the area's visual, recreational, and natural resources.

**Objective 23.A.** Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.

Policy 23.A.4. Coordinate closely with County Service Area 1 in programming capital improvements and facilitating community input.

Action 23.A.4.a. Participate in the development of the County Service Area 1 10-year plan via the Long Valley RPAC (Regional Planning Advisory Committee).

Action 23.A.4.b. Periodically review and assist in updating and implementing the County Service Area 1 10-year plan.

Policy 23.C.2. Promote improvements in community commercial areas to increase their attractiveness and to rejuvenate existing commercial uses.

Action 23.C.2.a. Commercial development should follow county Design Guidelines and comply with the applicable development standards.

### **ATTACHMENTS**

- 1. Notice of Determination and Conditions of Approval**
- 2. Skate Park Addendum**
- 3. Cal Fire Email from Jeremy Mitchell**
- 4. Mono County Service Area 1 Ten Year Plan**
- 5. Comments Received**
- 6. 11" x 17" Site Plan**

**MONO COUNTY****Planning Division****NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UP 15-004 **APPLICANT:** County Service Area #1**ASSESSOR PARCEL NUMBER:** 060-210-020**PROJECT TITLE:** Conditional Use Permit 15-004/ Crowley Lake Community**PROJECT LOCATION:** The project is located at 58 Pearson Road in the community of Crowley Lake

On December 10, 2015, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 15-004, Skate Park, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHOLD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** December 10, 2015**EFFECTIVE DATE USE PERMIT** December 20, 2015

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION****DATED:** December 10, 2015

cc: X Applicant  
X Public Works  
X Building  
X Compliance

### **CONDITIONS OF APPROVAL: USE PERMIT 15-004/CROWLEY LAKE SKATE PARK**

1. Project shall comply with all Mono County applicable department requirements including but not limited to; Environmental Health Department, Community Development Department, Public Works Department, and Risk Management.
2. Project shall provide and maintain a bicycle rack on-site.
3. All required parking shall be paved in compliance with site plan and shall be approved by the Public Works Department.
4. All exterior lighting shall be shielded and directed downward complying with Chapter 23, Dark Sky Regulations.
5. An encroachment permit shall be obtained from the Public Works Department for the new access point along Pearson Road.
6. Project shall comply with **ADA including, but not limited to, accessible restrooms, parking, sidewalks, etc., as determined** by the Public Works and Building Departments.
7. Prior to operation, skate park rules shall **be** approved by Mono County Risk Management applicable rules shall be **and** posted.
8. Final site and building design, including any proposed signage, shall be reviewed and approved by the Planning Commission with input from the Public Works, Building, Planning, and Risk Management Departments after review and comment by appropriate community groups (i.e. Long Valley RPAC, Friends of the Library, public workshops, etc.).
9. All associated costs with the skate park, including construction and ongoing maintenance, shall be funded by the CSA.
10. CSA is required to present the budget for the skate park and associated improvements to the Board of Supervisors for approval prior to expending anything beyond \$5000.
11. The skate park design should be compatible with community design studies such as the 2015 Character Inventory & Design Guidelines for Highway 395 Scenic Byway Corridor Communities.
12. The anticipated electrical uses **shall** consider use of solar power.

### **ENVIRONMENTAL CONDITIONS**

13. On-site grading and earthwork shall take place in conformance with Mono County Grading Ordinance (Mono County Zoning and Development Code 13.08) which contains standards for controlling site cleaning, drainage interference, earth work, and erosion.
14. Lahontan Regional Water Quality Control Board (LRWQCB) regulations shall be followed to prevent erosion and runoff impacts to the adjacent riparian and wetland area, and may include post-construction stormwater management plans, low-impact development solutions (see the Mono County General Plan Appendix), and other measures provided by the California Stormwater Quality Association (CASQA).<sup>1</sup>

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<sup>1</sup> The responsible agency for compliance and monitoring of this condition is the Lahontan Regional Water Quality Control Board.

\*Changes incorporated from 12.10.15 Planning Commission approval are in red

15. The project will be designed to avoid any disturbance of the riparian and delineated wetland area established in the study by J. Paulus (Exhibit 2). Catchment facilities and other low-impact development solutions will be incorporated into the project design to trap sheet flow from paved areas, and prevent erosion and runoff into the wetland and riparian area.
16. On-site grading and earthwork shall take place in conformance with Mono County Grading Ordinance (Mono County Zoning and Development Code 13.08) which contains standards for controlling site cleaning, drainage interference, earth work, and erosion.
17. Lahontan Regional Water Quality Control Board (LRWQCB) regulations shall be followed to prevent erosion and runoff impacts to the adjacent riparian and wetland area, and may include post-construction stormwater management plans, low-impact development solutions (see the Mono County General Plan Appendix), and other measures provided by the California Stormwater Quality Association (CASQA).
18. Construction activities shall be scheduled during daytime hours to reduce disturbance to nocturnal wildlife species.
19. Impacts from night lighting shall be minimized by compliance with the Dark Sky Regulations of Chapter 23 in the Land Use Element of the Mono County General Plan, which requires lighting to be shielded and directed downward, or of low wattage, to minimize glare and light trespass outside the intended area of illumination.
20. Construction and use of the proposed facility will comply with Mono County Code 10.16 Noise Regulation which limits exterior and construction noise levels.
21. A “will serve” letter from the Long Valley Fire Protection District will be obtained before construction begins.
22. A “will serve” letter will be obtained from the Hilton Creek Community Services District for sewer service.
23. A “will serve” letter will be obtained from Mountain Meadows Water Company for water service.
24. Impacts from night lighting shall be minimized by compliance with the Dark Sky Regulations of Chapter 23 in the Land Use Element of the Mono County General Plan, which requires lighting to be shielded and directed downward, or of low wattage, to minimize glare and light trespass onto adjoining uses.
25. All proposed signage will comply with Chapter 7 – Signs in the Land Use Element of the Mono County General Plan.
26. A landscaping plan will be required. All site disturbances shall be revegetated with a mix of indigenous species native to the site.
27. The visual impacts of parking areas shall be minimized through the use of landscaping, covered parking, siting which screens the parking from view, or other appropriate measures.
28. The design, color, and building materials for structures, fences, and signs shall be compatible with the natural environment and/or surrounding community.
29. Reflective materials will not be used or use will be minimized.
30. Work shall be stopped and appropriate agencies will be notified if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site shall be permitted until such time as a qualified consultant is hired and an appropriate report is filed with the County Planning Department which identifies acceptable site mitigation measures





County Service Area No. 1  
 Television Service  
 Crowley Lake,- Long Valley  
 Post Office Box 3861  
 Mammoth Lakes, CA 93546-3861

RECEIVED  
 JUN 07 2017  
 MONO COUNTY  
 Community Development

June 6, 2017

Mono County Planning Commission

Re: Crowley Lake Skate Park

Dear Commissioners,

As you know, Mono County Service Area #1 is in the process of designing the Crowley Lake Skate Park. This project has been approved by the Mono County Board of Supervisors. We are in the process of working with the skate park designer/builder.

On May 14<sup>th</sup>, the CSA 1 Board held one of two Design Workshops where the public was given the opportunity to get involved and express their opinion as to what features they would like in their park. At this meeting, the Under Sheriff also attended with two Deputies who were standing outside the entrance. The Under Sheriff presented the idea of a "safety" camera and also spoke about an invisible fence that would be voice activated when the park would be closed; I believe at night. He went on to talk about his 30 plus years in law enforcement in Hollywood and how skate parks spread crime and drugs and create a criminal element and bring gangs like "The Crips" to skate parks. The Crowley Lake Skate Park Project Manager, Peter Chapman, had to interrupt the Under Sheriff twice to explain this was a design workshop and not the appropriate place to discuss a "safety" camera. The Under Sheriff used this opportunity to spread fear and intimidation. The captive audience had to listen to him when all they wanted to do was talk about design elements of the park. Finally, after 3 years, to be at this point in the project and have the designer/builder here and then have the Under Sheriff act as he did was very inappropriate, and misplaced. Our Supervisor, Fred Stump has informed the Sheriff's office to put their request in writing to your Board and pointed out the design workshop was not the place for Sheriff's office to address the camera.

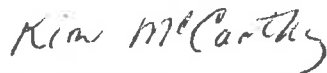
The CSA 1 Board is not in favor of the camera that may be requested by the Sheriff for the following reasons:

1. Cost and maintenance. Who will pay for it? We are assuming they are requesting we pay for it. We feel it is a waste of taxpayers' money. We would like to use that money for other projects like resurfacing the tennis courts or for another project that would serve and benefit the community. The camera will only be used by the Sheriff's office. What is the cost to maintain a camera in our extreme conditions of winds of over 100 mph and the freezing temperatures?

2. Need. The CSA1 Board does not feel we have a need for the camera. Crowley Lake has very little to no crime. We do not share the same feeling as the Sheriff that skate parks bring a criminal element into the community but feel the exact opposite. Skate parks create healthy communities by bringing kids outside in our beautiful mountain lifestyle of clean air and sun and away from their electronics. They engage with other peers and meet new friends that all share a common interest of skating. Kids and adults will learn from each other and self-police this park. The location of the park was well planned so parents will be able to drive by and visibly see their kids. The Sheriff deputies will be able to do the same.

I am writing to you today to represent all members of CSA 1 Board of Directors with regard to a possible request from the Mono County Sheriff's office for a surveillance ("safety") camera at the Crowley Lake Skate Park. We ask you to please reconsider the request for a surveillance ("safety") camera and the voice activated invisible fence for the reasons listed above. Let's see if a camera is actually necessary and if you feel it is, we would like to make the request of a web cam that can be used by everyone in the community to view what is going on in the park, well as parents checking in on their kids. A web cam should serve all of the community and not just the Sheriff's office.

Sincerely,



Kim McCarthy  
President of the Board  
County Service Area No. 1

cc: Supervisor Fred Stump  
Project Manager Peter Chapman