

MONO COUNTY PLANNING COMMISSION

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MINUTES

March 13, 2014
(Adopted May 8, 2014)

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

STAFF: Scott Burns, CDD director; Gerry Le Francois, principal planner (video); Courtney Weiche, associate planner (video); Wendy Sugimura (video) & Brent Calloway, associate analysts; Tony Dublino, solid waste superintendent; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

GUESTS: Debra Schweizer & Leeann Murphy, USFS/Inyo

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:05 a.m. at the county courthouse in Bridgeport, and Commissioner Bush led the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES:

MOTION: Adopt minutes of February 10, 2014, as amended: Item 5B: Roberts saw no reason for 10' reduce to 5' including roof. **Roberts saw no reason why he would not support a reduction to a five-foot setback standard, so long as the measurement included roof overhang.** (Bush/Thompson. Ayes: Bush, Lizza, Roberts, Thompson. Absent: Pipersky.)

4. ELECTION OF CHAIR & VICE-CHAIR: Commissioner Pipersky was nominated and elected Chair (Ayes: 4-0. Absent: Pipersky.) Commissioner Thompson was nominated and elected Vice-Chair (Ayes: 4. Absent: Pipersky.) Outgoing Chair Roberts handed gavel to Vice-Chair Thompson.

5. PUBLIC HEARING: None

6. WORKSHOPS

A. BIOMASS FEASIBILITY STUDY FINAL REPORT: Wendy Sugimura presented by video the final draft of biomass study. Eastside has numerous agencies with diverse input, providing interest and potential for biomass that involves technical issues, barriers, and siting. Conclusions: Supply is sustainable. One-time events not considered stable or providing continuous supply. Accessible by road, forest fuel-reduction treatments. Enough for 0.5 megawatt facility. Couldn't meet financing's required 2:1 ratio to ensure continued operation, so looked at thermal that could displace propane, electricity and kerosene. Enough biomass exists for several thermal facilities. Looked at sites and environmental factors. Best is MMSA garage location, where very large propane tanks that heat Canyon Lodge could be displaced. Main constraint is air toxins analysis that would preclude proximity to schools, public facilities. Other locations in community areas could be viable, but looked carefully at nearest sensitive receptors. Considered combined heat and power facility as public/private venture, but more likely private business decisions to reduce energy costs. Mono's interest was answering questions about what's possible, get answers and data.

Lizza: Garage is tough location, lots of trucks and emissions at resort. Industrial park downstream could feed nearby public facilities. *Debated at length. Inversion layer in town, garage located above, not impact town. Transportation is an issue. Two vans/day. Provide on-site storage at garage. No site met all criteria, so was a challenge to find right mix. Looked hard at Sierra Business Park (nothing with significant heat load to be viable) and Mammoth Community Water District site. Focused on MMSA site (USFS land, need use permit), but others could work.* Roberts: Unfortunate no electrical generation. *Hard time letting go of that.*

Why do propane costs differ? *Taken from utility bills.*

Thompson: Get supplies in summer, needed in winter. Key issues are storage (need big area) and hauling costs. Could landowners get biomass at transfer stations, chipped and hauled to plant? *Work with waste management to divert clean woody waste. Already done at Mono facilities. Who would haul? Private business(es). Combined heat/power, work out through public/private partnership. Creates other jobs to get and transport woody waste. Supply chain needs to be worked out. Financing mechanism is a real barrier.*

B. INYO FOREST PLAN UPDATE: Debra Schweizer and Leeann Murphy, USFS/Inyo, presented Inyo Forest Plan (IFP) revision data. The NEPA process is starting. Time lines are tight and ambitious. Three California forests (Inyo, Sierra, & Sequoia) are under one EIS to centralize team for efficiency. Determine how to address areas of special interest consistently across forests. Issues are different here than on Westside. People think they've missed opportunity to comment, but not so. Provide feedback on values of forest, issues and conflicts. The 1988 Plan has no climate change issue, and fire issues have completely changed. Lots of public meetings, workshops (eight), discussing fire and water.

Murphy: Plan lays out phases of assessment, implementation, and monitoring. Now in NEPA phase. Notice of Intent in early April triggers 30-day scoping, meeting April 10 in Bishop. Programmatic docs more general, broad scale. Draft EIS in October instead of usual year. Adjusting to tighter timeline. Fire management, recreation issues can get addressed. Comment on all three forests or focus on Inyo.

Bush: Does plan look at logging, or just recreation? Murphy: Timber suitability, wilderness designation. Bush: Saw log trucks all time when moved here. Part of plan? Murphy: Result of economic decisions. No mill here, but blowdown required logging. Deal with fuel buildup to avoid catastrophe.

Thompson: National forests were set up to be sustainable forest resource, but recreation aspect, water issues part of consideration as well as fire management. Presenting to fire agencies for response?

Schweizer: Not just ecological sustainability, but great tie to socioeconomic. In comments: Present ideas on how done elsewhere, solutions, constructive comment; e.g., camper demographics have changed, consider more campsites. Murphy: Integrate into sustainability. Set up so other forests could use.

Bush: Why not all forests at same time? Murphy: Inyo will see if it's manageable, be the workhorse.

Burns: General Plan update has certain format, refining what exists. Will existing plan still remain or throw it out for something different? Murphy: Not change every single piece; see what's working, what's not. Keep huge chunk. Take 1988 Plan and set up with new lingo, change wording.

Burns: Mono did land tenure planning effort, considered land exchange potential especially with endangered species. How would land ownership adjustments be handled? Murphy: Old plan was site specific; not yet figured out. It's a big issue here and on other forests as well.

C. INTEGRATED WASTE MANAGEMENT PLAN: Solid Waste Superintendent Tony Dublino noted last update in 2000. California requires 15-yr capacity to deal with waste. Benton Crossing closes 2023. State allows long-haul transfer as part of 15-yr capacity, so it has come to forefront. Meanwhile, trying to get details resolve with Mammoth Lakes. Have been partners since 1984, but if long-haul transfer proves most economically viable, Town is contemplating doing its own thing – establish and fund its own infrastructure. Maintain partnership at least through landfill closure.

In analyzing, see potential land-use impacts if need site. General Plan update is opportunity to take plans/policies and roll into General Plan. Create Solid Waste Element to replace Hazardous Waste Element. Land use designations list permitted uses, but do not address recycling or composting facilities. Now is time to address those issues, identify locations, area, land use designations. Pave way for development to occur. Get commission input on future involvement.

Bush: Quick overview. Should commission suggest sites? Not generating fees anymore. Dublino: No limit of input, but best involvement. Where put facilities, be within three miles of communities, etc. Development criteria. Sierra Business Park: discrete development, isolated from communities. Specific industrial park zones in county to use or prohibit. Bush: Odor, traffic, dust, noise, and equipment could impact. Dublino: Transfer stations OK, but other operations need processing. Turn clean wood waste into wood pellets, etc., processing activities. No specific reaction expected today. Always available to discuss.

Roberts: How provide incentives for better management of recycled materials? Folks include e-waste, oil with regular garbage. Make as convenient as possible. Dublino: Programs for other waste, ship out. Roberts: It costs to unload computers, etc. instead of dropping into dumpster.

Thompson: Training program for contractors. Cardboard, plastics restricted. Conveyor belt system to pull out recyclables before long haul? Dublino: Best to continue partnership as no economy of scale in feasible manner. Distance leaves large carbon footprint getting to market, so no long-term environmental benefit. Conveyor belt works best for paper, cardboard, plastics, glass, aluminum. Mono is far off volume needed to fund sorting line. Smaller scale possible, but not every transfer station. Single-stream recycling could happen at transfer stations, then be sorted elsewhere. Mammoth might build facility that would not work for Mono. Issues: wood waste (chip and reuse as alternative daily cover gets diversion credit (state mandate 50%, Mono is close); food waste (composting individually). Lizza: Household hazardous waste element and source reduction/recycling element (existing recycling program).

Work with Inyo County? Dublino: Regional approaches discussed, possible sorting facility at bottom of Sherwin Grade, but politics is involved. Inyo has different sensibilities and interests. Same with Mammoth.

D. DEVELOPMENT STANDARDS, Part II: Brent Calloway distributed and discussed documents.

1) Decks: Include in lot coverage, as deck is a structure.

2) Height exception: For any land use designation with commercial/industrial use. Scott Burns noted 35' height could extend up to 45' in SFR with greater setbacks. Outright building permit needed.

3) Stream setback: Public sidewalk, bridge, or path. Simon: If it's the only choice? Calloway: Primary access to other portion of lot. Still subjective. Roberts: Could be less desirable or more costly. Lizza: Adverse impact on water body? Calloway: State/federal permits needed to protect water. Lizza: If develop primary access, need mitigation of significant adverse impact. Simon: Work with Calloway on language.

4) Director Review (DR) vs. Use Permit (UP): New construction, structural alteration in commercial district. Calloway: UP is hurdle that intimidates applicants. More intense need UP, less intense need DR.

Lizza: Repair service, want restaurant that changes parking? Calloway: Now use permit, but DR unless CEQA is triggered. Burns: Parking is big issue, threshold has been lowered already.

5) Limited-scale lodging: Used in past. More specifics needed? How many units, square footage, seasonality? No commercial lodging threshold. Burns: Resource Management (RM) applies to outlying areas, variety of values, but if resort, can re-designate as rural resort. Critical habitat in remote areas. Calloway: RM is default designation for remote property. Bush: UPs come to commission case by case.

6) Establishment of use: Parking regulations take effect when use is established, not when structure is built. Burns: Some uses don't trigger permit with chance to review. Sierra Business Park: Go to LDTAC to see if any concerns exist. Planning regulates uses of properties. Simon: No definition in Mono. Calloway: Uses such as storage. Simon: Storage shed on SFR lot; what about setbacks? No process involved, could fall into trap. Burns: Vacant piece of property in residential district if build accessory use prior to main use. Storing cars on lot requires approval. Simon: Definition creates threshold. Bush: If it could be called a nuisance, how would people know they need a permit? Simon: Inform of requirements in easy way. Burns: Zoning regulations are in General Plan. Simon: General Plan has force of law. Burns: Sierra Business Park has a specific plan, so someone who starts using site for storage gets cited. Definition of "establishment of use" would help. Bush: Temporary vs permanent? Calloway: More complex than simple parking.

7) Setback reduction: Fire chiefs were OK with reducing setbacks, but wanted notification. Burns: "Upon consultation with FPD..." Updated fire chiefs on new law requiring structural fire protection provided by entity. Subdivisions would have to set up their own fire protection.

7. REPORTS

A. STACEY SIMON: 1) Superior Court ruling: In favor of Ormat/Mono. Ormat expects no appeal. 2) USFWS draft economic analysis: Wendy Sugimura examined its analysis and saw need for legal review. USFWS considered impacts only on federal entities. Mono submitted lengthy critique that BOS signed and sent Tuesday. Narrow interpretation of obligations was not consistent with mandate in Endangered Species Act. Data on Mono was provided, but said didn't have to consider.

B. DIRECTOR: Not as much development activity. Issue EIR on General Plan update at commission meeting instead of public meeting? Workshops are really helpful to staff; will finish up next few months.

C. COMMISSIONERS: Thompson: Tri-Valley Groundwater District meeting discussed well monitoring and drought impacts. Gov. Brown stated aquifers belong to the people.

8. **INFORMATIONAL:** None
9. **ADJOURN** to April 10, 2014

Prepared by C.D. Ritter, commission secretary