

# MONO COUNTY PLANNING COMMISSION

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## SPECIAL MEETING MINUTES

SEPTEMBER 11, 2014  
(Adopted October 9, 2014)

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

**STAFF:** Scott Burns, CDD director; Courtney Weiche, associate planner; Louis Molina, environmental health; Garrett Higerd & Walt Lehmann (videoconference), public works; C.D. Ritter, commission secretary

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice Chair Rodger B. Thompson called the meeting to order at 10:13 a.m. at the Town/County Conference Room in Mammoth Lakes, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** No items

**3. MEETING MINUTES:** Review and adopt minutes of August 14, 2014

**MOTION:** Adopt minutes of August 14, 2014, as amended: Food vendors, p. 3, graph 3: Commissioner Bush asked if had **wondered how far this could go, if a gas station could be replaced by a "mobile gas station" with a tanker truck**, not worry about other restrictions. (Bush/Roberts. Ayes: 3. Abstain due to noon departure. Absent: Pipersky.)

**4. PUBLIC HEARING:**

**A. SPECIFIC PLAN AMENDMENT & TENTATIVE TRACT MAP MODIFICATION/Rock Creek Ranch.** The proposal is to reduce the number of parcels from 55 to 10, including elimination of the package sewage-treatment facilities, evaporation pond, pool clubhouse and other common elements. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized. *Staff: Courtney Weiche, associate planner*

Courtney Weiche noted "vesting Tentative Tract Map (TTM)" originally was approved in 2009 as 60 lots. Mono Supervisors approved Amendment 1 that deleted five no-longer-required affordable housing units. Project was later amended from 55 to 23 lots. Meanwhile, **Cal Fire changed its fire codes**, so applicant revised project to meet state and local fire codes. No additional access point was needed, as 10 lots are five-acre minimum. Lot coverage was reduced from 40% to 25%. Open space increased, but it's private – open, not disturbed. Rock Creek Ranch Homeowners Association (HOA) will manage water facilities. Setbacks vary.

Consultant Sandra Bauer cited a Paradise FPD will-serve letter received today. An addendum was prepared. Three significant unavoidable impacts are mule deer habitat, mule deer movement, and visual.

Weiche recommended approval, inserting word "vesting" for TTM. Proposals removed from original: propane tank farm, wastewater treatment plant, recreation center, mechanical building. Open space will be inside private lots, different road alignment. Commissioner Lizza: Revise CEQA document? Bauer cited identified impacts were reduced.

**OPEN PUBLIC COMMENT: Fred Stump**, District 2 Supervisor, noted additional outreach meeting with Scott Burns Aug. 25 at Paradise to elicit comments from community, which basically seemed satisfied.

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris Lizza

**Michael House**, chief of Paradise FPD, thanked applicant for responsiveness in adjusting building envelopes that allowed FPD to correct oversight of a fire hydrant.

**Matthew Lehman**, applicant, thanked Stump for outreach and staff for work on project. However, he also cited loss of hundreds of thousands of dollars due to oversights/mistakes, describing his frustration level as very high. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Scott Burns indicated a desire to involve the local water company, which did not happen, thus no maintenance. HOA seemed appropriate to oversee. Stacey Simon noted other proposals were CSA (County Service Area) or CSD (Community Services District), both public entities. CSA would be part of County, which never has been involved with water before. CSD is managed by local community members. HOA is akin to Lundy Mutual or other private companies, with fewer restrictions on fees and rates.

Commissioner Lizza formulated most of the following questions:

Legal entity formed? *Simon indicated HOA must comply with same requirements as private water companies.*

Cal Fire involved? *Burns stated Cal Fire provided written approval in Specific Plan, which went through State Clearinghouse. Second approval process involved change in interpretation. Cal Fire provided recommendation. Applicant could have filed an appeal of Cal Fire's decision to Commission on original road alignment, but chose to redesign project. Cal Fire has had some changes, and Mono is trying to clarify requirements.*

What parts of old road did not comply? *Stump replied length of dead-end road, given number and size of lots. Driveways are subject to their own standards. In order to achieve without secondary access road, five-acre parcels would satisfy. Title 14 re Public Resources Code (PRC) 4290.*

Basis for length of road? *Commissioner Thompson cited evacuation difficulties.*

Simon indicated Title 14 and General Plan designate Cal Fire as the inspection authority on complying with requirements within State Responsibility Area (SRA), which includes most of Mono County.

Lehman noted Osage in Chalfant and Lakeridge Ranch Estates at Crowley have only one road. Why a separate standard for him?

How did Cal Fire approval get noticed? *Burns cited email response and face-to-face meeting.*

How to hold Cal Fire to what's approved today? *Burns stated Paradise FPD gave up-front approval. Vesting map locks in requirement. But, Cal Fire backpedaled from Specific Plan approval. Burns indicated when project changed due to market, needed will-serve from FPD and Cal Fire. Specific Plan doesn't expire.*

Will-serve for original plan? Burns affirmed, but Chief House was not aware of any previous will-serve. Weiche wanted formalized approval to show compliance. Unsure of how Cal Fire signs off.

Commissioner Thompson explained that FPD has structure protection authority, whereas Cal Fire has wildland authority.

Simon indicated that if Cal Fire had a new interpretation, developer could appeal to Commission and BOS that could overrule.

Commissioner Lizza stated developer had relied on first interpretation. Simon noted that when Mono finals map, it must comply with 4290 Title 14.

**MOTION:** Approve Specific Plan Amendment 13-002 and **vesting** Tentative Tract Map 37-56 Amendment subject to findings contained in Resolution R14-06. (Bush/Lizza. Ayes: 4. Absent: Pipersky.)

## 5. WORKSHOP:

**A. GENERAL PLAN DEFINITIONS:** After reading through 130 definitions, Brent Calloway found some outdated but was conservative about changing.

**Airport:** Does definition of aircraft include ultra-lights, balloons, hang gliders? *Stacey Simon thought maybe FAA had a definition.* Commissioner Lizza suggested adding **motorized**.

**Animal enclosures:** Nowhere else in GP, so unnecessary.

**Apartment:** Outdated wording. Containing ~~a number of~~ **more than one of these**.

**Business:** Delete last half of sentence with irrelevant specifics.

**Flag lot:** Revised wording. Will include a diagram in General Plan. Lizza suggested quotes around "flag" and "pole."

**Height of building:** Change to match current regulations, include diagram. No change in policy, just internal consistency.

**Home occupation:** Formatting cleanup. Burns cited elimination of regulation through definition.

**Housing, dependent:** Not used in General Plan, so remove.

**Hotel:** Definition is more general, no mention of six units. Overlapping definitions for motel and resort, separate for B&B.

**Special events:** Reduced excess verbiage. Burns noted when UP was required, applicants wanted to exceed standards on parking, etc. Avoided lots of grief.

**Stable, private:** Some misread definition, so clarified. Split into two sentences to specify premises, not horses. Second sentence should read, "***Private stables are not for rent or lease.***"

**Time-share project:** OK.

**Design Guidelines:** Visual reference, not safety; i.e., if tower fell down.

## 6. COMMISSION PROTOCOL:

**A. RULES FOR TRANSACTION OF BUSINESS:** Scott Burns indicated BOS changed ordinance to clarify, but also wanted to ensure applicants were not unnecessarily charged for hearings. Commission was not comfortable with applicant requesting continuance at any time during hearing, just prior to hearing. During hearing with commenters present, however, Commission itself could decide. Stacey Simon also wanted a definition of full Commission. If BOS wanted to go further, could waive appeal fee. Commissioner Bush reiterated support for three votes. Simon thought the new verbiage would address Board's concerns. Commission could approve on 2-1 vote, theoretically, but wants 3-0. If Commission is only recommending to BOS, applicant does not need a second chance. Distinction was made between meeting and matter.

***MOTION:*** Amend Section 10 to clarify continuances when less than a full membership is present.  
(*Bush/Roberts. Ayes: 4-0. Absent: Pipersky.*)

## 7. REPORTS:

**A. DIRECTOR: 1) GP update:** Sandra Bauer is preparing EIR; scoping did not get lots of input. Ready for adoption next spring. **2) MoYo Trail:** Reviewing with Mono Basin RPAC next month. **3) Scenic Byway:** Consultant met with communities, report ready in October. Monument sign in June Lake still discussed. **4) CAC:** Chair BZ Miller was in fatal construction accident. **5) Tri-Valley Groundwater District:** Stacey Simon and Brent Calloway attended. Simon cited three bills approved by Legislature atop governor's desk. Overhaul entire system of groundwater use. California is last state with no regulations. Adopting sustainability plans for high or medium priority, which means Tri-Valley. No new management elsewhere. Currently linked with Owens Valley basin, but can split off and become lower priority. **6) Walker River:** Workshop on leases, purchases at BOS. Resource Conservation District, primarily ranchers, is lead agency, may conduct CEQA analysis of impacts on county. Walker Lake litigation dates back to 1990s. Program has operated in Nevada many years. National Fish & Wildlife can't do anything without Mono's concurrence. **7) Ormat's CD-IV:** Simon noted it's controversial at Mammoth Lakes. Lawsuits filed against Great Basin Air Pollution Control District by LIUNA, CURE, and MCWD. Mono County was named in one of those suits even though it has taken no action on the project. **8) Mono Budget:** BOS to adopt budget Sept. 16, relying on eight layoffs. Could skip Commission meetings whenever possible.

**B. COMMISSIONERS:** No items.

## 8. INFORMATIONAL: No items.

## 9. ADJOURN at 11:55 a.m. to October 9, 2014.

*Prepared by C.D. Ritter, commission secretary*