

MONO COUNTY PLANNING COMMISSION

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MINUTES

OCTOBER 9, 2014
(Adopted December 11, 2014)

COMMISSIONERS: Scott Bush, Chris Lizza (videoconference), Mary Pipersky, Dan Roberts, Rodger B. Thompson.

STAFF: Scott Burns, CDD director; Courtney Weiche, associate planner; Gerry Le Francois, principal planner (videoconference); Brent Calloway, associate analyst; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Mary Pipersky called the meeting to order at 10:11 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Annie Rzepiela of Mono City spoke on General Plan animal standards. Livestock is OK if > one acre regardless if conforms to the standard. Mono City lots are ¼-acre or less. By combining lots, one lot exceeded an acre. New owners want horses. Standard doesn't address what's appropriate in SFR area. Could someone buy up lots and put a cow farm in SFR area?

3. MEETING MINUTES: Review and adopt minutes of September 11, 2014

MOTION: Adopt minutes of September 11, 2014, as amended: Item 4, graph 1, line 3: Meanwhile, Cal Fire changed its fire codes, so applicant revised project to meet state and local fire codes. Note: Stacey Simon indicated that because one commissioner was present at the videoconference site, each had to vote individually. (*Bush/Thompson. Ayes: Thompson, Roberts, Bush, Lizza. Abstain due to absence: Pipersky.*)

4. PUBLIC HEARING

A. GENERAL PLAN AMENDMENT 14-002 (a) to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) at June Lake to allow for nightly rentals at 155 Washington St. (APN 016-102-052). *Staff: Courtney Weiche, associate planner*

Courtney Weiche presented a PowerPoint, and applicant Mike Rosas submitted a written management plan. Commissioner Pipersky stated that if request is approved, applicant must submit application to Mono Supervisors (BOS) and apply for vacation home rental permit to meet standards.

OPEN PUBLIC COMMENT: Mike Rosas, applicant, thanked Mono for ordinance helping non-participating homeowners with regulation. He refuted each "unpleasant experience" cited by the Stewarts.

Home used as rental already? *Monthly rental for about 10 years. Lived there full time six years. Stewarts up on holidays, maybe total of two months. If SFR rental is successful, property values should go up. He cited more support than shown, with no full-time locals against it.*

Nightly rentals? *No, full 30 days.*

How many bedrooms? *Three + loft + game room. More beds than parking spaces. Futons in game room would spread guests out.*

Heating? *Central heating installed, wood burning permitted.*

Parking spaces? *Two plus snow storage. Moving propane tank would add another spot.*

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

How many nights would it be rented? *150-180 days/yr, as it's a desirable place.* How to know it's desirable? *Three home sales in two weeks or less when average time was a year. Lots long and narrow, attractive view. Rental activity based on inquiries well ahead of time.* **CLOSE PUBLIC COMMENT.**

DISCUSSION: Commissioner Bush thought TROD was designed for homeowners in trouble, or income for vacant vacation homes. OK to transition from rental home to motel with eight beds, parking for four cars, renting to bunch of people, not a family?

Commissioner Roberts recalled ski area cited inadequate bed base, so this would provide more.

Bush noted Stewarts are part-time, just like owner. *Rosas: One person shouldn't foil whole idea.* Bush described a motel as nightly rental to different people every night.

Scott Burns described intent as added tourism base, homeowner stability, and economic opportunities in residential neighborhoods offering support. Mono Supervisors saw community benefit from more rentals, minimizing conflicts, violation fees offset by rental income.

Commissioner Thompson viewed TROD as a tool for homeowners. House currently rents for 30 days, and this adds flexibility. Property manager is a big plus.

Roberts described others renting houses in area, skirting around legality, maybe creating more problems for neighbors. He leaned in favor.

Bush questioned one lot as a "district." Neighborhood's in agreement, but struggling with one opponent. Commissioner Pipersky thought a single lot could be a "district." Burns stated that the intent was a district, but BOS leaned toward single home.

Commissioner Lizza noted applicant has been renting and not collecting TOT; now coming into compliance. Fits character of neighborhood. Not losing home to local people, putting into rental program. Neighbor concerns? Limit occupancy to eight (Weiche stated 10 is maximum according to ordinance), manage parking, control party atmosphere.

Stacey Simon stated limit in code is 10. If more, in violation of permit with risk of fines and penalties. Need to retrofit to commercial if more, according to building official.

Would bed in living room qualify as a bedroom? *Simon: Provision for floaters, but still capped at 10.*

Rental permits are overseen by code compliance. Once land use is resolved by BOS, applicant must apply for rental permit and meet General Plan requirements.

MOTION: Approve Resolution R14-07 recommend that BOS adopt General Plan Amendment 14-002(a) to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) at June Lake to allow for nightly rentals at 155 Washington St. (APN 016-102-052). (*Roberts/Thompson. Ayes: Lizza, Thompson, Roberts, Pipersky. No: Bush (protect idea of district).*)

B. GENERAL PLAN AMENDMENT 14-002 (b) to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) at June Lake to allow for nightly rentals on two parcels (APN 015-010-080 and 015-300-004). In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Courtney Weiche, associate planner*

Courtney Weiche distributed two comment letters that were received after the agenda packet was sent. DeLano represents a condo owner at Interlaken. George Larson, second comment letter, requested to join the proposed TROD, but request was received past the deadline to join, so the parcels are ineligible for this TROD. However, he could apply on his own. Letter arrived yesterday afternoon.

Can a subdivision/developer request an overlay district or SFR owners only? *Stacey Simon indicated a subdivider could request to have parcels within a TROD.*

Commissioner Lizza questioned Ch. 26. Can only residential structures receive a TROD? Overlay on vacant property? It was clarified a vacant parcel can have a TROD, however until Ch. 26 requirements are met (which requires a residential structure), a Vacation Home Rental Permit would not be issued. *Simon noted a vacant parcel would not meet most of Ch. 26 requirements.*

OPEN PUBLIC COMMENT: David Baumwohl, attorney representing property owners, noted comment letter from DeLano, who resides in high-density project. In his letter, DeLano questioned a potential deed restriction on the Victory Lodge parcel to prohibit nightly rentals. Baumwohl represented the previous

owner, Cino, and recalled no such deed restriction, which he also confirmed with Inyo-Mono Title. Baumwohl thought this TROD would provide more high-end beds at June Lake, spectacular property, set well off Leonard Avenue, garages for up to 10 cars, apartments above garages for full-time caretaker. Meets all criteria, with no opposition except last-minute letter.

Unconnected guests occupying different parts of building? *Leasing the whole house, so would show as booked.*

Back to 10 maximum occupancy? *Baumwohl stated stacking is illegal in Mono. Every unit has maximum density.* Commissioner Pipersky predicted potential less-intense use.

Baumwohl noted home designed for entertaining is now owned by Victory Lodge LLC (Cino has no interest; owner was a lender).

Could more people stay there? Scott Burns indicated Mono does not regulate size of SFRs. Two persons/bedroom + two floaters = 20. If an applicant wants more than 10 people, the building official would have to certify/approve as commercial, per building codes, before a Vacation Home Rental Permit could be issued.

Baumwohl commended helpful staff. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Commissioner Lizza wondered whether DeLano was posturing for a lawsuit. Any merit to alleged deed restriction? Stacey Simon cited private contractual restrictions for property owner, and Baumwohl researched deed restriction.

Lizza disclosed his three-year employment by Baumwohl; Simon indicated no conflict.

MOTION: Approve Resolution R14-08 recommending that BOS adopt General Plan Amendment 14-002(b) to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) at June Lake to allow for nightly rentals on two parcels (APN 015-010-080 and 015-300-004). *(Bush/Thompson. Ayes: Bush, Roberts, Thompson, Lizza, Pipersky.)*

5. WORKSHOP:

A. MONO COUNTY ENERGY POLICIES, INITIATIVES & PROGRAMS: Scott Burns noted an energy task force has been established. Building codes are getting more restrictive. Small solar at Benton Landfill, Lee Vining and Crowley Lake community centers. Woodstove replacement. PACE (Property Assessed Clean Energy) allows home energy improvements with property tax pay-off. Riverside County already does this. Thermal biomass boiler at Bridgeport road shop will convert biomass to energy.

B. GENERAL PLAN DEVELOPMENT STANDARDS: Brent Calloway distributed Table 04.030.

1) Animal standards: Two months ago Calloway discussed proposed changes, specifically setbacks. Since then, SFR above structures housing horses has been allowed, so eliminate 20' setback requirement.

Scott Burns cited an existing home above animals. Discrepancy between equestrian overlay and animal standards. Intend to simplify, no longer need 20'. Combined barn/house has been allowed. 40' (equestrian overlay) vs. 50' (animal standards): Recommended more generous standard. Smaller footprint on land if combined barn/house is allowed. Still have equestrian overlay districts in Crowley area on smaller parcels.

Annie Rzepiela recalled person can't buy vacant lot and put horses on it without primary residence.

Scott Roripaugh explained he and Liz Holt did a lot line adjustment to exceed an acre; buildable space = 6,000 sf. With setbacks, 40' would be better. Want barn/house for two horses. Makes good sense in winter, and keeps horses privatized, not in other people's space.

Chair Pipersky reminded that this is a workshop, so no decisions today – just listening to comments.

Roripaugh indicated most who approached him in private had no problem; idea was received fairly well.

Note: Stacey Simon, who lives in Mono City but not within 300' radius, was not disqualified from discussion.

Stuart Polack, Rzepiela's partner, expressed no objection to barn/house, but asked if livestock belong in residential community on cobbled-together acre. His concern was with community character. None of six immediate neighbors wants it, except for one who wants pigs.

Does County Code allow horses on an acre of land? *Burns described animal standards as an old system that's a flashpoint for controversy. Commission advises BOS, which would have to change standards.*

Burns saw no easy way out, as regulations have gray areas. Actual change would require a General Plan Amendment (GPA). Animal standards apply across board to SFR. It's a policy decision, but not today. Community outreach is required. One issue was heard: clarify chart, but not add additional requirement. Environmental Health director saw no reason for 20' setback.

Commissioner Bush suggested discussing with staff to get options.

Simon reminded the topic is not on the agenda. Someone who moves ahead under current regulations would be grandfathered in.

Bush recommended getting together with neighbors and code compliance. Nothing is on the books that Commission can make judgment on.

Burns indicated that anyone can propose a GPA. Craft change to go through environmental, and then to Commission and BOS.

Roripaugh cited lots of active historic ranches in immediate area. It's not something brand new, but continuation of long-term usage in valley.

Simon noted wording change from 40' to 50' would apply prior to construction.

Bush wanted more restrictive, not looser regulation.

2) Cell tower heights: Burns noted 60' height limit has been an issue in Mono County. Already allow wind towers up to 80', so could follow that lead on a Public Facility (PF) parcel geared toward community needs. Bush reminded that people think cell towers send out waves that are going to "get them." Simon indicated could loosen by "unless outweighed by public interest or need." Bush thought maybe 80' towers in county are needed for coverage. Lots of areas have no coverage, which has a public safety aspect. Change wording: 6a: "substantial" detrimental effects.

3) Uses permitted subject to DR and to Use Permit: Updated wording has been proposed.

Lizza requested advance handouts so commissioners could evaluate prior to discussion.

6. REPORTS:

A. DIRECTOR: No items.

B. COMMISSIONERS: Commissioner Roberts announced California County Planning Commissions Association convention Nov. 7-8 at Merced.

7. INFORMATIONAL: No items.

8. ADJOURN at 1:03 p.m. to November 13, 2014

Prepared by C.D. Ritter, commission secretary