

MONO COUNTY PLANNING COMMISSION

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MINUTES

August 17, 2017

(Adopted September 21, 2017)

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

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Wendy Sugimura, senior analyst; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:18 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of June 15, 2017 (no July meeting) as amended: Item 4A discussion: **If PC intended same parcel, BOS would have put language in there, but didn't.** (Pipersky/Lizza. Ayes: 3. Abstain due to absence: Roberts. Absent: Scott Bush.)

4. BYLAW AMENDMENT ON REMOTE MEETING ATTENDANCE: Scott Burns cited benefit in winter. Gives flexibility. Roberts reminded that Bush thought better to have all in same room. Lizza suggested broader language to include other reasons, like road closure, earthquake, etc. Lagomarsini agreed other things happen.

MOTION: Amend verbiage to include "or other necessitating circumstances": Unless otherwise provided, meetings shall be held in the Board of Supervisors chambers, Courthouse, Bridgeport, California, **and teleconferenced to the Town County Conference Room in Mammoth Lakes. Although Commission preference is for all Commissioners to convene in a single location, in inclement weather or other necessitating circumstances, Commissioners may attend and participate at the noticed teleconference site.** (Lagomarsini/Pipersky. Ayes: 4. Absent: Bush.)

5. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 17-011/Day for use of a home for short-term rental with owners living on site (Type I). The property is located at 193 Willow Brook Road in Crowley Lake. This parcel (APN 060-210-062) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed.

Scott Burns reminded if less than full commission present when PC is final decision maker, applicant can "continue" item. **Commissioner Lizza stepped away and recused himself from CUP 17-011.** If Lizza recused, only three would need unanimous vote. Day wanted to go forward.

Gerry Le Francois, substituting for Michael Draper, discussed first of two short-term rental applications. Large ER (Estate Residential) parcel, 3.2 acres, horses, corral, SFR, garage, accessory unit under construction. Draper got phone call from mobile home/RV park, not opposed, but wanted guests not to drive through property. Type I (owner-occupied) is OK for SFR, ER, C, RMH subject to use permit. Conditions address road concern. Have to final building permit, get C of O (Certificate of Occupancy), and comply with Ch. 25, 26. If conditions are violated, permit will be revoked.

Burns explained that Type I framework is allowed through Ch. 25, and make sure surrounding property owners are notified and legal notice published 30 days prior. Didn't do legal notice 30 days prior. Staff weighed noticing to property owners, so to continue item could lead to more confusion. Fully apprise PC. Newspaper notice a bit short.

Le Francois reminded noticing extends to 500', not usual 300'. Captured 10 additional properties.

Notice published, but not full 30 days? Burns cited quirk of not meeting in Mammoth Lakes. However, errors in giving notice shall not invalidate proceedings, according to State law and General Plan.

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

Condition #5: Unnecessary vehicle? *Came up on prior application, carryover.* Loader unnecessary? *Not in Mono County.*

OPEN PUBLIC HEARING: Kai Day: Trailer park has 45 nightly tenants with tents, campers, etc. **Ron Day:** Lots more asphalt, room for FPD turnaround. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky saw it as perfect situation. Lagomarsini: Workforce housing? Pipersky: BOS came up with restriction that allows this use of property. Roberts: If circumstances warranted, owner could rent longer term. Le Francois: CUP for less than 30 days.

MOTION: Approve Conditional Use Permit 17-011 as submitted (*Pipersky/Lagomarsini. Ayes: 3. Recused: Lizza. Absent: Bush.*)

B. CONDITIONAL USE PERMIT 17-012/Conti for use of a home for a short-term rental with the owners living on site (Type 1). The property is located at 154 Hilton Creek Drive in Crowley Lake. This parcel (APN 060-180-018) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed.

Gerry Le Francois described another Type I rental, surrounded by SFR. Additional access point, valid encroachment permit.

--- Christy Milovich arrived 10:49 am ---

Scott Burns noted four not five commissioners. Conti opted to proceed.

Main structure under remodel, how about garage? *Entrance to unit on side, main house in front.*

OPEN PUBLIC HEARING: Joe Conti, owner, wanted use permit after Mono created avenue for nightly rentals. Conti has been building on weekends. Long-term rentals didn't work out well, no access to unit, got rundown. Five years ago. Now used as guest house for family/friends. Great addition to community. Girlfriend Jamie has extensive knowledge in tourism/marketing, creating business partnerships. Good for community, not just applicant. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky: Comment letters? *None from 35 properties.* Lizza: Crowley bedroom community for people who live and work in area, not lot of nice vacation rental stock in Crowley Lake (by design). But, removes unit from workforce to vacation rentals. Priority is workforce. Recognize difficulties.

MOTION: Approve Conditional Use Permit 17-012 as submitted (*Lagomarsini/Pipersky. Ayes: 3. No: Lizza. Absent: Bush.*)

Roberts commented can't force someone to provide workforce housing, so let it be guest house.

6. WORKSHOPS

A. HOUSING NEEDS ASSESSMENT: Heidi Aggeler of BBC Research called into meeting. Burns stated Mono was awarded CDBG grant for housing survey to assess needs beyond 2010. Current suspension of Housing Mitigation Ordinance awaits change of circumstances. Consultant retained for survey, data, adjustments to ordinance that expires January 2018. Data also used by Town of Mammoth Lakes. Hope for complementary policies between Mono and Town.

Aggeler is doing housing analysis. Objective: Determine what want and need to know. Surveys designed for employers, permanent residents, in-commuter, seasonal residents. Affordability analysis. Telecom surveys used. Survey extended due to inclement weather. Had 41 employers who employ lower-income workers. Difficult to find housing: 87%. Retaining employees due to housing? 69% yes. Recruiting? 87% yes. How resolve: extra job, crowded conditions. Solution? Building more, manufactured homes, diversity of types, short-term rentals diversion. Help find solutions? About half yes. Goal: Adopt regulation policies by 12.31.17.

B. CANNABIS WORKSHOP: Wendy Sugimura cited challenges as rapidly changing state laws, how to regulate industry, emotional response to issue regardless of CA vote (tamped down after first outreach). People are spending money at their own risk to make things happen with no regulatory framework in place. Currently illegal, current moratorium. Strategy: Consistency analysis first. Two pieces: personal cultivation, commercial operations. Can't be more permissive than CA minimum standards. Could require use permit.

Personal cultivation: Outright legalization of six plants, can't sell. Allowed under CA law, but should Mono regulate location, odor, maximum area, screening, setbacks? Building codes address many details. LA County has regulations, but no policies.

Commercial types: Retail located 600' from school, hours 6 am -9 pm. Security plan. Delivery from business to private home.

Farm stand? *Don't know.*

Manufacturing: Wide range of potential impacts. Cannabis products are not considered food. Chain from grower to distribution to testing to retail. Antelope Valley is open to activities. Land use designations limited, mainly Ag & MU.

Distribution: Can't prohibit on public roads, passing through county. Warehouse type of use.

Testing: Required prior to market, so needed here. Check THC content, heavy metals. "Track and trace from seed to sale."

Commercial cultivation: Based on size, indoor vs. outdoor, less than one acre. Issue: Define Ag better. Cannabis is different from other crops. RM (Resource Management) and OS (Open Space) designations provide for agriculture, but only 10% soils disturbance. OS tends to be LADWP, which won't allow on its properties or by its lessees. Look at setbacks, screening, lighting (greenhouses blacked out at night). Mono prevailed in grow on RR (Rural Residential). AV wants grow on RR.

Maps: Removed federal and LADWP lands.

School buffers: 600' for commercial, not personal. June Lake is planning preschool Down Canyon. Crowley talked about corridor buffers.

Building permit: Growing without permit creates safety problems.

Timeline: PC workshop today, BOS workshop 09.19, PC 09.21, PC 10.19 adoption, BOS 11.14 adoption at public hearing, 11.21 for ordinance and extension.

PC feedback: Lizza: Actual usage omitted. Lounges? No, private residences. 1,000' buffer near schools. Lizza: Anything more than alcohol puts cannabis on pedestal. Roberts: CA has standards for alcohol and tobacco. Kids go everywhere, so why exclude so many. Common tactic to mention protecting kids. Why on pedestal above alcohol and tobacco? Sugimura: Check with ABC (Alcoholic Beverage Control). Lizza: Allow home brewing, why go beyond alcohol regulations? Minors allowed on premises? Not on retail. Sugimura: Outdoor grows potential attraction. Lizza: Grower more concerned at regulatory level.

Charlie Brown from Walker expressed concern for residential. If under lock/key, ventilated, and don't tell, who's going to know? Kids won't know who's growing if not advertised. Kids wouldn't break into grows, but maybe cash businesses. Limit to square footage. Dark sky lighting. Not see problem under property security measures. Most don't lock up prescription drugs or alcohol. Would like to start small commercial grow to spend time with family. Issues stereotype whole industry. Heard of Benton grow. Majority of Mono voted for cannabis. Specialty tax would be OK. Lack of education on subject due to 70+ years of being led wrong way. Prescription drugs kill more than marijuana ever will.

Sugimura stated BOS held workshop with consultant on Prop 64. Tax approved on ballot by vote of people. November 2018 first possibility. Nothing soon.

Tina Braithwaite, Benton Paiute tribal chair, is a cannabis tribe with regulatory commission, selling at tribe. If public has information on growers, open up to crime. Pro cannabis, though not a user. Saw change since April 20, decreased alcohol use, less crime, fewer issues at reservation. Helping elders with arthritis, decreased pain and less opioid consumption. Tribe is willing to work with Mono.

Sally Rosen, small business owner in Reno, moved back to Antelope Valley (AV). Has 50-acre property, wants cannabis. Antelope Valley has 1,500 acres RR (Rural Residential), all off table under current proposal. Difficulty with federal regulations. RR could increase business, provide economic opportunity. Small window exists where crop is valuable. Regulation not needed to make owners want to protect what they have. Hope Benton case does not take thousands of acres off table. Emphasized that AV wants to do what's good for community, work with County to be effective for all parties.

Roberts cited past years of stigma, hoped acceptance will ensue. Forbidden fruit aspect. Outreach is valuable.

C. LOCAL HAZARD MITIGATION PLAN: Wendy Sugimura started process. Last revised in 2006, supposed to update every five years. Approval by Cal Office of Emergency Services, FEMA. Eligible for hazard grant funding, protects residents. Done in coordination with Town, covers natural hazards such as avalanche, flooding, fire, mud flows, and severe winter storms. Risk assessment needed to establish new policies and projects, like secondary access routes. Survey out to communities, to RPACs, scoping survey on hazards of concern, have been experienced. Expecting one-year time frame. Consultant Michael Baker International will accept surveys till end of August, soft deadline. On Mono website.

7. REPORTS

A. DIRECTOR: Compliance Officer Nick Criss will contact commissioners about appeal hearing.

B. COMMISSIONERS: Pipersky will miss September meeting.

8. INFORMATIONAL: No items

9. ADJOURN at 12:46 pm to September 21, 2017

Prepared by CD Ritter, PC secretary