

# MONO COUNTY PLANNING COMMISSION

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## MINUTES

September 21, 2017  
(Adopted October 19, 2017)

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

**STAFF:** Scott Burns, director, & Megan Mahaffey, financial analyst (via videoconference); Gerry Le Francois, principal planner; Wendy Sugimura & Michael Draper, analysts; Garrett Higerd, Joe Blanchard & Walt Lehmann, public works; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

**PUBLIC:** Sandra Bauer, consultant; Molly Des Bailleys; Robert Joki; Eric Edgerton; Sally Rosen; Jephraim Gundzik

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Dan Roberts called the meeting to order at 10:10 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 Aug. 17, 2017, as amended: (*Lagomarsini/Lizza. Ayes: 3. Abstain due to absence: Bush. Absent: Pipersky.*)

### 4. PUBLIC HEARINGS

**A. MONO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT 2017 NOFA** (Notice of Funding Availability). This is an opportunity for interested parties to participate in the potential Mono County Community Development Block Grant (CDBG) 2017 application. Mono County applied for and received grant funds for the following activities under the 2015 NOFA: Parks and recreation facilities, child care services, and planning technical assistance. Provide comment on project priorities for Mono County for the CDBG 2017 NOFA. *Staff: Megan Mahaffey*

Megan Mahaffey presented overview of types of funding available.

**OPEN PUBLIC HEARING:** Molly DesBailleys, First 5, served 39 children in partnership with school district. Positive community feedback. Requested public support in Bridgeport and Benton. If Mono does not pursue childcare, both centers are projected to close.

How much from CDBG? *Funds from state preschool limited, not feasible without additional funding.*

Only BP and Benton? How chosen? *No licensed childcare there, others had it. Partnership with ESUSD had facilities to offer as contribution.*

Jennifer Halferty, executive director of Mammoth Lakes Housing, participated in homebuyer assistance program. Consider application for that or Halloween multifamily housing district. Mono can elect to use funds within city limits with minor requirements and approval of town manager.

Can Town apply on its own for CDBG? *Yes, other projects if meet 50% requirement. Up to \$5 million for Town and County. Lots of paperwork. Meet low-moderate income factor.*

Other applications after hearing? *Yes, second hearing with BOS in November. Contact Mahaffey.*

Take to RPACs as agenda item or staff report? *Not planned, but could.*

Childcare project in June Lake maybe not aware of CDBG possibility. Contact Mary Beth Cramer.

Bush noted Mono got award to rebuild jail, but requires Mono matching funds. Could CDBG apply? Jail serves lots of low-income people. *Megan will follow up with CAO.* **CLOSE PUBLIC HEARING.**

**B. CONDITIONAL USE PERMIT 16-00022/Geothermal Trail.** Project is located at 94 Casa Diablo Cutoff, adjacent to the intersection of Antelope Springs Road on a portion of Assessor Parcel Number 037-050-002. The Southern Mono Historical Society (SMHS) plans to construct the Casa Diablo Interpretive Trails project, an educational

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

geothermal trail that will fulfill a mitigation requirement of previously certified EIR. The project consists of trail segments to be constructed of varied materials. Depending on location and use, the materials will include wooden planks, crushed rock, compacted soil, and asphalt. Interpretive signage, photographs, displays and viewing platforms will provide a wide range of diverse information about, and 360-degree views of, the Mammoth caldera and basin. Access to the Trails Project will be from the Casa Diablo Cutoff Road. Restrooms will be ADA-accessible via wood plank walkways. The interpretive site will be closed during winter months and snow events. On-site structures will include a site trailer for use by tour docents, a composting vault toilet facility, and a 1,500-gallon recycled water storage tank for the vault toilets. All building exterior surfaces will use colors and materials that complement the natural environment. In whole, the project will encompass 261,360 sq. ft. (6 acres); the disturbance area will represent less than one acre of land. An addendum is proposed to EIR State Clearinghouse #86110408. *Staff: Gerry Le Francois*

Gerry Le Francois noted lease on property. Nonpotable water will be provided for restroom. Site plan shows entrance gate. Parking for four on cutoff road, people walk in. Focus on cultural and local history. MCWD (Mammoth Community Water District) concerned about talk of geothermal power, must be comfortable with text. On-site educational tours for school groups by appointment only. SMHS agreed to talk to tribes. Site trailer for docent. Maybe Wifi capabilities. Addendum to 1988 EIR to be certified. Mono has revocation procedure for noncompliance. Mono met with MCWD. Condition 5 addresses text.

Lizza thought agreement on content it tedious. Rather than that, defer to SMHS for final say, with input from Mono and MCWD. Roberts concurred. Lagomarsini thought it contentious. Le Francois explained larger geothermal plant would have additional wells in vicinity. Mammoth relies on groundwater, so potential impact. Opinions differ between MCWD and Ormat. Le Francois did not want Ormat's concept or MCWD's.

**OPEN PUBLIC HEARING: Robert Joki**, president of SMHS (Southern Mono Historical Society), imagined early settlers hunting and trading, finding Hot Creek. When US 395 passed by, became tourist attraction. Talking about full history of why humanity settled there in first place goes far beyond current discussions. True geology. Interpretive center to stop and read. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Roberts stopped at little general store/service station, saw geysers. Rich history, not PR for Ormat.

*Parking? Loop for vans, buses. Trails crushed gravel or boardwalks. Potential greenhouses removed.*

*Paved loop? No. Class 2 base, designed for handicapped access.*

*Need for security equipment? Ormat sensitive to trespass and hazards, prefer appointment. Maybe SMHS consider potential vandalism.*

Joki cited existing fumaroles. Keep public away from dangerous areas. SMHS notes potential danger. Tourists should not go exploring.

*Lease? As long as geothermal operates. Info will be historical, not promotional advertising.*

**MOTION:** Certify the Addendum for the Casa Diablo Interpretive Geothermal Trails project; make required findings as contained in project staff report; and approve Use Permit 16-00022 subject to Conditions of Approval. Condition 5: Consultation on content with Mono, MCWD, and SMHS. (*Lizza/Bush. Ayes: 4-0. Absent: Pipersky.*)

## 5. ACTION ITEM

**A. ONE-YEAR MAP EXTENSION 10-001/Haber.** Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, no new information of substantial importance has been received to warrant further environmental analysis, and approve the second one-year extension of Tentative Tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein. *Staff: Gerry Le Francois*

Gerry Le Francois noted no substantial changes proposed. The 49-acre site has five lots, subject to Rimrock Ranch SP, all map conditions. Could apply for one more extension.

Garrett Higerd clarified that map condition has proponent into two zones of benefit. Address other lot line adjustment. Could require 45-day noticing process that would surpass Nov. 2. Map go quickly to BOS, approve by year's end.

**MOTION:** Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, and no new information of substantial importance has

been received to warrant further environmental analysis; and Approve the second one-year extension of Tentative tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein. (*Bush/Lagomarsini. Ayes: 4. Absent: Pipersky.*)

## 6. CONSENT ITEM

**A. FINAL TRACT MAP 10-001/Haber.** This Final Tract Map subdivides a 49.51-acre parcel (APN 064-090-034) into five two-acre parcels and one 39.50-acre parcel. This subdivision is located along Ridge View and Cougar Run in the community of Swall Meadows. The tentative map was originally recommended for approval by the Planning Commission on Aug. 12, 2010. State legislation AB208 & AB116 automatically extended this map for four years till 2016. Last year the Planning Commission granted a one-year extension to Nov. 2, 2017. Five of the six lots, two acres each, were part of the approved Rimrock Ranch Specific Plan (SP). The southern sixth lot of 39.50 acres with an existing single-family residence will retain a land use designation of Estate Residential (ER 2).

Walt Lehmann recommended approval. BOS must amend into zones of benefits. Deleted map conditions already met, kept ongoing conditions.

Lot 6 easement? *Yes. Basically Haber's gravel driveway that doubles as emergency access.*

**MOTION:** Authorize Chair's signature on Tract Map 10-001, recommending its approval by the Board of Supervisors subject to satisfaction of Map Conditions #47 and #48. (*Lagomarsini/Lizza. Ayes: 4-0. Absent: Pipersky.*)

## 7. WORKSHOP

**A. CANNABIS POLICY & REGULATIONS:** Wendy Sugimura mentioned background presented earlier. Policy option questions. Take to BOS Oct. 3. Back to PC for recommendation on regulations to BOS in November.

Question last meeting: Why different from regulating alcohol? *Maybe when better established, could be. Still illegal at federal level.*

Restrict disturbance of active sage grouse leks. Provide extra protection.

75 sq miles? *Significant range of CA and NV. Map with buffer overlay. Nesting: Grouse tend to be loyal to single lek, nesting around it.*

Leks exist on private land? *Yes.*

Apply to alfalfa or other row crops? *Not issue due to larger acreage. Definition of ag captures all types of activities. Maybe nuanced definitions to separate ranching and grazing from row crops.*

Mono can coordinate regulating with CA process. Next ballot is November 2018. Piecemeal or together? *Staff prefers together.*

Manufacturing with volatile solvents: Controversial, banned in residential areas at state level. Can lead to fires, explosions. Involve heat, pressure.

Sugimura noted safety measures in place.

Antelope Valley: Primary land use designation is MU (mixed use). Cannabis fits better with commercial or industrial. Generally, MU has frontage along 395. Residential emphasized if front is residential. Could promote economic development, with commercial character on 395 frontage emphasized. Could do individual interpretations like mini storage and auto repair shops.

Bush noted Antelope Valley was designed with large lots, shop in front, house behind on same property. People accepted nature of town, not really questioned. If on 395, build what you want. If on back streets, build house. Is MU for house and separate building?

Sugimura stated if commercial, intensive use. Lower-intensity residential use = MU.

Bush noted larger lot sizes in Antelope Valley. Sugimura stated some land uses in Antelope Valley don't allow. Bush: Mostly retail. Sugimura: Cultivation in Antelope Valley on parcels with RR designation. Lots of ag land where permissible. Mono responded to RR grow in Benton. Large-lot residential. 40-acre parcels next to public lands. No minimum size for designating as AG.

Ample opportunity for four people only? Sugimura indicated not part of policy set, could remove "ample" and strike rest after AG.

Lizza wanted to broaden definition of small-scale ag to be anything you can grow.

Sugimura: Land use principal is RR is a residential LUD. Would change to commercial.

Sugimura: Designed to restrict commercial uses in residential.

Greenhouses that create visual impact? Sugimura noted designed to acknowledge community gardens. Limiting scale. List of CA types of licenses in packet.

If long buffers set, unintended consequences could occur. Not make grower move.

Milovich cited eminent domain-type case. Annual renewal, not in perpetuity.

Lizza reminded that General Plan suggests compact communities. Longer buffer encourages sprawl.

Roberts saw elimination of huge sections of communities. Highly sought properties for cannabis, **an unintended result of reevaluation of properties**. Youth using less in areas where **grows are cannabis is legal**.

Draper noted 600' buffer for all cannabis activity. Lagomarsini saw difference among activities.

Draper asked about setback based on parcel size.

Lagomarsini mentioned ugly, smelly operations on property line, closer to neighbors.

Draper clarified setback from neighboring structure, not property line. Maybe no specific setbacks, alternative requirements.

Lagomarsini: Cargo container setback? Part of standard setbacks.

Bush: NO grows in town. Cut grass has odor. Growing in natural state smelly? Very little till starts flowering, said citizen.

Sugimura: Research on other jurisdictions. Amount of info is extraordinary. Intent was looking at other areas to see range of methods in acknowledgment of this being an issue.

Draper: Visual screening: Not growing at night, want Dark Sky Regulations. Artificial lighting for outdoor cultivation has been seen. Fencing height to conceal from view, opaque fence. Odor/air quality: Dust control for all districts already. Security plan: Certified by sheriff's department. Could require background checks. Maybe prohibit firearms? Preference to not allow firearms on permit. Braun said security cameras could capture incident. Avoid fire fight on site.

Building permit regulations: Electrical upgrades; interior remodels; accessory structure <120 sf needs no permit, but if power supplied, need permit; efficiency dwelling unit not OK as grow site.

**DISCUSSION: Eric Edgerton**, founded TILTH Farms, commercial cannabis cultivation company. Grower contracts with customers. Customer base will increase after Jan. 1, 2018. Mono benefits from cooler growing conditions. Walker/Coleville will benefit. Invest \$4 million first year in property upgrades. Hire ~20 employees. Suggested application windows. Local approval prior to State deadline in July 2018. Applications need approval by year end.

Jan. 1 to July 1? Then closed? *Yes*.

Own the land? *Yes*. Did cattle, alfalfa. Good water, productive native soils, uniqueness of Antelope Valley, economic opportunity. Has experience in other states.

**Holly Rosen**: Maybe expand LUDs (Land Use Designations) to benefit from new industry. Current LUDs not adequately represented in Antelope Valley, which has lots of ag land owned by few people. RR (Rural Residential) eliminates huge segment of population. If RR excluded, Antelope Valley residents would not have same opportunity as others. Modify Antelope Valley land use regulations on RR and MU to help fulfill objective of energy into new industry. Does not jeopardize health/safety of residents. Still have huge roadblocks to success. No inherent threat to allow. Not treat cannabis significantly different from alcohol or other crops. Spirit of commercial cannabis is same: plant it, grow it, take it down. If RR not permitted, faced with changing LUD of her land, but likely excluded from 2018 growing cycle. Easier to write regulation with opportunity built in. Lighting: Unwise to dictate how to grow crop. Other ag activities are not barred from view (alfalfa, cows). Need all regulations to prevent us from doing harm, alter way business is conducted. Businesses run alongside homes in Antelope Valley. Emphasized common sense approach. Keep Antelope Valley in mind to maximize opportunity of community. Vertically integrated business model. Now, cultivation only, but ability to expand. Have 50 acres. Put things into greenhouses with lights to expand season.

**Jeph Gundzik**, Banner Springs Ranch, sees business opportunity. Hard to run small farm in Mono with limited population, market. Fantastic opportunity for County welfare. Excise tax plus tax per ounce (10-15% of grow). Timing of regulations relative to tax authority. If wait till November 2018, miss first season and do longer-term damage to local market dependent on tourism. Others could move in. Delaying regulations could encourage illegal activity. Consider retroactive regulations and permit approach. Diverse topographies. Blanket setback could have detrimental impact. Prevent visibility, odor screening, security

could be tailored for specific site. Security: Respect citizen's right to bear arms, self-defense. Only growing plants, risk of theft of mature plants. Security cameras, but what if threatened him or wife?

Fencing in other jurisdictions? Tricky to regulate, addressed in security plans.

Edgerton suggested looking beyond burglary to deer, rabbits. Fence is mandatory for that.

Fence height regulations sufficient to protect crop? Sugimura indicated fences over 6' would be subject to building code.

PC input needed for BOS Oct. 3: Tax measure for different activities; retail on gross receipts; and cultivation on square-footage basis.

Bush suggested tax holiday first year, fee schedule to get businesses started. Rosen also favored Mono tax holiday.

Lizza affirmed need for Mono approval before State license.

Draper confirmed application deadline July 1, 2018. Mirroring State application requirement. Start preparing State application, give to Mono first. Lizza saw huge burden on Mono staff before July 1.

Bush suggested changing RR (rural residential) to support Antelope Valley residents. Need use permit? Sugimura recommended CUP to look at specific situation and land uses. Or, standardized checklist. At this time, not confident checklist would cover everything.

Hearing for applicants? *Process takes time. Hard stops coming up. Time is enemy of something new.* Sugimura stated CUP with public hearing, approved by PC. If CEQA analysis needed, could be problematic.

Edgerton noted manufacturing process with solvents includes butane, propane, ethanol, flammable fuels. Equipment is closed loop, solvents recaptured/reused. All certified to federal levels. People now prefer edibles to smoking.

Sugimura thought use types, not different licenses. Exception: volatile for industrial, edibles for others.

Where allowed? Sugimura noted BOS has strong opinions, so PC could provide directional input.

Roberts saw setbacks, guns as fear-based reactions. Maybe unwarranted. Paradigm change from criminal activity.

Lagomarsini suggested lot size consideration for nuisance, safety issues. Get setback waiver. Appropriate for neighborhood, aesthetic value.

Sugimura thought existing standards in General Plan could apply.

Cannabis: Food? Product? Medicine? Sugimura cited State definition, just change small-scale ag.

Lagomarsini: Maintain sense of privacy when people live close together. OK outside garage, not bedroom window.

Sugimura thought unless Mono has authority to do something about it, does not need to know. She noted no other track-and-trace commodities. Dealing with different reality.

## 8. REPORTS

**A. DIRECTOR:** 1) CDD budget: one of few departments BOS approved, including compliance staff, filling vacant planning position. 2) CTC (California Transportation Commission): LTC hosted CTC first time ever in Mono County, highlighted unique things we do here. Le Francois coordinated, Sugimura was a presenter. 3) Tioga Pass: At LTC Lizza wanted Tioga Pass addressed.

**B. COMMISSIONERS:** No items

## 9. INFORMATIONAL: No items

## 10. ADJOURN at 1:44 pm to Oct. 19, 2017, at Town/County Conference Room, Mammoth Lakes

*Prepared by CD Ritter, PC secretary*