

MONO COUNTY PLANNING COMMISSION

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SPECIAL MEETING MINUTES

April 20, 2017
(Adopted June 15, 2017)

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

STAFF: Scott Burns, director; Paul McFarland, assistant planner; Justin Nalder, intern & Christy Milovich, assistant county counsel (videoconference); Nate Greenberg, IT director; CD Ritter, commission secretary

GUESTS: Fred Stump, Mono Supervisor; Mike Moriarty, Mono Sheriffs; Raul Alcaraz & Domenic Pacini, Race Communications; Rick & Bonnie Noles, Tim Hansen, Zac Creager, Tim Alpers, Steve Shipley, Hiroki Okamoto, Ron Day, Dave Hodge & Dennis Domaille, citizens

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called the meeting to order at 10:05 a.m. in the Town/County Conference Room in Mammoth Lakes, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of February 16, 2017 (*no March meeting*): Item 6: Mono's looking for revenue, according to Antelope Valley **RPAC**. Bush found exact opposite of what he expected at Antelope Valley **RPAC town hall meeting**. (*Bush/Pipersky. Ayes: 5-0.*)

4. ELECTION OF CHAIR & VICE-CHAIR: Elect Dan Roberts as chair (*Pipersky/Lagomarsini. Ayes: 5-0.*) and Scott Bush as vice-chair (*Pipersky/Lagomarsini. Ayes: 5-0.*). Lizza handed gavel to Roberts.

5. COMMISSION BYLAWS: Consider amending bylaws to allow remote teleconference participation by commissioners. Scott Burns gave background that included weather & technology problems. Now, cited improved technology, done by LTC and BOS as reasons.

Bush envisioned situation where never have full board together. OK if limitations like weather, but not just available at any time, lose back and forth, gets clunky, no eye contact. Limit it.

Once or twice a year? Other valid reasons? Burns suggested either Mammoth or Bridgeport, open site to public.

Lagomarsini noted Lahontan Regional Water Quality Control Board has teleconferencing with no limitations.

Burns noted bylaws state option of Bridgeport or Mammoth, other locations possible. Community centers?

Bush quipped that if it were that good, U.S. Congress would be doing it. He recommended that commissioners get together, meet with people, hear concerns, and show up to vote.

Burns will ask staff to draw up proposal.

5. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT 17-003/Creager: Project proposes conversion of an existing four-bedroom single-family home (APN 021-060-05, zoned Scenic Area Agriculture) to a Bed & Breakfast establishment (aka "The Mono Lake House"). Total home occupancy would be limited to 10 persons at one time. All proposed parking will be on site, and proposed signage is consistent with local signage guidelines. The project is located within the Mono Basin National Forest Scenic Area, and therefore subject to a Forest Service Compatibility Determination as directed by the Mono Basin Scenic Area Management Plan Private Land Development Guidelines and the County's Scenic Area Agriculture Land Use Designation. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.

Paul McFarland introduced B&B proposal. Special regulations exist within scenic area boundaries. Scenic Area AG. USFS oversight on public land so development not impact goals of scenic area. Parallel process in development: apply to County, USFS review proposed use as adjunct staff.

Sign visible from US 395. Directional sign heads people toward home. Use Commercial lodging for parking regulation. Four sleeping rooms, owner living on site, so rent three. Five parking spaces. Three transient vehicles.

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

Paved apron by Caltrans OK, but not factored into parking. Public comments by letter, email, in person. Original proposal with events for up to 100, but removed. Talked about short-term rentals without management on site, also removed. Neighbors: Limit to 10 in home, limit trespassing on very private property, on-site parking. Parking at site, not along highway. No physical changes, just conversion of use.

Fire access? Lagomarsini suggested mentioning in will-serve letter

Commenter home site? *No fence, only tree line.*

Lizza wanted to include appendices E & F in scenic area. Document from mid '80s, hard to find, 19 pages text. "Certified use" Can change existing structures. "Developed Land Use Category." Coordination with County ordinances. Item 4C discussed. USFS agreed to compatibility, certified after use permit approved. Verbal approval, not written. USFS at somewhat of a loss, working together with Mono. Past staff contacted, not much there. Found old letters in Mono files. Many never complete. Mono in concert, use permit finding supports USFS determination, no separate letter needed.

How get compatibility from USFS, or Mono in lieu of? McFarland indicated once use permit is accepted, no need for separate process with USFS. Scenic Area Ag lets agencies work together.

Milovich stated that if no use permit, USFS would not give complete clearance. Run parallel, not separate.

If Mono provides use permit, USFS just falls in line? Milovich indicated USFS did initial determination. McFarland noted exact language in guidelines, p. 10. Milovich clarified "may" ~~not~~ is not a "shall."

OPEN PUBLIC HEARING: Tim Alpers, property owner, explained structure was built in 1963 by Bantas, who moved to Hammil Valley. House had owners/renters. Alpers acquired in 1984 when vacant, in disarray, saw potential, remodeled, landscaped. Stunning piece of property. Worked with neighbors to keep nice without fence. Alpers now lives in Reno after retirement. Alpers was uncertain what would happen to property, party house, go to rack and ruin, devaluing. Worthy of all best efforts. Creager stopped by, fell in love with property and house. Requested lease option for purchase. Deal is good if good for everybody. Commended staff on "CC&Rs" for property. Not overrun with people, infrastructure exists, porches, view. Highest and best use would be young entrepreneurial couple setting up B&B. Local restaurants and shops would benefit. Networked worldwide for clientele. Win/win for everybody. Controls on land, small degree public access, stay open landscaped. Letter and question on relicted lands, sewage disposal system. Preferred Septic examining, will certify. Lease with State Lands Commission on relicted lands disputed for 49 years. Assure system is massive, no problems. Occupancy not exceed past. Give highest consideration to granting use permit.

Rick Noles, next door for 35 years. Protected privacy, under radar. Sprung on them, had to fight. B&B where people pay money for private spot. Been hearing it's going to be 10 people, a lot. No getting used to 10 new neighbors, no privacy. Everything that lives there get run out. Who knows what's going to happen, sporting goods store? Consider whole scenic area, what could be compatible.

Bonnie Noles, next door. Issue will impact lives at Mono Lake forever. Two important issues: Water supply & metering. Spring water used by two SFRs, rotating watering days. Metered water in easement. 2 af/parcel. If occupancy increases to 10, demand would go up. If overuse occurs, let Alpers/Creager incur penalty fees. No projection on water use by Mono. No mention of State-leased lands. Project qualifies for CEQA exemption because of no structural changes. Public gatherings/guests will access lake shore. Proposal not fully analyzed. Asking PC to withhold vote until all issues are resolved. Lease for septic and leach line. Only terms addressed. State might have concern about use of relicted land. Habitat threatened by people taking photos. Undisturbed area would become disturbed.

Alpers stated half-acre buffer between two properties originally fenced with horse grazing, trails to lake. Public has right to walk to lake. Talked to lands management department, saw no excessive uses.

Water supply? *Andy Zdon analyzed for 2 acre-feet (af), which far exceeds residential use.*

Half-acre buffer? *Alpers cited narrow 75'-wide separate parcel, open land. Owns land, never chose to build anything on it. Buffer area could be for picnics.*

Who owns land? *Alpers.*

State Lands Commission communication? *Alpers hasn't heard back.*

If 2 af were exceeded? *Alpers explained three parcels get 2 af. Penalties for overuse. Water historically used by brine shrimp plant. In 1980s, jet pump to suck water, pulled so much. Tim Hansen used existing well.*

Ever come close to exceeding? *Alpers stated never came close to exceeding due to team effort.*

Warning when getting close? *Alpers noted practices haven't changed since 2006. Spring was fantastic even in drought years. Noles cited 35 gal/min.*

Separate out water use? *Alpers indicated could separate at property line.*

Meter for new filtration system? *Alpers called company about metering Alpers property only.*

Zac Creager, proponent, owns catering company in Santa Cruz. Wanted to build legitimate business to make dream come true. Alpers home presented as possible B&B would be great spot. Girlfriend is wedding photographer. Community-oriented, loves lake, Lee Vining and Mono County. Expand to bring people in, see beauty. Want to be good neighbors, met with Noles. Respect privacy. Not huge operation, three rooms for rent. Closed in winter. Extreme environmentalist, so no tromping on tufa or sagebrush. Goal is to respect community, neighbors and environment.

Bush noted B&B limited to 10 people, but three bedrooms. *Essentially eight max if kids came. Create quiet, serene environment. Keep it couples or individuals.*

Bathrooms? *Three. Live in smaller bedroom. Master bedroom has full bath.*

Tim Hansen, shrimp plant operator, noted not short-term rentals, but this got by on another tack. Thought guests would want to go to lake, which is a big draw. Who would enforce that? Easy to say believe in private property rights. His commercial operation since early 1990s makes its share of noise, and he's tried to cooperate with neighbors.

Expect people to [go to lake] or not want them to? *Hansen stated everyone has access to public lands.*

McFarland contrasted trespassing with accessing public lands. **CLOSE PUBLIC HEARING.**

DISCUSSION: Lizza saw difficult issue, personal. No big change of use, house always 4-BD home, saw no change in what property is, just transient instead of residential. Mostly upper-class guests who would respect rights and environment. Commercial industrial use on other side, so already intrusions to Noles property. Recent construction and fire intruded. Not completely private place between lake shore and highway. State Lands issue irrelevant to use permit.

Bush saw no big change except few people walking around. Just like family coming to visit. Could be large family with teens and motorcycles.

Pipersky found all concerns answered, but 10 teens taking long showers is nothing compared to irrigation. Difficult to have more neighbors around, but not that much of a change. Consider separating water usage. If approve, make note of possible sixth parking space. Not see how PC would not approve use permit.

Lagomarsini noted it's unlike Airbnb. B&B is more above-board. Install water meter on neighbor's house at Creager/Alpers' expense.

Roberts saw very effort to address valid concerns. Difficult to have new neighbors. Large family could increase usage just as much.

MOTION: Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 17-003 subject to Conditions of Approval: Add additional parking spot to keep people out in case of fire. *(Bush/Lagomarsini. Ayes: 5-0.)*

Recently installed point-of-use water meter system.

Bonnie Noles was concerned about wildlife and dogs. *Maybe limit number of dogs/night. Creager would not allow dogs except his own on leash due to 395. Not turning B&B into pet hotel.*

--- Break: 10:40-10:45 ---

B. CONDITIONAL USE PERMIT MODIFICATION 17-001/June Lake Brewing, LLC: *Project proposes to convert two existing parking spaces to summer outdoor seating area with additional summer parking spaces to be established in winter snow storage areas. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland stated modifying use permit would allow summer parking. Upgrades to property need more than 20 spaces. Spaces not graveled or paved are not part of parking analysis. Graveled/striped employee parking. Modify conditions 2 and 3 that referenced original site plan. Inside site plan stays, outside changes.

Same parcel? *McFarland indicated separate parcels with separate APNs.*

OPEN PUBLIC HEARING: Justin Walsh, owner, was granted use permit in 2013, increased TOT numbers for Mono. Wants to continue beautifying property. Ohanas clientele may not buy beer.

Roberts noted garage doors were raised for bar area. *Walsh resubmitted ABC permits, in process, agent coming tomorrow.* **CLOSE PUBLIC HEARING.**

DISCUSSION: None

MOTION: Find the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit Modification 17-001 subject to Modified Conditions of Approval *(Bush/Lizza. Ayes: 5-0.)*

C.CONDITIONAL USE PERMIT 17-001/Race Communications – Crowley: *Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Crowley Lake and entails placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Maps and additional project information is available at monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland noted projects are discrete.

Nate Greenberg, IT director for Mono County and Digital 395 last-mile efforts, has been considering last-mile connectivity to homes and businesses since 2012. Tasked with facilitating the significant challenge, he considered a consortium. Mono wanted to work with service providers, not do it itself. Race has been a valuable partner, with 92% of households to get service. Race was funded in 2014 for four projects. Unique, prideful position to have Digital 395 to businesses and residents. Elevate level of capacity.

Heavily engaged RPACs, brought ideas back into policy language. Formed technical advisory committee to coalesce ideas. General themes: Best service possible, now; didn't like wireless quality of service, wanted wire; and strong preference for co-location. Service vs. distribution: Some underground, others overhead. Use existing poles when possible. Goal: Facilitate distribution of best broadband service available. Utilize existing infrastructure and facilities before constructing new. Overhead line placement preferred, no unreasonable financial hardship.

What about Suddenlink? *Greenberg acknowledged other providers historically.*

Lizza recalled June Lake got service without use permit. *Greenberg didn't know if it came to PC or not.*

What makes these special? Burns indicated lines outside someone's house. Subject to policies, according to County Counsel. Take through process.

County franchise for cable system? *Greenberg stated franchise agreements related to TV more than broadband.*

Raul Alcaraz, CEO of Race Communications, noted cable operated under franchise agreement. As phone company at State level, Race is regulated by PUC (Public Utilities Commission). As State-regulated phone company, operates under agreement to work with existing phone and power companies (AT&T, PGE, etc.) to get on pole. Greenberg noted franchises were taken out of Mono's hands.

Alcaraz noted specific requirements to be met. Race will work with local authorities and initiate outreach.

McFarland described Crowley project as lengthy, throughout community. No new poles, only removal/replacement on existing poles and conduit. Use Permit authorizes Race for last mile rather than hundreds of Director Review permits. Three panels for Crowley. New overhead strand on existing poles. Phone at bottom, TV in middle, Internet at top. Visual impacts not significant. Additional lines to poles. Supported by Circulation Element communication policies. Project overseen by State law, encroachment and building permits. Much of county infrastructure not mapped. Hook up upon invite. Project can drastically change speed of connectivity. Most of cable infrastructure is to be replaced.

Alcaraz noted initial review found old cable company had gone defunct, left dangling and dangerous infrastructure on poles. Race acquired infrastructure, will remove all damaged, reuse. Expand at same location, stay at same level.

Stump recalled legal dispute when private property sold, cable made no attempt to establish service. Alcaraz stated Race takes pride in cleanup and upgrade.

Nodes? *Come from homes to specific panel, tied to Digital 395 (go out to it).*

Redundancy? *Collapsed network. Different levels of redundancy at nodes in town.*

OPEN PUBLIC HEARING: Fred Stump, District 2 supervisor, thanked commissioners for meeting in Mammoth. Crowley has held many community meetings – RPAC, budget, cannabis. No opposition at any meetings, only one opposition email. Will construct own conduit to street to access service. Read from Sally Miller's letter on Lee Vining, with permission. Asked often when connection would be done. Vast majority of residents support service. Supervisor Gardner is away, supports Lee Vining project. Cost differential between undergrounding or poles is 10x.

Steve Shipley, resident and 15-yr planning commissioner. More of overhead realm. Not clarified: Existing homes with underground utilities. Now get service without going underground. Bring conduit to pole to get service. If had overhead, could just do drop. Concern with minimizing visual impact. Totally for project, but deal with contractors not meeting criteria – no flaggers, no markings, haphazard work. Biggest gripe is 1.5" cables with splices everywhere. His viewshed is blocked with giant box hanging at eye level. Not want privilege, wanted others to get what they need.

Ron Day, part of RPAC and fire commissioner, spent long time working on issue of last provider. Wanted it there, if it goes on poles, would buy that.

Mike Moriarity, assistant sheriff/Mono, focused on public safety perspective. Sheriff's office excited for security cams in public areas. Many southland communities use cams as force multiplier, with positive impact on crime. Sense that nothing happens in Mono is not true. Staff patrol, footage streamed to BP, monitor cameras. Technology far cheaper than staff. Chalfant only has radios. Broadband would enable so much more. Computer terminals in car on tap.

Haislip Hayes, resident and RPAC member, concurred with comments. Idea of Digital 395 was conceived eight years ago. Today can bring it home. Strongly supported applicant, appreciated Mono's work.

Hiroki Okamoto, resident, thought Race would be in last August. Very important. Unreliable, slow service now. Uses internet as communication device. Cell phone does not work.

Dave Hodge, small biz owner, photographer, has to go to office to deal with files instead of staying home.

Raul Alcaraz, CEO of Race, met with consortium in 2014, first time in Mono. Successful in Kern County projects. Small growing company from Bay Area. Mono no longer seems foreign, feels part of area. In January, roads full of snow. Underground is best always, safest. When weighing variables of existing infrastructure, cost, etc., have to be flexible. No set way. No hodge-podging on pole. Race has right to be on poles, but wants to do things right. Met with Crowley last summer at packed house, predicted service by end of year. Want to get projects done. Hundreds of people want service, yesterday. Reached for other projects in Mono. Will address issues as arise. Requested support on UP.

Lizza suggested solution is to use same area so expectations don't change. No specific spot on pole? *Alcaraz stated Edison or Verizon tell where.* **CLOSE PUBLIC HEARING.**

DISCUSSION: Lagomarsini spent \$600 for fiber. Doesn't have issues, computer works a lot better. FPD (Fire Protection District) looks forward to filing reports quicker. During January storm didn't lose internet or phone service. Heartily supports both projects.

Stump noted two property owners at Osage Circle objected.

MOTION: Find that project qualifies as a Categorical 'Exemption under CEQA guidelines Sections 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make required findings as contained in project staff report; and approve Use Permit 17-003 subject to Conditions of Approval (*Pipersky/Lizza. Ayes: 5-0.*)

--- Break: 1:15 – 1:25 p.m. ---

D. CONDITIONAL USE PERMIT 17-002/Race Communications – Lee Vining: *Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Lee Vining and entails placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Maps and additional project information are available at monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process. In accordance with the California Environmental Quality Act, a Notice of Exemption is anticipated.*

Paul McFarland cited no expansion of existing in-town infrastructure footprint. First of many projects in Mono. Caltrans working with Mono on encroachments. Calls and letters of support received. Resident Gary Walecke asked for conduit along Mattly Avenue. Conduit easements travel along or through private roads. Need verbal contact with owners/lessees. Mono City will be next. Variance from scenic corridor guidelines needed from Mono. Many residents undergrounded their own utilities. Soon Swall, Aspen Springs, Sunny Slopes, Pine Glade, etc. will be connected.

Mattly Avenue poles already there? *Fiber already underground.* Alcaraz explained connectivity in Lee Vining.

OPEN PUBLIC HEARING: Dennis Domaille, Tioga Inn project/Mobil/Whoa Nellie Deli, noted 95% of county households will have service, 100% in Lee Vining. He has 68 acres, 45 employees, 10 residences, vault with underground conduits to every place on property. Called Race, still no word. \$8,282/household in Lee Vining to get wires. Asked PC to postpone decision, meet with staff, find out what went wrong, why his project was left out. Probably only business in county not served. Has Schatnet now, not fast. Processes 1,500-2000 credit card transactions/day. Most of Lee Vining would jump ship on Schatnet, which would then depart town, leaving many without service.

Raul Alcaraz verified no subsidy in Lee Vining.

Stump recalled Lee Vining originally included, but PUC (Public Utilities Commission) dropped Lee Vining based on Verizon 4G service. Verizon does not use Digital 395, and at Round Fire in Swall Meadows, all systems collapsed.

Alcaraz indicated that if remove Lee Vining, keep Mono City, Swall Meadows and Benton. If keep in, get nothing. Pulled Lee Vining out, will figure out how to make Lee Vining work on Race's own dime and look at Domaille's situation. Acquired assets from State to get jump on the bill, look at extending. Alcaraz deferred reply till after PC meeting. People were upset Lee Vining was pulled from grant, but actually, Lee Vining might get service before those *with* grant.

Domaille appreciated explanation, thought it appropriate to set up meeting and report back. Would be more comfortable with insurance policy. Fully trusts Race Communications, not want to delay.

Bush suggested update at next "Ground Hog Day" meeting. **CLOSE PUBLIC HEARING.**

DISCUSSION: Lizza stated Domaille's business is great asset to county, locals, visitors. Appreciate his efforts. Roberts believed solution would be found.

MOTION: Find that project qualifies as a Categorical 'Exemption under CEQA guidelines Sections 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make required findings as contained in project staff report; and approve Use Permit 17-002 subject to Conditions of Approval (*Lizza/Lagomarsini. Ayes: 5-0.*)

6. WORKSHOP: None

7. REPORTS

A. DIRECTOR: 1) Short-term rentals: BOS adopted Type I with use permit, 30-day noticing, set Type II moratorium; 2) June Lake Area Plan effort; 3) Introduced intern Justin Nalder of Bridgeport; 4) Housing survey under way.

B. COMMISSIONERS: Roberts: CCPCA (California County Planning Commissioners Association) conference May 4-6 at Visalia, field trips planned.

8. INFORMATIONAL: No items

9. ADJOURN at 1:58 p.m. to May 18, 2017

Prepared by CD Ritter, commission secretary