

# MONO COUNTY PLANNING COMMISSION

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PO Box 8  
Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## SPECIAL MEETING AGENDA

April 20, 2017 – 10 a.m.

Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

\***Videoconference:** Supervisors Chambers, County Courthouse, Bridgeport

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Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov](http://www.monocounty.ca.gov) / boards & commissions / planning commission. For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

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*\*Agenda sequence (see note following agenda).*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda

**3. MEETING MINUTES:** Review and adopt minutes of February 16, 2017 (*no March meeting*) – **p. 1**

**4. ELECTION OF CHAIR & VICE-CHAIR**

**5. COMMISSION BYLAWS:** Consider amending bylaws to allow remote commissioner participation by teleconference.

**5. PUBLIC HEARINGS**

**10:10 A.M.**

**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. *Staff: Paul McFarland – p. 5*

**10:45 A.M.**

**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. *Staff: Paul McFarland – p. 17*

***More on back...***

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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

**11:00 A.M.**

**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](http://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. *Staff: Paul McFarland – p. 25*

**11:45 A.M.**

**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](http://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. *Staff: Paul McFarland – p. 34*

**6. WORKSHOP:** None

**7. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**8. INFORMATIONAL:** No items

**9. ADJOURN** to May 18, 2017

**\*NOTE:** Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting in order to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

\*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing, but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

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Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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## DRAFT MINUTES

February 16, 2017

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

**STAFF:** Scott Burns, director; Paul McFarland, assistant planner; Wendy Sugimura, associate analyst; Louis Molina, environmental health; Walt Lehmann, public works. Christy Milovich, assistant county counsel; CD Ritter, commission secretary

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Chris Lizza called the meeting to order at 10:15 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 Dec. 15, 2016, as amended: Item 5A, sentence following second failed motion: "He did ~~not~~ want dissuasion of property investors." (*Pipersky/Lagomarsini. Ayes: 5-0.*)

**4. PUBLIC HEARING**

**A. CONDITIONAL USE PERMIT 16-00023/Carmichael:** Conversion of first floor of existing June Lake Chevron building at 2587 Hwy 158 (APN 015-086-001, zoned Commercial) to support 50-seat coffee shop/restaurant (aka "The Lift Café") serving coffee, food, beer and wine. Proposed operating hours: 5:30am to 2:00am with occasional live music Thursday to Sunday. Interior footprint of 1,400 sq. ft. would be remodeled to include indoor seating, kitchen, work area and two bathrooms. Approximately half of proposed seating would be outdoors depending on available parking. Upstairs floor of building would remain a single-family dwelling unit. Two new signs are proposed: one on building and one (3.5'x4.5') on existing metal pole at northern corner of property. Project is located within June Lake Central Business Parking District. Proponents have submitted Parking Management Plan accounting for 10 on-site spaces, a bike rack for four bikes, and possible off-site spaces. A CEQA exemption is proposed.

Gerry Le Francois reviewed project by PowerPoint. Seating for 50 down to 20 due to parking. Live music OK, but noise regulations apply after 10 p.m. (lower thresholds in residential areas than commercial). Can't exceed 55-60 decibels outdoors. Change of use required use permit. Mono revised Central Business District concept. Limitations exist for parking, so lessened parking requirements. One space/five seats, 60% reduction from old standard. Nearby applicants required one space/three seats under old. On-street can't count toward parking. Bike rack = parking space. Parking in Caltrans right of way, so Mono cannot approve parking in Caltrans. Public right of way applies to all businesses. Seating for 20 inside, could limit inside, put some outside, but hard to regulate. Snow storage is a challenge. Contract to move snow off site due to limited space. Care where snow goes, but don't want to regulate. Five or six letters of opposition, 11 supporting. Building and plumbing codes as well as parking can limit number of seats.

Indoor music or outdoor music? *Once/month in summer: live band, fundraisers, music festival, gathering spot.*

Apartment upstairs how long? *Roberts indicated gas station owner had lived upstairs.*

Mono regulate daytime noise? *Yes.*

Underground tanks removed? *Yes, gone.*

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ADA parking access? *Le Francois stated remodel through building permit process. Nearly double standard parking space, so lost a space. Provide space plus path of travel. Fourth parking space = bike rack. Tandem/double parking OK for employees.*

Roberts indicated prior owners allowed parking next door. Le Francois described it as civil issue between tenants.

Le Francois suggested rewording Condition #4: provide snow removal contract for off-site storage.

**OPEN PUBLIC HEARING:** Owner Amanda Carmichael contracted with Marzano for snow removal at June Lake Pines, so add The Lift onto contract.

Elisha Mistretta, operator, described quick grab-and-go fresh-baked goods, breakfast sandwiches, etc. from 6:30 a.m. to noon and again 3-8 p.m. Similar to Stellar Brew in Mammoth.

Bush noted 2 a.m. focus by neighbors. *Asked for maximum hours of operation, but doesn't foresee any event till 2 a.m. Covering bases. Live music off at 10 p.m.*

Co-operator Maribeth Kramer suggested moving indoors.

Roberts saw the project as hugely ambitious on parking and seating. Commission considers whole community, but especially neighbors.

Kramer indicated they were clearing up misconceptions

Spillover parking to parking lots? Kramer described surrounding businesses as not too overcrowded.

Roberts noted Sierra Inn has big lot, some concern patrons would park there.

Bush thought open parking unavailable to patrons would create friction. People leave when no parking exists. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Bush opposed 50 seats; limit to 20 seats, no music past 10 p.m.

Lagomarsini favored approval, as other places always found street parking.

Pipersky, who was in restaurant business many years, wanted to get people out of their cars. Parking is allowable. She wished them luck.

Roberts described June Lake as a pedestrian community. Heidelberg supports, Villager Motel within walking distance. Sierra Inn does not serve breakfast, so no impact on morning parking. Favors more options for June Lake. Sierra Inn has live music occasionally till midnight. Noise complaints there and at Tiger Bar. Roberts favored the project. Knows property layout, maintain drive-through aspect.

Lizza saw it as a highly constrained property, and staff did its best on parking. Thought 20 seats are plenty, located at gateway to town, so viable business. Outdoor seating along road. No additional noise conditions. Favored the project.

Bush wanted off-site snow storage required by contract.

Change parking configuration later? Le Francois: Maybe review parking and seating after 18 months.

**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 16-00023 subject to Conditions of Approval, with modification to Condition #4:

"Off-site snow storage is **permitted required by contract with snow removal provider.**"

*(Pipersky/Lagomarsini. Ayes: 5-0.)*

## 5. ACTION ITEM

**A. FINAL ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP (TPM) 31-86/Graves.** One-year map extension for property located along US 395 and Burcham Flat Road, approximately a half-mile south of the community of Walker. The parcel (APN 002-490-012) is approximately 111 acres and has a land use designation of Rural Residential 10-acre minimum parcel size. The TPM would divide the property into four parcels.

Gerry Le Francois noted map goes back to 2016, no longer rubber stamp. Final extension requested. Do all map improvements in time frame (November 2017). No significant changes from original approval, not map modification that requires subsequent environmental review. Intent is to preserve map, try to market property by November, or map goes away. Driving force was deceased Olive Graves, mother.

Subdivision on site map? *Yes, in Walker.*

Le Francois clarified extension is year from month approved, not today's date. Approved at staff level till approved or denied by Planning Commission.

***MOTION:*** Approve final one-year extension of tentative parcel map (TPM) 31-86/Graves.  
(*Bush/Pipersky. Ayes: 5-0.*)

## 6. WORKSHOP:

**A. Initiation of County activities on medical marijuana:** Wendy Sugimura noted recreational weed was approved by California in November election. Mono is exploring via countywide task force. Wanted Planning Commission thoughts on land use planning issues.

Michael Draper reported one task force meeting of many County departments in January identified issues. Private individuals can cultivate up to six plants at home. Regulate medical separate from recreational use? Meet with RPACs for public input in March, BOS in April.

Trying to deny as revenue source? Task force goal? Get in on ground floor or keep it out?

Burns stated moratorium suspended till regulation package is defined. Ultimately, where permitted?

How does cannabis differ from other agriculture? Burns noted BOS may be interested in indoor grows, not outdoor, but no consensus. Talk with Town, communities.

Sugimura indicated Christy Milovich has been legal counsel. Not a lot of talk about outright prohibiting. Could, but need rationale. Potential opportunities seen by economic development.

Bush reported about 50 Antelope Valley residents thought should discuss revenues. Who's driving this? Legal activity now.

Sugimura cited RPAC outreach in March.

Bush wondered if it was premature to discuss now, before RPACs.

Lagomarsini indicated Benton tribe wants it, but has no power. Regulate as business. Sugimura noted retail vs. light industrial depends on impacts generated. Bush suggested big indoor building, grow inside there. Huge amounts of money and jobs, so why prohibit?

Milovich reminded that the State hasn't come up with and implemented its regulations. Awaiting that, then decide for Mono. Recreational and medical use of cannabis is legal. The growing of personal cannabis for medical purposes or recreational purposes is also allowed. However, all commercial aspects of cannabis (selling, distributing, testing, manufacturing, growing for sales, and processing) await regulation. Mono can tax commercial recreational weed, but not medical. Would task force invite public to join?

Bush recalled it passed 2-1 in Mono. It's legal, so do it right. Milovich cautioned that even though Proposition 64 passed, no state licensing scheme yet, so it's still illegal.

Bush noted it's going to happen, better to be involved, let it be known whether Mono is interested or not. Mono's looking for revenue, according to Antelope Valley RPAC. Bush found exact opposite of what he expected at Antelope Valley RPAC.

Lizza indicated people have ideas, have done research.

Sugimura found initial thoughts helpful. Regulate as business, permissive zoning not OK if not allowed in certain land use designations, subject to other permits like DR (Director Review). If no local permitting approval in place when State defines, controlled at State level. Mono must decide by Dec. 31, 2017.

Draper attended cannabis summit in Sacramento to look at issues. Crop differs from any other agricultural crop. Grow indoors to control. Water-intensive crop, needs lots of energy. This crop attracts crimes. Six plants are allowed by law, but black market might come in for 14' tall plant. Can dictate residential zones, square footage. Some counties allow shops but not growing. If sell here, grow here.

Six plants/household? Milovich stated county counsel's figuring out whether it's six per person or per household. Could become an issue; not clearly written in law. Lagomarsini stated Master Gardeners are not allowed to give advice on growing weed.

Sugimura will return later with more information.

## 7. REPORTS

**A. DIRECTOR:** 1) Rentals: Scheduled March 7, delay due to tribal consult. To CAC that evening on June Lake issues. 2) Housing survey: CDBG (Community Development Block Grant) grant to update housing needs assessment in concert with Town. Housing mitigation with ordinance or not. RTP (Regional

Transportation Plan) aligned with Housing Element (State oversight). 3) Camp Antelope: Sugimura and Le Francois went to BOS. 4) Projects: Tioga Inn SP, Crowley Lake Fish Camp, interpretive geothermal trail at Casa Diablo, CWPP, Scenic Byway. 5) PC reappointments: Next week.

**B. COMMISSIONERS:** No items

**8. INFORMATIONAL:** No items

**9. UPCOMING AGENDA ITEM: Election of Chair & Vice-Chair** (March 16)

**10. ADJOURN** 11:55 a.m. to March 16, 2017

*CD Ritter, commission secretary*

# Mono County Community Development Department

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## Planning Division

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April 20, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

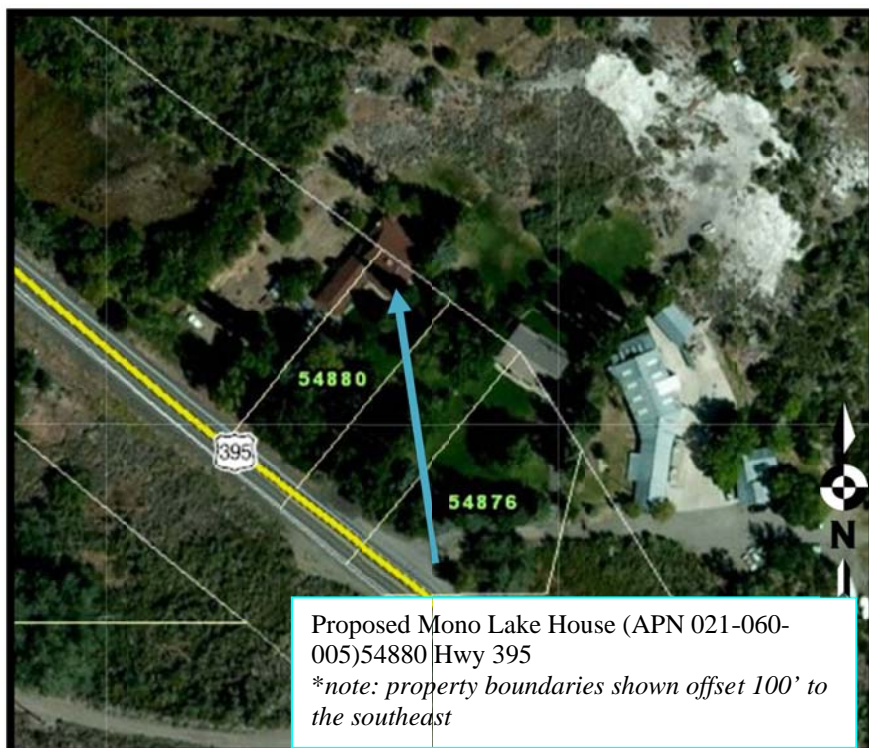
Re: Use Permit 17-003/Creager

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 17-003 subject to Conditions of Approval.

### PROJECT



This 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”). No exterior modifications to the home are proposed. 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 the Mono Basin Scenic Area

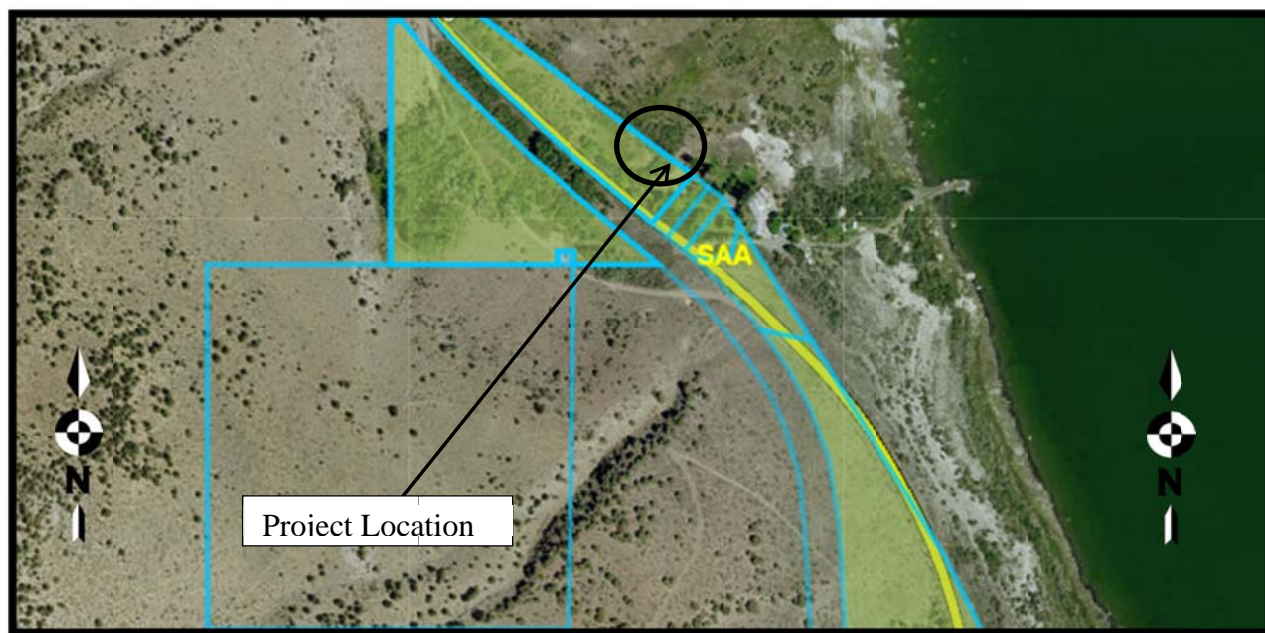
Management Plan Private Land Development Guidelines and the county Scenic Area Agriculture Land Use Designation. The proposed use is an allowable use within the Scenic Area Agriculture Land Use Designation pursuant to a Use Permit.



## PROJECT SETTING

The existing single-family home is located just east of US 395 along the shore of Mono Lake at 54880 Hwy 395 as the northernmost of three adjacent parcels designated Scenic Area Agriculture. The property is adjacent to a single-family home on private land to the southeast (designation: SAA) and undeveloped private land to the northwest (designation AG). The southwestern property boundary abuts the Caltrans US 395 easement, while the northeastern boundary abuts relicted lands exposed by the recession of Mono Lake owned and managed by the State Lands Commission. The proposed project site is located within the Mono Basin National Forest Scenic Area in the Developed Land Use category.

**FIGURE 2: LAND USE DESIGNATION MAP**



## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements.

## LIGHTING PLAN

No changes to existing outdoor lighting are proposed, and any additional lighting would be required to conform to the county Dark Sky Regulations.

## PARKING

As directed by Chapter 6 – Parking of the Mono County General Plan, the proposed project, with a total of four proposed sleeping rooms, requires a minimum of five parking spaces: one space per sleeping room, plus an additional space for staff (*6.100 – Required Number of Parking Spaces*). As illustrated on **Figure 3 – Site Plan**, four parking spaces are arranged around the property’s paved driveway island with an additional space provided for staff (operator) in the garage. Caltrans has indicated parking along the driveway apron along US 395 is allowable; this additional parking is not illustrated on the site plan, as it is excess to that required. A condition of use has been proposed to ensure all guest parking occurs on the paved loop drive depicted on Figure 3.



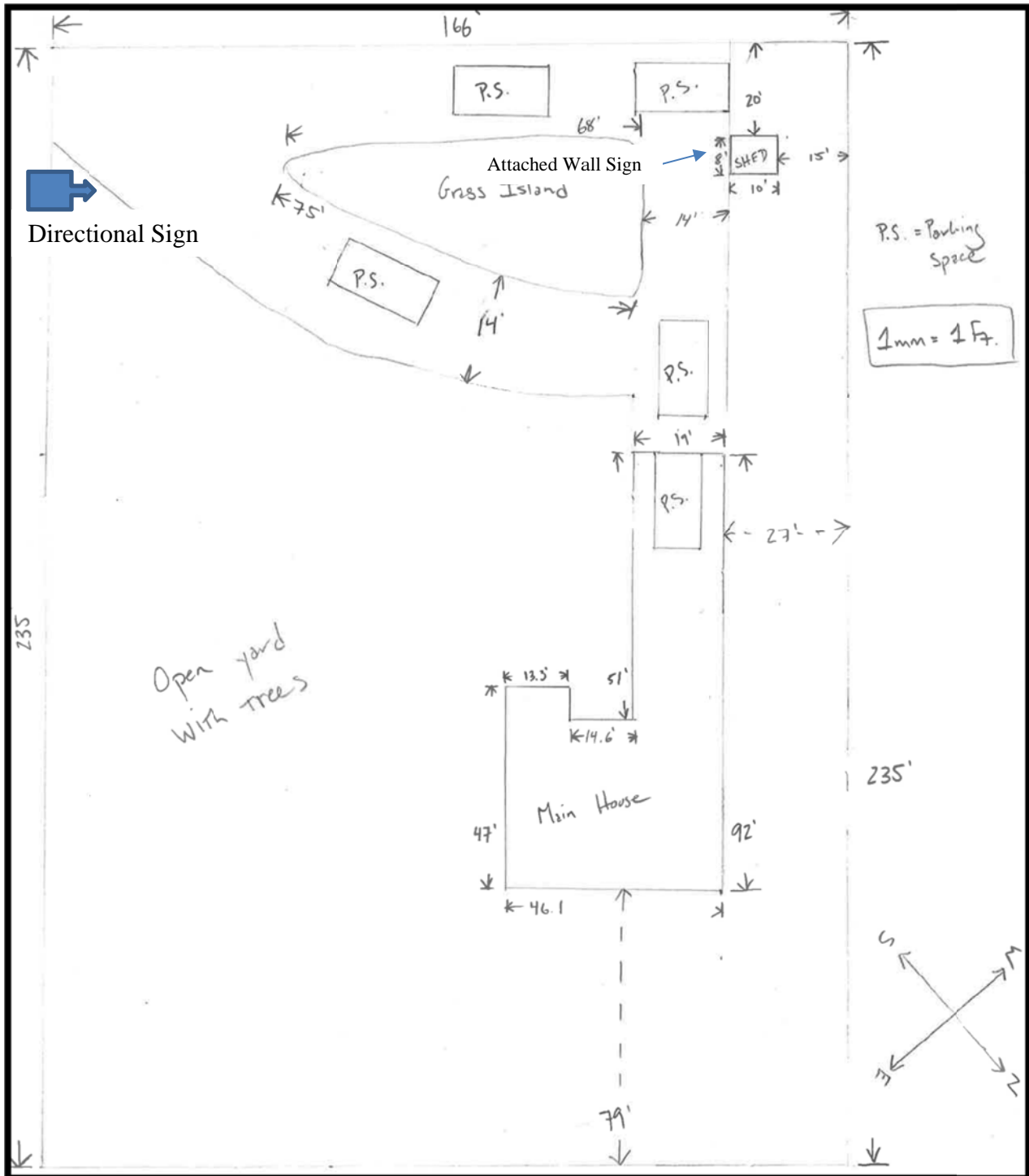


FIGURE 3: SITE PLAN FOR THE MONO LAKE HOUSE

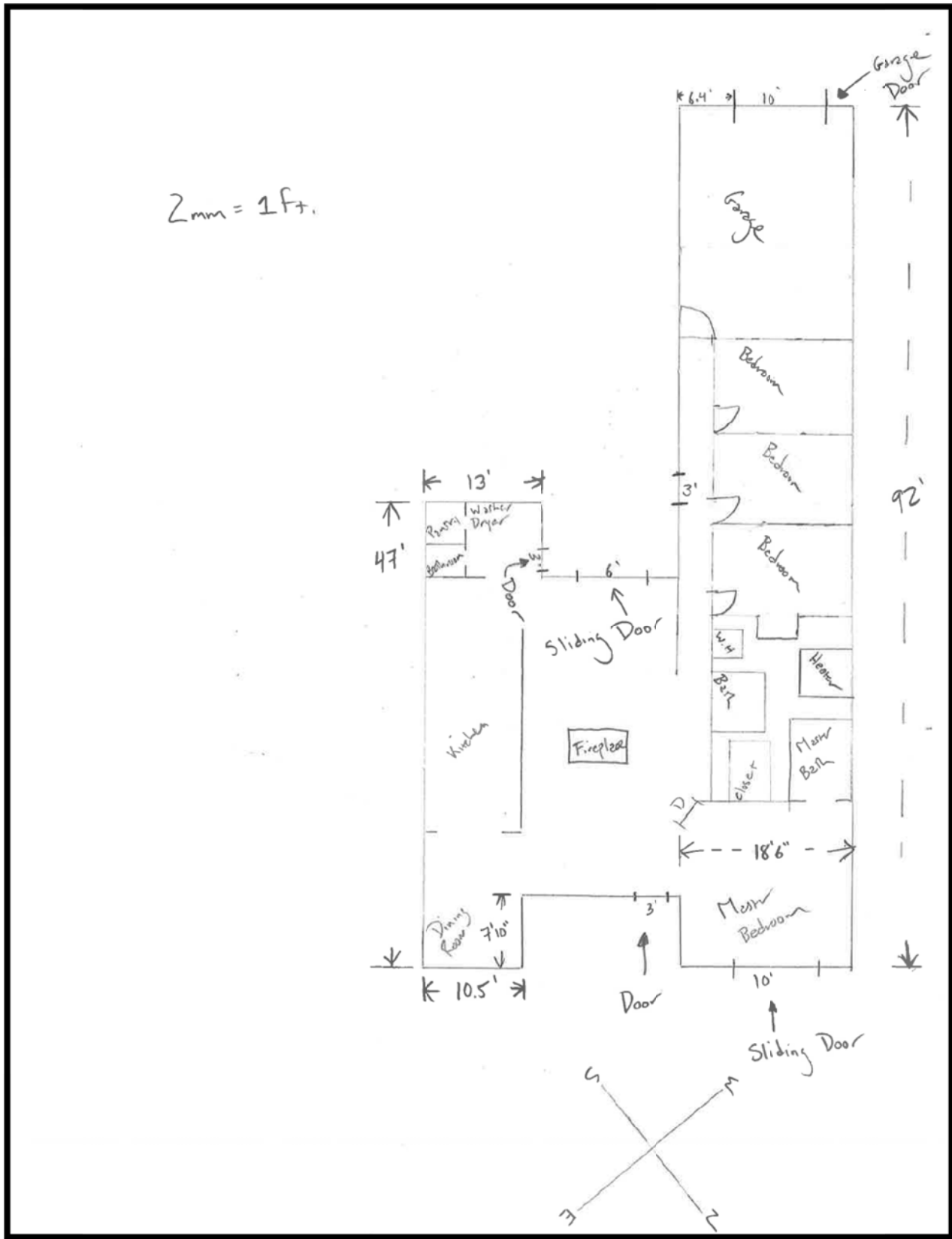


FIGURE 4: INTERIOR SITE PLAN FOR MONO LAKE HOUSE

## SNOW STORAGE

There is ample space for snow storage atop the existing lawn adjacent to the paved driveway.

## LANDSCAPING

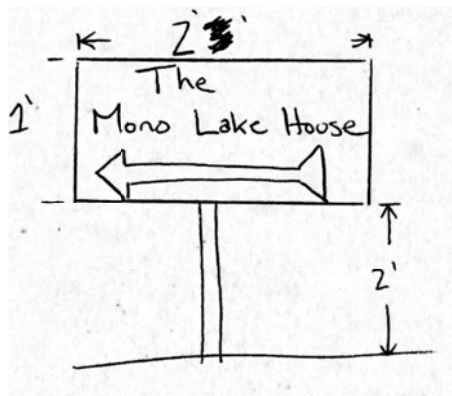
The property is currently well kept and landscaped with an abundant, well-managed lawn, various trees and seasonal flowers. No changes to the existing landscaping are proposed.

## PUBLIC FACILITIES

The property is served by a private water and septic system, as well as located within the Lee Vining Fire Protection District. Consistent with direction from the Mono Basin Area Plan, a condition of use has been included to require the proponent obtain a “will serve” letter from the Fire Protection District.

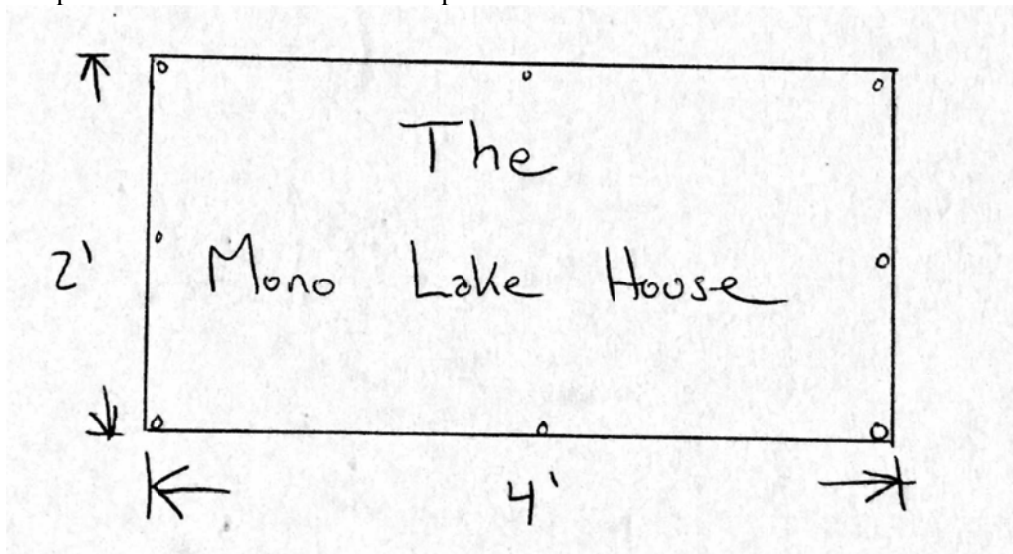
## SIGNAGE

Chapter 7 of the Mono County General Plan regulates current and proposed signs. Two signs are proposed for the project: one directional and one an affixed wall sign. The total signage area for the two signs proposed is 8 sq ft. The signs’ placement, materials and copy are consistent with the letter and spirit of Chapter 7.



A small directional sign is proposed for placement in the shared driveway off US 395 servicing the proposed bed & breakfast and the neighboring private home. This sign is required to help ensure guests turn into the proposed B&B and avoid encroaching into the neighboring private home’s driveway. This sign is proposed to be manufactured out of oxidizing steel (i.e. “self-rusting”). Proposed placement of this directional sign is illustrated in **Figure 3: Site Plan**. Chapter 7 limits directional signs to fewer than 3 ft sq; with the proposed sign coming in at 2 ft sq. The proposed sign meets the requirements.

An attached wall sign is proposed for placement on the west side of a small outbuilding on the southwest side of the property (location illustrated on **Figure 3: Site Plan**). The proposed sign (pictured below) is to be colored tan to match the outbuilding with black lettering and made of weather-resistant vinyl. Chapter 7 limits the sign area of an attached sign to 50 sq ft; measuring in at 8 ft sq, the proposed attached wall sign is in compliance with the direction of Chapter 7.



## GENERAL PLAN CONSISTENCY

As noted above, the General Plan Land Use Designation for this property is Scenic Area Agriculture (SSA). The SAA designation “*is intended to...allow for further limited-scale development and new uses consistent with the purposes of the Scenic Area. Emphasis is placed on those new uses that would provide for recreational, interpretive, visitor services and research opportunities while maintaining a natural and rural-appearing landscape.*”

The proposed use – conversion of an existing single-family home to a bed & breakfast establishment – is allowable in SAA pursuant to a County Use. As noted in the SAA designation, proposed uses pursuant to a county Use Permit may be permitted to the extent they comply with Appendices E & F of the Mono Basin National Forest Scenic Area Comprehensive Management Plan – *Private Property Development Guidelines and Compatibility Determinations for Proposed New Commercial Uses and Developments*. Following the language of the SAA Designation “*compatibility determinations, which shall be based upon recommendations of the USFS, shall be included as a Planning Commission use permit finding.*” County staff has communicated extensively with USFS staff to facilitate an official compatibility determination for this project.

The Scenic Area Plan at Appendix E Section 3e informs the USFS process for conducting a compatibility determination consistent with the County’s Scenic Area Agriculture Land Use Designation: “Coordination with County Zoning Ordinances. *If the County enacts zoning regulations consistent with these guidelines, the District Ranger may coordinate compatibility determinations with the County approval process in order to reduce duplication of review and facilitate approvals. In such an event, the Forest Service would effectively be providing staff input to the County process, and would certify compatible uses, upon approval by the County.*” The County’s SAA land use designation is intended to be fulfill the “zoning regulations” referenced above in Appendix E. A review of the project following the processed outlined in Appendix F of the Scenic Area Plan is included below.

The project as proposed complies with the Scenic Area Agriculture Designation, and the following Land Use Element Policies:

### MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies

**Objective 1.E.** *Provide for commercial development to serve both residents and visitors*

**Objective 1E.4** *Allow for the integration of small-scale commercial uses with associated residential uses, such as employee housing.*

**Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono County.**

### MONO COUNTY LAND USE ELEMENT, Mono Basin Area Plan

**Policy 10.C.6** Recognize that the Mono Basin Scenic Area Comprehensive Management Plan contains separate Scenic Area Guidelines that may impact development, and encourage developers within this area to consult with the Inyo National Forest in the Planning Phase.

**Policy 10.E.5** Parking standards should contribute to business viability and residential livability

**Action 10.F.1.a** Require development projects to obtain a “will serve” letter from applicable service agencies

**Goal 11. Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area**

**Objective 11.B** *Enhance and support the existing tourism-related economy*

**Action 11B.2.b** Support local recreational uses and visitor accommodations, such as existing campgrounds, hotels/motels, and RV parks.

**Policy 11.B.3** Support a sufficient bed base and visitor accommodations to support the tourism industry.

**Policy 11.B.4** Diversify and promote recreation opportunities during the shoulder seasons and winter.

**Policy 11.C.2** Encourage and support new business development and entrepreneurial efforts that contribute to a mix of uses and services, and a wider range of employment opportunities.

**Policy 11.C.4** Encourage a diversity of uses and services, and a healthy business environment, which recirculates the dollars spent in the community.

**LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE & PUBLIC NOTICE**

The LDTAC first considered this project as a preapplication on Dec. 19, 2016, and conducted a formal acceptance of the use permit application with Environmental Health, Public Works, and the Planning Division concurrence on March 20, 2017. Discussion at both meetings, as well as subsequent dialogue with the proponent, members of the public and County staff has led to substantial changes in the project as proposed (e.g., dropping proposed events at the location and modifying terms of use to require on-site management). A copy of the one public comment letter received is included below as Attachment A; modifications to the proposal have been made and specific conditions added to address concerns raised by the attached comment letter. As required by the Mono County General Plan, a Notice of Public Hearing was mailed to adjacent property owners within 300' of the project property on April 3, 2017. Additionally, in response to a public inquiry, project information has been shared with the State Lands Commission, which manages relicited lands east of the project parcel.

**ENVIRONMENTAL REVIEW**

The project qualifies for a categorical exemption from the provisions of CEQA as the project is considered a Class 3 (CEQA Guidelines, 15303). CEQA identifies this as a Class 3 – Conversion of Small Structure exemption. A Class 3 exemption consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

**USE PERMIT FINDINGS**

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) A bed & breakfast establishment is listed as a Permitted Use, subject to Use Permit and Forest Compatibility Determination within the Scenic Area Agriculture designation;
  - b) Adequate facilities exist for the proposed uses with total occupancy capped at 10 persons at one time;

- c) On-site parking is sufficient for the proposed bed & breakfast use;
  - d) The proposed project is supported by the Mono Basin Area Plan's Goals, Objectives and Actions supporting commercial tourism-related development; and
  - e) Signage is required to comply with Chapter 7 Signs;
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
- a) The parcel is accessed by US 395 with access/egress adequate for the kind of traffic generated by the proposed use. Parking is sufficient for guests and the owner/operator;
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
- a) The proposed uses are not expected to cause significant environmental impacts, as there are no proposed physical modifications to the existing structure and landscape;
  - b) While the project will potentially increase use of the property (increased use caused by the change from a single-family home to a commercial bed & breakfast), the proposed use permit conditions are intended to minimize to the extent possible off-site impacts to adjacent property owners; and
  - c) The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides the public with opportunity to comment on the proposal. Public comments received to date on this project have resulted in major modifications to the project as initially proposed, as well as specific use permit conditions intended to minimize to the extent possible impacts to adjacent property owners.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a) The Scenic Area Agriculture land use designation provides for limited-scale lodging, such as bed & breakfast establishments; and
  - b) The project proposes to provide services for residents and tourists supported by the General Plan and Mono Basin Area Plan as illustrated above.
  - c) The proposed project is consistent with the Mono Basin National Forest Scenic Area guidelines for Private Land Development as the proposed Mono Lake House property falls within the "Developed Land Use Category" as identified in the Scenic Area Comprehensive Management Plan, and is by definition, "improved property." According to the property owner, the home on this property has been certified as required by the management plan. The "Private Property Development Guidelines" in the Management Plan found at Section 5(2)(A)(ii) allow for provision of "those new commercial developments which serve recreational, interpretive or research purposes and which are deemed compatible with the Scenic Area Plan."

The proposed project seeks to convert an existing certified structure (single-family home) into a small scale bed & breakfast with capacity not to exceed 10 people at one time. All proposed parking will be on site. No changes are proposed to the existing structure or landscape. The proposed use is allowable via a Use Permit in keeping with the parcel's Land Use Designation (LUD) of Scenic Area Agriculture. The County's Scenic Area Agriculture LUD "*is intended to...allow for further limited-scale development and new*



*uses consistent with the purposes of the Scenic Area”* (Mono County General Plan Land Use Element Chapter 4).

The Mono Basin Comprehensive Management Plan Management Direction at Chapter 3 Section 8 – Private Land directs determination of compatibility of proposed new commercial uses on private land to use the vetting process described in Appendix F of the Management Plan. The Mono Lake House proposal falls under Appendix F Section IV – Guidelines for Proposals within the Developed Land Use Category. These guidelines allow “owners of improved parcels [to] provide new commercial developments [if the proposed use is] found not to be detrimental to the integrity of the Scenic Area.”

Section VI provides specific guidelines for the protection of cultural, ecological, visual, geologic resources. The proposed use will entail no ground disturbing activity nor physical changes to the existing structure and landscape. Existing county code governing private land development and commercial operations will ensure protection from undue noise, night lighting, domestic animals, and other aspect of the proposed change of use. Specific Conditions of Approval have been included in the use permit for the Mono Lake House to address potential minimal impacts detailed in section VI. Additionally, Mono County ordinances and regulations addressing public health, safety and abatement of nuisances apply to this proposed project, as well as any other commercial activity in the County.

ATTACHMENT A - Public Comment Letter

To: Mono County Planning Commission  
Mammoth Lakes, California 93546

From: Rick & Bonita Noles  
P.O. Box 262  
Lee Vining CA, 93541

Re: Mono Lake House B&B

Dear Planning Commission:

We are residents that have lived at Mono Lake for 35 years, building our home and raising our children here on the shores of the lake. We have taken great pride in caring for our property while maintaining the aesthetic values that surround us.

It has come to our attention that the county is considering issuing a permit for a bed and breakfast (B&B) at the Alpers residence, which is adjacent to our property. We are aware that turning the now private residence into a B&B is in compliance with the Scenic Area Agriculture zoning designation. However, we are concerned that should the county authorize the B&B at the Alpers residence, we will be adversely effected as residents as will the surrounding open space and wildlife that thrive here.

We have contacted the Planning Department along with Mr. Paul McFarland requesting to be active participants in the planning process. We have many issues and concerns that we would like to present that we hope you take into consideration when deciding to issue the permit for the B&B. The following list is a summary of some but not all of the topics we wish to discuss with you:

1. Will the permit require management be present at all times when guests occupy the B&B?
2. Will a pet policy be in place to prevent free roaming dogs?
3. Will a maximum capacity of guests be established? (we recommend 10 guest max.)
4. How will the property be signed to protect our privacy?
5. What options will we have to keep trespassers off of our property?
6. What liabilities as property owners will he have with trespassing guests?
7. We request that no loud events or gatherings be authorized by the permit
8. Has the county considered impacts on surrounding properties and wildlife by issuing the permit?

Permitting the B&B on the shores of Mono Lake will be observed by many surrounding property owners. Our hope is that the county will issue a permit that is in compliance with the Mono Basin Scenic Area guidelines; which will not set precedence allowing other property owners to create businesses along the lake that will negatively affect our serene lifestyle.

Sincerely,  3-14-17

Rick & Bonita Noles

**MONO COUNTY**  
**Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 17-003

**APPLICANT:** Zachary Creager

**ASSESSOR PARCEL NUMBERS:** 021-060-005

**PROJECT TITLE:** Creager Use Permit

**PROJECT LOCATION:** The project is located at 54880 Highway 395 along the shore of Mono Lake

On April 20, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-003, Creager, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:**  
**EFFECTIVE DATE USE PERMIT**

April 20, 2017  
 May 5, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** \_\_\_\_\_

cc:  Applicant  
 Public Works  
 Building  
 Compliance

**Conditions of Approval: Use Permit 17-003/Creager**

- 1) This permit is limited only to the operation of a bed & breakfast establishment. Any modifications of permitted uses or new activities proposed for this property shall require additional review and permitting.
- 2) Total occupancy of the Mono Lake House Bed & Breakfast shall be limited to 10 people at one time including owners/operators. The owner/operator shall be on site to facilitate rental to and education of guests.
- 3) All dogs brought by guests and visitors to the Mono Lake House shall be leashed at all times.
- 4) To minimize to the extent possible impacts on adjacent private property owners, the operators shall, at a minimum, educate all guests as to the boundaries of the Mono Lake House property and inform said guests of the requirement to respect the privacy of adjacent property owners. Additional measures, such as boundary signage, may be considered but are not required.
- 5) In keeping with the General Plan Direction from the Mono Basin Area Plan, the proponent will obtain a will-serve letter from the Lee Vining Fire Protection District.
- 6) The project shall be in substantial compliance with the site plan as shown on Figures 3 & 4 in the staff report. Modifications to the proposed use and/or structure/landscaping shall require additional review and potential approval by the Community Development Department and conform to any applicable requirements of Mono County Building and Environmental Health divisions.
- 7) A minimum of five parking spaces shall be provided on site as shown on the Site Plan in Figure 3 of the staff report.
- 8) All signs shall be in conformance with the Chapter 7 Signs of the Mono County General Plan.
- 9) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations.
- 10) Project shall comply with all Mono County Building Division and Environmental Health requirements.
- 11) Applicant shall obtain necessary business licenses and comply with transient-occupancy tax procedures.
- 12) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

April 20, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit Modification 17-001/June Lake Brewing, LLC

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit Modification subject to Modified Conditions of Approval.

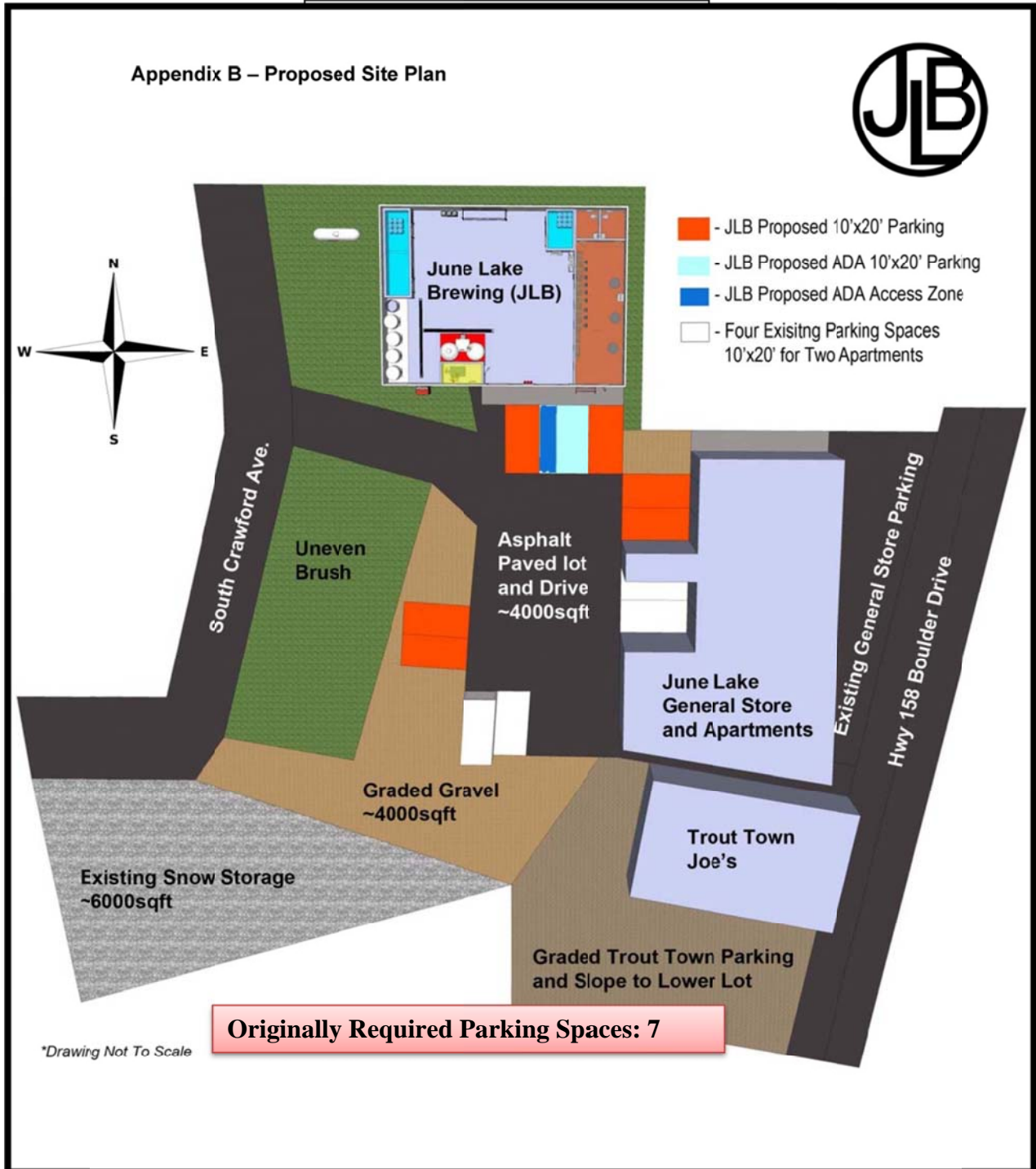
### PROJECT

The project proposes to modify the Conditions of Approval adopted by the Planning Commission on Oct. 10, 2013 (UP 13-003/June Lake Brewing, LLC) for the establishment of the June Lake Brewing brewery and tasting room with regard to parking requirements (original Condition of Approval Item 3) and site plan (original Condition of Approval Item 2). Specifically, the project entails conversion of two existing parking spaces to a summer outdoor seating area with additional summer parking spaces to be established in winter snow storage areas. The project is located on APNs 015-113-065 and -054 in the community of June Lake with a land use designation of Commercial (C).



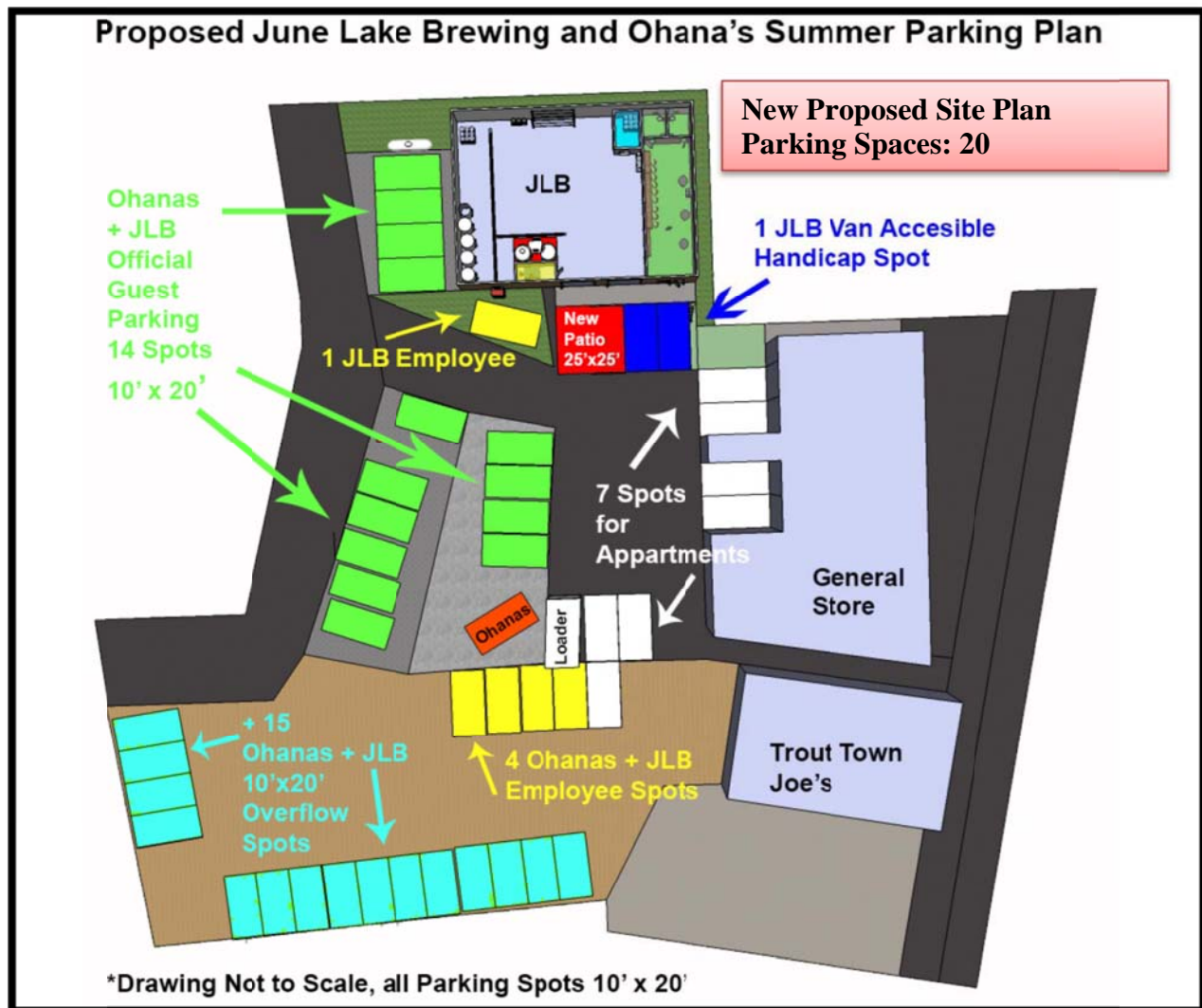
Figure 1: Project Location

FIGURE 2: ORIGINALLY ADOPTED JLB SITE PLAN





**FIGURE 3: NEW PROPOSED JLB SITE PLAN WITH SUMMER SEATING AND ADDITIONAL PARKING**



### PROJECT SETTING

The existing 3,500-square foot June Lake Brewery is located behind June Lake General Store (2740 Hwy 158, June Lake, adjacent to S. Crawford Avenue). Ohana's 395 Food Truck is located in the same parking lot used by brewery patrons, but on a separate parcel (APN 015-113-054). The project area is located in the June Lake Village, the commercial center for the June Lake Loop with a mix of developed commercial uses along SR 158 and single-family residences to the east of SR 158.

### LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE & PUBLIC NOTICING

This Use Permit Modification Proposal was formally reviewed and accepted as complete at the LDTAC meeting of March 20, 2017. An on-site field review with planning and building staff and the project proponent took place March 9, 2017. Public hearing notices for the April 20, 2017, Planning Commission meeting on this Use Permit Modification were mailed April 3, 2017, to all property owners within a 300-foot radius of the proposed project. No comments on this project have been received to date.

## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### MODIFIED PARKING REQUIREMENTS

As noted above, June Lake Brewing's original Conditions of Approval required seven parking spaces in compliance with Mono County General Plan Chapter 6 – Parking guidelines. Located within the June Lake Central Business District, parking requirements for this project are calculated at 60% of the total normally required by Chapter 6 for Restaurants, Bars & Food Carts (*see Table 6.100: Required Number of Parking Spaces*).

**Table 1 –Modified Parking Requirements**

Parking Standards	Originally Required Spaces	Revised Required Parking Spaces	Revised Parking Requirements Calculation	New Proposed Parking Spaces	Sufficient Space Provided
Employees/Warehouse based on square footage	3	2	3 staff on largest shift @ 60%	5	YES
570-sq ft tasting room	3	9	12 stools + 4 tables @ 4 seats each + 3 picnic tables @ 6 seats each = 46 total seats/3 seats/space = 15 seats * 60% Central Business District modification = 9	14	YES
Handicapped space	1	1	1 handicapped space per 25 required parking spaces	1	YES
<b>TOTAL REQUIRED</b>	<b>9</b>	<b>12</b>		<b>20</b>	<b>167% of required spaces</b>

All proposed parking spaces conform to the Chapter 6 requirements for size: 10'x20', surface paving requirements: graded crushed rock or asphalt, and striping. All new proposed parking spaces, as well as the proposed outdoor seating area are depicted on **Figure 3: New Proposed JLB Site Plan**. Of note, the turquoise "overflow spaces" shown in Figure 3 have not been counted toward this parking analysis as they do not meet the surface requirements of Chapter 6. The proposed parking modifications will take place on APNs 015-113-065 and 015-113-054.

### GENERAL PLAN CONSISTENCY

As noted above, the General Plan Land Use Designation for this property is Commercial (C). According to the Mono County General Plan, "the 'C' designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas...." Permitted uses subject to a use permit under the Commercial land use designation include retail trade, services, and business services.

The following excerpts are various sections of the Mono County General Plan defining and outlining compliance with the permitting of a brewery and tasting room:

#### **MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies**

**Objective 1.E.** Provide for commercial development to serve both residents and visitors.

**Action 1.E.1.a:** *Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.*

**Policy 1.E.2.** *Commercial uses should be developed in a compact manner; commercial core areas should be established/retained in each community area and revitalized where applicable.*

**Policy 1.E.3.** *Provide for adequate access and parking in commercial areas, including facilities for pedestrians, non-motorized vehicles, automobiles, public transit vehicles, and service vehicles.*

**Policy 1.E.5.** *Commercial development should be compatible with community character.*

**Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion and attraction in Mono County.**

### **MONO COUNTY LAND USE ELEMENT: June Lake Area Plan**

**Objective 13.B.** Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

**Policy 12.E.1.** *Encourage infilling and/or revitalization in areas designated for development in the Area Plan*

**Objective 13.I** Maintain the June Lake Village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

### **ENVIRONMENTAL REVIEW**

The project qualifies for a categorical exemption from the provisions of CEQA as a Class 3, Section 15303 exemption – Conversion of Small Structures. A Class 3, Section 15303 exemption consists of construction and location of a limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

### **USE PERMIT MODIFICATION FINDINGS**

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit Modification after making certain findings. As the proposed project constitutes a minor change to the original Use Permit findings of 2013, only minor changes reflecting proposed modifications to parking and additional outdoor seating have been made.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Retail trade and services are listed as a Permitted Use, subject to Use Permit within the Commercial designation.
  - b) Adequate site area exists for the outdoor seating and parking modifications.
  - c) Summer parking is sufficient for retail employees, customers, and deliveries.

- d) The location of the proposed project is consistent with the June Lake Area Plan's intent for concentrating resident- and visitor-oriented services in the commercial core of the June Lake village.
  - e) The parking plan and additional outdoor seating conforms to all requirement of the General Plan.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
- a) The parcel is accessed by S. Crawford Avenue and is adequate for the kind of traffic generated by the proposed use. Parking is sufficient for employees, customers, and deliveries. The proposed use permit modifications are not anticipated to greatly alter the amount and type of traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
- b) The proposed modification of the existing permitted use is not expected to cause significant environmental impacts. Modifications are to the parking areas only. The property has a commercial designation appropriate for the use.
  - c) The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides the public the opportunity to comment on the proposal, and, to date, no comments have been received on the project.
  - d) The hours of operation for the tasting room for the purpose of selling of alcohol shall be as follows: Opening can be as early as 10 am Monday through Sunday and closing can be no later than 9 pm Monday through Thursday and 10 pm Friday thru Sunday. Operation of production facility will occur daily between 6 am and 8 pm.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a) The commercial land use designation provides for commercial uses such as retail trade, services, and business services.
  - b) The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of commercial uses and services for residents and tourists. The project provides for additional retail and encourages well-rounded economy by providing a variety of commercial options within the June Lake Loop through additional outdoor seating and adequate, well-planned parking.

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** UPM 17-001 **APPLICANT:** June Lake Brewing LLC

**ASSESSOR PARCEL NUMBERS:** 015-113-065 and 015-113-054

**PROJECT TITLE:** June Lake Brewery Use Permit Modification – Parking & Patio

**PROJECT LOCATION:** The project is located at 2740 Hwy 158, June Lake, CA

On April 20, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit Modification 17-001, June Lake Brewing, LLC, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** April 20, 2017  
**EFFECTIVE DATE USE PERMIT** May 5, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** October 10, 2013

cc:

- X   Applicant
- X   Public Works
- X   Building
- X   Compliance

**Modified Conditions of Approval**  
**Use Permit 13-003 and Use Permit Modification 17-001/June Lake Brewery**

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) *The project shall be in substantial compliance with the revised site plan as shown on Figure 3 from the April 20, 2017, staff report (replacing Figure 2 from the October, 10, 2013, staff report). The requirement to substantially comply with the original layout of the interior floor plan depicted as Figure 3 of the 2013 staff report shall remain in force.*
- 3) *Project parking requirements shall be modified to include a minimum of 14 parking spaces (as defined in Chapter 6 - Parking) as illustrated on Figure 2 – New Site Plan and detailed in Table 1 – Modified Parking Requirements of the April 20, 2017 staff report.*
- 4) The site shall be limited to the production, consumption and sale of beer in conjunction with the Conditional Use Permit. The applicant shall obtain an appropriate license from the California Department of Alcohol Beverage Control prior to beginning any brewing, tasting or selling of alcohol.
- 5) The hours of operation for the tasting room for the purpose of selling of alcohol shall be as follows: Opening may be as early as 10 am Monday through Sunday and closing can be no later than 9 pm Monday through Thursday and 10 pm Friday thru Sunday. Manufacturing is allowed daily between 6 am and 8 pm.
- 6) The June Lake Brewery may provide occasional music on weekends (Friday, Saturday and Sunday) and seasonal special events at the brewery subject to the noise requirements. A special event permit shall be required for any event that is not contained within the building and/or extends beyond hours approved under the CUP.
- 7) The applicant shall obtain or update encroachment permit from Mono County for S. Crawford Avenue access.
- 8) The project shall operate in compliance with Mono County Code Chapter 10.16 (Noise Regulation).
- 9) All signs shall be in conformance with the Figures 6 & 7 - Sign proposal as outlined above and Chapter 07 of the Mono County General Plan.
- 10) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations
- 11) Project is required to comply with any requirements of the June Lake FPD. The applicant shall provide a “will serve” letter from the June Lake Fire Protection District indicating the FPD will provide service to the project.
- 12) Project is required to comply with any requirements of the June Lake PUD. The applicant shall provide a “will serve” letter from the June Lake Public Utility District (PUD).
- 13) Project shall comply with all Mono County Building Division and Environmental Health requirements.
- 14) Applicant shall obtain necessary business licenses.
- 15) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



**Mono County  
Community Development Department**

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P.O. Box 347  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

April 20, 2017

To: Mono County Planning Commission  
From: Paul McFarland, Assistant Planner  
Re: Use Permit 17-003/Race Communications – Crowley

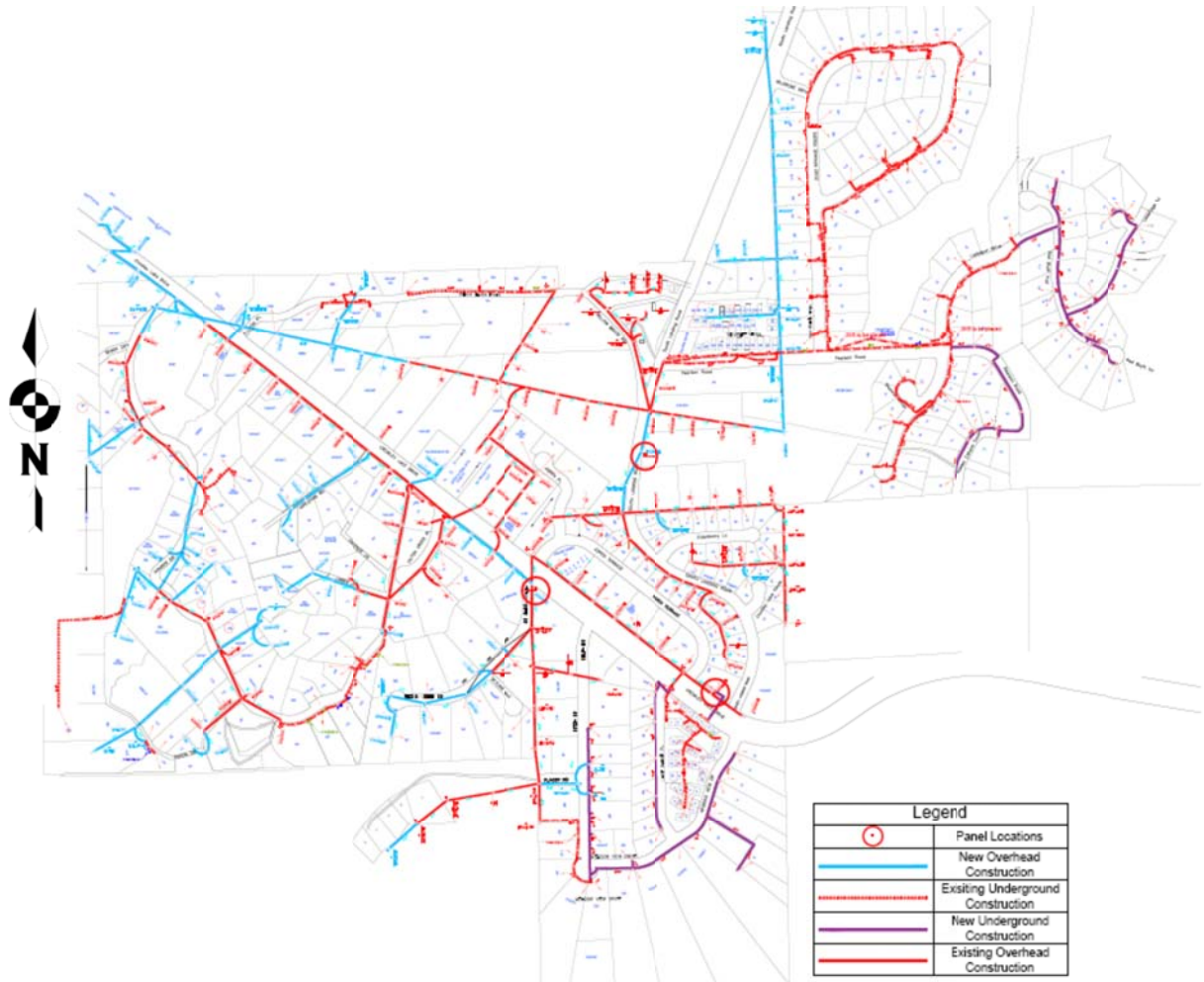
**RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines Sections 15301, 15302, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval.

**PROJECT**

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the community of Crowley Lake through the placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing utility poles, replacement and installation of associated infrastructure (panels, power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Figure 1 illustrates the project's extent across the contiguous community of Crowley Lake; a digital version of the map is available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>. Review and permitting of this project is guided by Chapter 11 – Utilities and Communications Policies detailed in the Circulation Element of the Mono County General Plan. This project is exempt from CEQA under Sections 15301, 15302, 15303 and 15304.



**Figure 1: Proposed Race Communications – Crowley Lake**

### PROJECT SETTING

This proposed last-mile strand and fiber installation project will take place across the approximately 475 acres of continuous homes, businesses and public institutional properties at Crowley Lake. Table 1 below details project components proposed for the community of Crowley Lake.

All overhead strand removal and replacement and new overhead strand will be placed on *existing* utility poles. All poles receiving new/replacement overhead strand have been tested and meet for load and wind requirements in accordance with California Public Utility Code regulations. No new permanent or temporary utility poles are proposed for last-mile installation in the community of Crowley Lake.

**TABLE 1: Proposed Project Components**

<b>Project Component</b>	<b>Liner feet</b>	<b>Percentage of total wireline infrastructure</b>
Removal and Replacement Existing Overhead Strand	19000'	36%
Removal and Replacement of Existing Underground Fiber	17000'	32%
New Overhead Strand on Existing Poles	13500'	26%
New Underground Conduit	2906'	6%
<b>TOTAL WIRELINE</b>	<b>52,406</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals	66	
Flush Mount Electrical Vaults (17"x46")	46	
Panels	3	
Properties Proposed to be Served Overhead	195	
Properties Proposed to be Served Underground	184	

### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE & PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting Jan. 54, 2017. Following extensive communication over three months between Race and County staff, Use Permit applications for Lee Vining and Crowley were formally accepted as complete at the March 20, 2017 LDTAC meeting. Public hearing notices for the April 20, 2017, Planning Commission meeting on this Use Permit were mailed April 3, 2017, to all property owners within a 300-foot radius of the proposed project. Oral public comments received to date have dealt with potential extensions of service outside of the proposed project area (sent to Race), timing of proposed service initiation, speed of potential service, and potential to choose underground conduit extension verses overhead line drop to one's home. No comments in opposition to the proposed project in general or to project specifics have been received to date.

### **ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under four separate sections of the Class 3 exemptions.

**Section 15301 – Existing Facilities** *“consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination”* covers the 26% of the proposed project to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new utility pole construction and will not expand the linear extent of the existing utility pole network in the community of Crowley Lake.

**Section 15302 - Replacement or Reconstruction** *“consists of replacement or reconstruction of existing facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including...replacement or reconstruction of existing utility system and/or facilities involving negligible or no expansion of capacity”* covers the 68% of the proposed project wireline and associated components to be removed and replaced from the existing Escape Broadband cable plant in Crowley Lake (19000' of overhead strand, 17000' underground fiber, aerial enclosures and pedestals).

**Section 15303 – New Construction or Conversion of Small Structures** “*consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction*” covers the proposed new overhead drops from Race strand from existing utility poles to individual homes and businesses, as well as new port and vault installation.

**Section 15304 - Minor Alterations to Land** “*consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored*” covers the proposed 2,906’ of proposed trenching for additional conduit and placement of buried vaults.

## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### GENERAL PLAN CONSISTENCY

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan, as well as the policies contained in the Circulation Element Section IV. Policies – Communication.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” While 32% of the proposed infrastructure in Crowley Lake is proposed to be co-located underground, the remaining infrastructure is proposed for overhead installation and in newly installed underground conduit. Therefore, a Use Permit is required. Additionally, encroachment permits from Mono County Public Works will be required for any and all work located in County rights of way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>1</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and GPS mapping of new infrastructure to be submitted to the County Public Works Department upon completion of installation.
3. New wireline placed in existing underground before new conduit or overhead lines installed: While 32% of the total project is proposed for installation in existing underground conduit, the lack of existing conduit, desire to not disturb expensive County roads in Crowley Lake, lack of setbacks for many homes and businesses to facilitate a path for trenching, and the fact that nearly all of Crowley Lake is currently served by existing utility poles (save neighborhoods with existing and proposed underground conduit) yields a project that will not be completely installed

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<sup>1</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

underground. As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.

4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F not only requires said installation be subject to a Use Permit authorized with at least one Planning Commission finding and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs Planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” To facilitate co-location of proposed wireline infrastructure, Race Communications purchased an existing cable operation in Crowley Lake from Escape Broadband; 19000’ of existing overhead strand and 17000’ of existing underground fiber formally owned by Escape Broadband is proposed for removal and replacement with new Race strand. Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e. new line hung on existing poles, not replacement line) is installed. All proposed new lines will be co-located with existing lines on existing poles. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to only occur subsequent to a request for service from the given property’s owner or duly authorized lessee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Lee Vining, staff proposes the Commission find that the proposed 26% of the total project identified for overhead installation be supported by a finding based on the fact that the installation of new overhead strand on existing poles “will not significantly disrupt the visual character of the area.” Proposed findings are detailed below in the Findings section.

This finding is supported by the considerations recommended in Section 11.010D in that:

- Crowley Lake already supports a robust network of overhead utility lines, and installation of new overhead line will not create a significant cumulative visual impact. To reiterate, all new overhead lines will be placed on existing poles with existing wire. No new poles or new overhead runs are proposed. The proposed overhead drops to individual property lines will, in many cases, be replacing unused cable line and/or following existing drops off existing utility poles.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are co-located with existing lines on existing poles. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger “aerial splice” boxes than are currently seen on existing telephone lines. In the case of line removal and replacement, this project proposes to remove and replace over 19,000’ of existing cable company line.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

## MONO COUNTY GENERAL PLAN, Land Use Element

### Objective 1.I Maintain and enhance the local economy

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

### Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.

### Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

## MONO COUNTY GENERAL PLAN, Circulation Element

### IV. POLICIES – Communications

#### Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

#### Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

#### Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights-of-way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights-of-way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

## USE PERMIT FINDINGS

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 13,000' of new overhead line on existing poles (26% of total new line proposed for installation). As this new line is proposed for installation on existing poles in a community with an extensive network of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings. An accounting of these required findings is detailed below.

### Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan and supported by the policies detailed in the Circulation Element - Communications. Chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations (38% of total line). As further directed by Chapter 11, the potential impacts of the proposed new overhead installation (26% of total line) will be minimized, avoid and mitigated to the extent possible through compliance with the Conditions of Approval.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project will take place within existing County rights-of-way (where an encroachment permit will be required) in an existing community. Project activity on private land will require notice and invitation from said land owner or authorized lessee in keeping with Condition of Approval item #3.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a Building Permit from Mono County Community Development and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions of the Circulation Element – Communications and, as directed by this Element, has been analyzed with appropriate findings made and Conditional of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.





**Conditions of Approval: Use Permit 17-002/ Race Communications – Lee Vining**

- 1) All project activity shall substantially reflect the project as proposed and depicted on Figure 1 of this staff report, and as described and represented in the Use Permit Application dated 3/3/2011. Any and all future development or installations beyond the scope illustrated on Figure 1 and submitted as part of the Use Permit Application Package for Race Communications – Crowley dated 3/3/2017 shall meet requirements of the Mono County General Plan (specifically Chapter 11 – Utilities, as well as the policies outlined in the Circulation Element – Communications), Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D and 11.010 D the following actions are required for this permit to remain in force:
  - a. All work within County rights-of-way shall require an encroachment permit from Mono County Public Works before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized lessee for Race service to said property. Consistent with County policy, underground installation to individual parcels is preferred.
- 4) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 5) Project proponent shall undertake due diligence to ensure all necessary permits, encroachment permits, easements and authorizations from local, state and federal agencies are in place before commencing new installation activates authorized by this use permit.
- 6) Applicant shall obtain necessary business licenses.
- 7) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
760-932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

April 20, 2017

To: Mono County Planning Commission

From: Paul McFarland, Assistant Planner

Re: Use Permit 17-002/Race Communications – Lee Vining

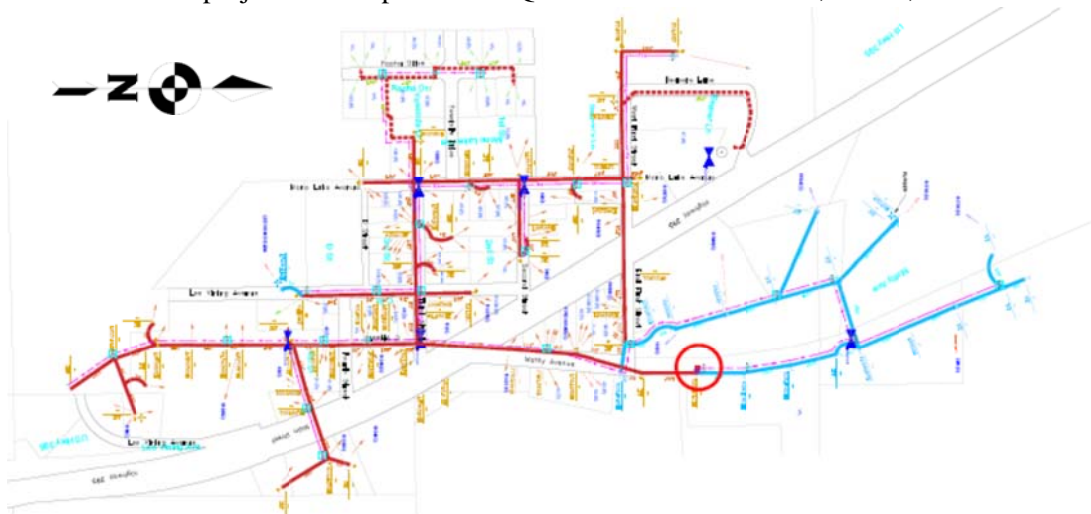
### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15302, 15303 and 15304, and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit subject to Conditions of Approval.

### PROJECT

The project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Lee Vining through the placement of new strand and fiber along existing utility poles, removal and replacement of strands on existing poles, replacement and installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. Figure 1 illustrates the project's extent across the contiguous community of Lee Vining; a digital version of the map is available for review at <http://monocounty.ca.gov/planning/page/race-communications-fiber-installation-use-permitting-process>. Review and permitting of this project is guided by Chapter 11 – Utilities of the Mono County General Plan and supported by the Communications Policies from the General Plan's Circulation Element. This project is exempt from CEQA under Sections 15301, 15302, 15303 and 15304.



**Figure 1 – Project Extent in Contiguous Community of Lee Vining****PROJECT SETTING**

This proposed last-mile strand & fiber installation project will take place across the approximately 70 acres of continuous homes, businesses and public institutional properties in Lee Vining. Table 1 details project components proposed for the community of Lee Vining.

Project Component	Liner feet	Percentage of total wireline infrastructure
Removal and Replacement Existing Overhead Strand	7100'	61%
Removal and Replacement of Existing Underground Fiber	1500'	13%
New Overhead Strand on Existing Poles	3000'	26%
New Underground Conduit	20'	>1%
<b>TOTAL WIRELINE</b>	<b>11,620'</b>	
<b>Associated Project Infrastructure</b>		
	<b>Number</b>	
Pedestals	6	
Flush Mount Electrical Vaults	1	
Panels	1	
Properties Proposed to be Served Overhead	89	
Properties Proposed to be Served Underground	24	

All overhead strand removal and replacement and new overhead strand will be placed on *existing* utility poles. All poles receiving new/replacement overhead strand have been tested and meet load and wind requirements in accordance with California Public Utility Code regulations. No new permanent or temporary utility poles are proposed for last-mile installation in the community of Lee Vining.

**LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE and PUBLIC NOTICING**

Specific installation details for Race Communication's proposed projects across Mono County were first discussed at a Land Development Technical Advisory Committee meeting January 1, 2017. Following extensive communication over three months between Race and County staff, Use Permit applications for Lee Vining and Crowley were formally accepted as complete at the March 20, 2017 LDTAC meeting. Public hearing notices for the April 20, 2017 Planning Commission meeting on this Use Permit were mailed to all property owners within a 300 foot radius of the proposed project on April 3, 2017. Oral public comments received to date have dealt with potential extensions of service outside of the proposed project area (sent to Race), timing of proposed service initiation and speed of potential service to facilitate business service requirements (credit card processing and hotel customers), and potential to choose underground conduit installation verses overhead line drop to one's home. County staff has reached out to individual parcel owners and leasees to discuss potential issues regarding underground conduit along non-county roads and potential service hook ups. No comments in opposition to the proposed project in general or to project specifics have been received to date.

**ENVIRONMENTAL REVIEW**

The proposed project qualifies for exemption from the California Environmental Quality Act under four separate sections of the Class 3 exemptions. The proposed new electrical vaults, service distribution pedestals **Section 15301 – Existing Facilities** “*consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination*” covers the 26% of the proposed project to be installed as additional overhead strand placed on existing utility poles. The proposed work entails no new utility pole

construction and will not expand the linear extent of the existing utility pole network in the community of Lee Vining.

**Section 15302 - Replacement or Reconstruction** “*consists of replacement or reconstruction of existing facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including...replacement or reconstruction of existing utility system and/or facilities involving negligible or no expansion of capacity*” covers the 74% of the proposed project wireline and associated components to be removed and replaced from the existing Escape Broadband cable plant in Lee Vining (7100’ of overhead strand, 1500’ underground fiber, and aerial enclosures).

**Section 15303 – New Construction or Conversion of Small Structures** “*consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure [including] utility extensions...of reasonable length to serve such construction*” covers the proposed new overhead drops from Race strand on existing utility poles to individual homes and businesses, as well as the installation of new flush mount vaults and a Race port.

**Section 15304 - Minor Alterations to Land** “*consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...minor trenching and backfilling where the surface is restored*” covers the proposed 20’ of proposed trenching for additional conduit.

## DISCUSSION

The following discusses major components of the proposal and reviews their conformity with General Plan and Planning Commission requirements:

### GENERAL PLAN CONSISTENCY

As noted above, analysis and permitting of this project is largely guided by Chapter 11 – Utilities of the Mono County General Plan.

Chapter 11, Section K - *Installation of Conduit and Wireline Infrastructure* permits installation of conduit and wireline infrastructure for the purposes of providing communication infrastructure in all land use designations provided the new infrastructure is “installed underground and co-located with existing facilities or utilize existing wirelines unless a Director Review or Use Permit has been obtained.” While thirteen percent of the proposed infrastructure in Lee Vining is proposed to be co-located underground, the remaining infrastructure is proposed for overhead installation and in newly installed underground conduit. Therefore, a Use Permit is required. Additionally, encroachment permits from Mono County Public Works will be required for any and all work located in County rights-of-way.

Section K contains five additional provisions required for permit analysis:

1. Evidence of Need: Mono County Information Technology has been working with Race Communications on the conceptual planning and design of these projects since 2013. These are critical infrastructure Last Mile projects, which help our communities realize the full value of Digital 395 and have been supported by the Mono County Board of Supervisors. The service brought in via this infrastructure provides residents and businesses access to broadband capacity not otherwise available and fills a critical gap in our communication infrastructure. These are

- wireline, Fiber-to-the-Premise projects in which new fiber is being installed. Existing utility poles and associated easements are being used wherever possible and no new poles are being added.<sup>1</sup>
2. Tracer wire and mapping: A Condition of Approval has been included to require tracer wire and mapping of new infrastructure to be submitted to the County Public Works Department upon completion of installation.
  3. New wireline placed in existing underground before new conduit or overhead lines installed: While 13% of the total project is proposed for installation in existing underground conduit, the lack of existing conduit, desire to not disturb newly paved County roads in Lee Vining, lack of setbacks for many homes and businesses to facilitate a path for trenching, lack of usable mapping of existing underground infrastructure (water, sewer, propane lines), and the fact that nearly all of Lee Vining is currently served by existing utility poles yields a project that will not be completely installed underground. As such, all new overhead lines shall be subject to the provisions of Section F as discussed below.
  4. New, commercial underground shall be filed with the Underground Service Alert (USA): A Condition of Approval has been included to require filing with USA.
  5. Sites shall be reclaimed with infrastructure removed with 180 days of abandonment: A Condition of Approval has been included to address abandonment and removal.

As triggered by Section K.3, Section F encourages the underground installation of all new utility lines. If overhead installation is proposed, Section F not only requires said installation be subject to a Use Permit authorized with at least one Planning Commission finding and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. To minimize impact, Section F directs Planning staff to work with the applicant to “site and design the project in a manner that avoids or minimizes the use and impact of overhead lines [through] combining lines and co-locating with other applicable facilities whenever possible.” To facilitate co-location of proposed wireline infrastructure, Race Communications purchased an existing cable operation in Lee Vining from Escape Broadband; 7100’ of existing overhead strand formally owned by Escape Broadband is proposed for removal and replacement with new Race strand. Planning staff has worked extensively with Race Communications over the last four months to ensure only the minimum necessary new line (i.e. new line hung on existing poles, not replacement line) is installed. As a result of these consultations, redundant proposed new overhead drops to properties already served by Digital 395 (schools, County Yard, Fire Station) have been eliminated. All proposed new lines will be co-located with existing lines on existing poles. To avoid and minimize any unnecessary installation of overhead drops to individual properties, a Condition of Approval has been included requiring drops to properties to only occur subsequent to a request for service from the given property’s owner or duly authorized leasee.

As directed by Section F, if overhead lines are to be installed, the criteria of Section 11.010D are to be evaluated to provide justification for the proposed overhead installation. Section 11.010D largely repeats the direction of Section F regarding the combining and co-location of new lines and further requires the Planning Commission to make one finding from a list of four choices (visuals, environmental factors, unreasonable hardship and/or agricultural connection).

For the proposed wireline infrastructure installation in Lee Vining, staff proposes the Commission find that the proposed 26% of the total project identified for overhead installation be supported by a finding based on the fact that the installation of new overhead strand on existing poles “will not significantly disrupt the visual character of the area.” Proposed findings are detailed below in the Findings section.

This finding is supported by the considerations recommended in Section 11.010D in that:

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<sup>1</sup> Evidence of Need narrative provided by Mono County Information Technology Director Nate Greenberg, 4/6/2017

- Lee Vining already supports a robust network of overhead utility lines, and installation of new overhead line (largely confined to the northeastern corner of town along Mattly Avenue) will not create a significant cumulative visual impact. The new overhead line proposed for installation along existing poles along Mattly Avenue is required to access the Digital 395 tie in point near the Lee Vining Community Center. To reiterate, all new overhead lines will be placed on existing poles with existing wire. No new poles or new overhead runs are proposed. The proposed overhead drops to individual property lines will, in many cases, be replacing unused cable line and/or following existing drops off existing utility poles.
- While the project does not reduce the overall number of overhead lines and poles in the area, all proposed overhead lines are co-located with existing lines on existing poles. The newly installed line will not differ greatly in size, color, reflectivity or tension from existing overhead line. However, the new lines will contain larger “aerial splice” boxes than are currently seen on existing telephone lines. In the case of line removal and replacement, this project proposes to remove and replace over 7100’ of existing cable company line.

In addition to the requirements of Chapter 11 detailed above, the following excerpts from the Mono County General Plan support the permitting of the proposed Race Communications infrastructure project:

### **MONO COUNTY GENERAL PLAN, Land Use Element**

#### **Objective 1.I Maintain and enhance the local economy**

**Policy 1.I.2** Assess the economic costs and benefits of proposed development projects.

**Action 1.I.2b.** *In determining the significance of the environmental impacts of a development proposal, consider the relationship of the potential economic and social changes to the potential environmental changes resulting from the project.*

#### **Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono.**

#### **Objective 2.A. Refine the Mono County Economic Development Strategic Plan in order for the Board of Supervisors to prioritize the strategies and formally adopt the plan**

**Policy 2.A.1** *Integrate the adopted Economic Development Strategic Plan into General Plan policies.*

*Economic Development Strategy #3 – Integrate Digital 395 into the local communities.*

### **MONO COUNTY GENERAL PLAN, Circulation Element**

#### **IV. POLICIES – Communications**

#### **Goal 1. Facilitate the distribution of the best broadband service possible, to as many users within community areas and key transportation corridors as possible, in a timely and cost-effective manner that minimizes impacts to visual and natural resources.**

**Action 1.A.1.b** *Encourage new infrastructure projects to use high-capacity wireline solutions (such as fiber-to-the-premise).*

#### **Goal 2. Ensure deployment and implementation minimizes impacts to visual and natural resources. Provide development standards for communication infrastructure located throughout the county.**

**Action 2.A.1.a** *Projects shall comply with requirements in Chapter 11, Section 11.010, of the Land Use Element*

**Policy 2.A.3** Utilize existing permit-review procedures, such as Land Development Technical Advisory Committee, to ensure project compliance and engage interested County departments, including Information Technology, and other stakeholders.

**Goal 3. Plan for the improvement and expansion of the communications infrastructure network by seeking cost-effective and efficient solutions.**

**Action 3A.1.b.** *Consolidate and co-locate facilities on County property or rights-of-way without interfering with County infrastructure, and design new facilities and projects taking into consideration future communications infrastructure.*

**Policy 3.A.2.** Projects conducted on County property, including rights of way, shall follow a ‘Dig Once’ objective.

**Policy 3.A.4.** Underground infrastructure in County rights-of-way shall be accessible and remain available for use by qualified providers.

**Objective 3.E** Improve and expand the communications network to meet critical public needs, improve government services, and support vibrant communities and local economies.

**Policy 4.B.4** – Pursue extension of communication infrastructure to unserved communities consistent with the Communication policies of this General Plan element.

### USE PERMIT FINDINGS

As directed by Chapter 11 Sections 11.010D of the Mono County General Plan, the Planning Commission must make at least one finding justifying overhead installation of new overhead line.

Section 11.010D Recommended Finding: *As proposed, the project would install 3000’ of new overhead line on existing poles (26% of total new line proposed for installation). As this new line is proposed for installation on existing poles in a community with an extensive network of overhead utility lines, and as this proposed new overhead line will not represent a linear expansion of the extent of the existing overhead utility system, and as the proposed new line will not deviate greatly from the color, reflectivity, tension and other features common along existing overhead line across the community, the Planning Commission finds that the proposed new overhead line placement will not significantly disrupt the visual character of the area.*

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings. An accounting of these required findings is detailed below.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) As reviewed above, the proposed project is governed by Chapter 11 – Utilities of the Mono County General Plan. This chapter authorizes the installation of new conduit and wireline communications infrastructure underground in all land use designations (13% of total line). As further directed by Chapter 11, the potential impacts of the proposed new overhead installation (26% of total line) will be minimized, avoid and mitigated to the extent possible through compliance with the Conditions of Approval.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The project will take place within existing County Rights of Way (where an encroachment permit will be required) in an existing community. Project activity on private lands will



require notice and invitation by said land owner or an authorized lease prior to installation as required by Condition of Approval #3.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - b) The proposed project is required to comply with safety standards for overhead line construction detailed by California Public Utilities Commission General Order 95.
  - c) All proposed ground-based infrastructure (vaults and pedestals) are required to obtain both a Building Permit from Mono County Community Development and an Encroachment Permit from Mono County Public Works detailing construction requirements and standards to ensure public safety and preservation of County infrastructure investments.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed project is supported by the goals, objectives, policies and actions contained in the Circulation Element – Communication Policies of the Mono County General Plan and has been analyzed with appropriate findings made and Conditions of Approval promulgated to meet the direction provided in Chapter 11 – Utilities of the Mono County General Plan.

**MONO COUNTY****Planning Division****DRAFT NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UPM 17-002**APPLICANT:** Race Communications**ASSESSOR PARCEL NUMBERS:** Numerous**PROJECT TITLE:** Race Communications – Lee Vining**PROJECT LOCATION:** The project is located across the community of Lee Vining

On April 20, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-002, Race Communications, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:**  
**EFFECTIVE DATE USE PERMIT**

April 20, 2017  
May 5, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** April 20, 2017  
cc:

X Applicant  
X Public Works  
X Building  
X Compliance

**Conditions of Approval: Use Permit 17-002/ Race Communications – Lee Vining**

- 1) All project activity shall be substantially reflect the project as proposed and depicted on Figure 1 of this staff report, and as described and represented in the Use Permit Application dated 3/3/2011. Any and all future development or installations beyond the scope illustrated on Figure 1 and submitted as part of the Use Permit Application Package for Race Communications – Lee Vining dated 3/3/2017 shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) In keeping with Mono County General Plan 11.010D and 11.010 D the following actions are required for this permit to remain in force:
  - a. All work within County Rights of Way shall require an encroachment permit before being undertaken;
  - b. All new conduit installed shall contain tracer wire and be GPS mapped with GIS data submitted to the Mono County Public Works and Information Technology departments for inclusion in a GIS database containing information on existing communications infrastructure;
  - c. All new underground infrastructure shall be filled with the Underground Service Alert (USA); and
  - d. All project sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.
- 3) To limit unnecessary overhead drops and unwarranted infrastructure placement on private lands outside public rights of way, no overhead drops, new underground conduit or replacement underground fiber in existing conduit shall be installed prior to verbal or written request by a given property owner or duly authorized leasee for Race service to said property.
- 4) Project shall comply with all Mono County Building Division, Public Works Department and Environmental Health requirements.
- 5) Project proponent shall undertake due diligence to ensure all necessary permits, easements and authorizations from local, state and federal agencies are in place before commencing new installation activates authorized by this use permit.
- 6) Applicant shall obtain necessary business licenses.
- 7) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.