

MONO COUNTY PLANNING COMMISSION

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MINUTES

November 16, 2017
(Adopted December 21, 2017)

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

STAFF: Scott Burns, director (teleconference); Gerry Le Francois, principal planner; Wendy Sugimura, analyst; Walt Lehmann, public works; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS: Tina Smith, Ann Tozier, Ian Fettes, Eric Edgerton, Dorothy Burdette, Patti Heinrich

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:06 a.m. 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 October 19, 2017, as amended: 1) 4A discussion: Comment writers not show up, and these were brief letters, not from next door neighbors, not directly on point to the issue so not that significant to the decision in this issue. 2) GP 17-03, discussion: Adult businesses have 500' buffer ~~on some~~ discussed in General Plan; 3) 5A, June Lake Area Plan Update: Commissioner Bush clarified that letter writers aren't present to be questioned or confronted on thought process behind their opinion – just as he was not present to clarify his comment. (*Bush/Pipersky. Ayes: 4. Absent: Lagomarsini.*)

4. PUBLIC HEARINGS

10:10 A.M.

A. CONDITIONAL USE PERMIT 17-015/High Sierra Snowcat to install and use an 18-foot-diameter yurt for winter recreation for up to six guests. The property has a land use designation of Resource Management and is located on a 160-acre parcel (APN 011-220-002) off Dunderberg Meadow Road in the Virginia Lakes area. A CEQA exemption is proposed.

Gerry Le Francois introduced the proposal and added conditions: 1) Operated one season under DR (Director Review) issued in December, approved subject to CUP to continue operating. 2) Construct 18' diameter yurt on 160 acres + outhouse. All trips are guided. Showed map of area. Received 11 or so comments, more added today. Issues addressed: Trespass; parking during peak periods (County will end plowing at Trumbull Lake now). Eleven project conditions proposed. Educate all guests and employees to respect and avoid private property and residential areas in Virginia Lakes. If damage is caused by High Sierra Snowcat (HSSC), reimburse Mono for any repairs.

Pipersky noted guests need motorized means to get to yurt.

OPEN PUBLIC HEARING: Operator **Tim Robinson** noted fifth season in operation under use permit from USFS, last year approached Mono on second operation. Actually only guided services to yurt. Owns parcel in community. No trips unguided. People can ski in, but unlikely. Three unguided trips booked.

Trips? *Drive in with users into yurts, safety briefings, always guide with groups.*

Small hotel where sleep or day use only? *In past 100% sleep in yurt up to four nights, holds six people. Trying to provide unique experience for more intimate experience but still be safe. No other equipment but snowcat. Backcountry skiers. One yurt on USFS land, Dunderberg yurt on private parcel. USFS yurt at pack station, then moved to campground parking lot. 24' diameter sleeps eight people. Users sign waiver that*

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

says respect private property, maps use Mono GIS data. Had two known unfortunate incidents in four years. Shut down unguided services now.

Other yurt close by? *No preference if road plowed or not. Want people to enjoy and be safe in beautiful mountainous region. All user vehicles will have laminated placard to be identified for Mono to assess road situation. Mono has plowed for several cars to park at Dunderberg Meadow campground. Mono will plow until equipment can't handle snow. Lots of wintertime users.*

Winter camping? *Have seen campers parked at end of Rand Road, but not want to access private property. Living on fringe of intersection of public and private lands.*

Where housing staff? *Virginia Creek Settlement, and to unused yurt.*

Where do users park? Le Francois indicated it depends on where Mono has road open, usually Jordan Basin turnoff near US 395.

Staging area change with weather? *If road open, Dunderberg Meadow turnoff. If closed, Jordan Basin with 20+ cars when no snow, but huge snow dumps, hard for Mono to keep area from diminishing in size. HSSC knows it's part of issues, but willing to work with County.*

During five years, how many cars? *Coming from urban area or Tahoe, group of friends, so car pool. Sometimes have trailer and truck, park as far away from snow as possible to give users room.*

Nuisance/trespassing concerns by general public? Le Francois stated that to homeowners. Snowmobilers with four or five sleds, go around. Can't all point finger at HSSC. Robinson reminded that all trips will have guide, so not part of problem. HSSC converses with snowmobilers on route, tells about more open terrain than big Virginia Lakes. Know of two instances of private property trespass.

Walt Lehmann owns property there. Mono closes road, Caltrans then clears out snowpark area. Last year, big storm approached holiday weekend, people drawn to area showed up. Some concerns that day of users snow sledding, snowmobiling felt entitled to parking places. Caltrans helped users get there, and then cleared highway by guardrails, finally buffed out parking lot. Parking lot a bit lower on priority list. In springtime Public Works clears road, people want to drive as far as they can.

Tina Smith from Bridgeport spent lots of time there, cited day users. Problems Mono should address. HSSC bringing money and tourists to Mono. Getting busier, so promote that area. **CLOSE PUBLIC HEARING.**

DISCUSSION: Bush saw no problem. Lizza saw HSSC going above and beyond to deal with problems. No need to limit to guided trips only. Hope operation can grow.

Pipersky thought six to eight people not have that much impact. Lots of use. HSSC great to have European-style yurt. Should conditions include that all excursions be guided.

Bush noted area open to all kinds of people, can't control those not part of the group with undue restrictions on HSSC.

Lizza thought education was needed.

MOTION: Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15303(c) and 15304 and file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 17-015 subject to Conditions of Approval.

(Bush/Lizza. Ayes: 4. Absent: Lagomarsini.)

5. WORKSHOP

A. JUNE LAKE AREA PLAN UPDATE: Receive workshop presentation, and 1) provide direction to staff regarding the June Lake CAC short-term rental recommendations for specific neighborhoods, 2) discuss and provide direction on potential additional short-term rental regulations resulting from workshop discussions, 3) provide direction on next steps, and 4) provide any additional desired input.

Wendy Sugimura wanted to bring PC up to speed on process, and direction on how proceed from here. Back at later date for decision. Promised people they would be heard. Statements included verbatim. Distinguished Type I and Type II rentals, moratorium on II. Specific areas met. Supervisor Johnston's proposal was integrated into process. Sugimura described evolution from TRODs to Type I and Type II short-term rentals. Short-term rental industry is exploding. No Mono judgment on whether should or should not allow. No control over what market is doing.

Sometimes people who don't agree with outcomes attack process. Anyone could come, come up with work plan. Finality and certainty to the issue, not revisit over and over. Made commitment people would be heard, but Mono not necessarily agree with or people get what they want.

Supervisor Johnston drew up neighborhood maps, so consider if appropriate. Not set in stone, just guide for conversations. Outreach campaign: post office box mailers, tax base, flyers. To have survey or vote, who would write up info in unbiased way? Provide technical planning information from staff.

Ultimately decided community workshops based on Supervisor Johnston's maps. Clark Tract was center of controversy. Should block be broken up in smaller pieces? No. Workshops throughout May and beyond: 40 hours public engagement. Weekends, day, night to accommodate. Contact Sugimura directly. Analysis: common ground, irreconcilable differences, potential solutions.

Established ground rules in workshops. Helpful in generating in conversation in safe space without being attacked or judged. Establish what people cared about without being judged. Reviewed Ch. 25 and 26. June Lake can craft its own policies and regulations in process specific to June Lake.

Random snippets from neighborhoods: Infrastructure issues in neighborhood. Limiting factors. Neighborhood values and character. Grouped like comments. Overlap with neighborhoods. Short-term rentals: Negatives. Positives. See issue from both sides, open mind on issue.

How potentially impact all of June Lake? Potential solutions: prohibit I or II; seasonal restrictions; density limit; rental day limit/hear; codify liability; insurance requirements; and lender notification. What will be done with all data gathered? Start with raw data, combine meetings, group like things together into category and name it. Review: look for patterns, what supported or not, ask questions about what information means. Explore solutions or outcomes.

Solutions: Detailed discussion about local government revenue issues: improve private road systems. Mono can't convey public funds to private purpose. Fees, fines, penalties. Enforcement.

Key issues popped out in discussions on policy: liability on private roads, workforce housing impacts, to ban or not to ban? Not overwhelming support to ban.

Potential policy direction: Everything viable. Focus on limiting impacts, avoiding negatives. CAC took ownership, did extra work. Ann Tozier sent survey to Clark Tract, expanded to Nevada Road/Silver Meadow. Petition from Petersen Tract.

CAC recommendation summary: Williams and Petersen: no on both types. Clark upper: summer only (3% cap), no II. Clark Nevada Street: yes, year round, no II. CAC not weigh in on p. 43: General edits to Ch. 25, cleanup language. 500' noticing from farthest edge. Same standard as II in Type I. Delete TROD references. Balance tourist economy with residential character. Not motel, commercial lodging property. Limits application for STR to property owner, not management. One per person, not buy up properties. Road condition disclosure in agreement. Offset loss of workforce housing, defer to Housing Element update, acknowledge it's an issue to deal with. Certain types of infrastructure (access, unimproved roads, etc.) grounds for denial of application for STR.

CC&Rs established by owners. Mono would not enforce, but could take as denial for STR. Maybe change land use designation for Type II? Supporting STRs as boost to economy. Maybe Rodeo Grounds.

Enforcement: Advertising units not permitted. Can't prevent, but indication. Annual renewal, possible fee?

Lizza thought 3% seemed inequitable; maybe time limitations? Sugimura indicated it's hard to limit number of times, requires accurate reporting, monitoring. Seasonal basis is easier.

No good mechanism? Sugimura: 3% on first-come, first-served; establish deadline to file applications, top permits approved; waiting list could happen, or just deny. Open application period. Other way to limit: Buffer between rentals.

How many homes in Clark Tract? *Eight parcels.*

Is purpose of buffer a lottery system? *Yes.*

Why 3% not 5%? *Based on her research at Durango, CO. The 3% is CAC recommendation for Type I.*

Type II? Sugimura indicated a lot of discussion, summary to forward to PC.

Outdoor parties too broad. Lawn parties if complying with noise regulations? Sugimura described as organized event other people invited to. Sugimura stated one strike could be out, three strikes would limit. Still is due process.

Three strikes not just neighbor calling up? Sugimura wanted better definition of what three strikes entails.

Sugimura cited 246 Clark Tract parcels. Talked about range from 2% to 10%. Existing TRODs not come back into pool, so four or five actually available.

Sugimura cited MU (Mixed Use) and C (Commercial) in village business. STRs regulated under land use designation. Rodeo Grounds is designated Specific Plan.

PUBLIC COMMENT: Ann Tozier noted area with County-maintained roads might go for STRs (short-term rentals). Personal bias was no STRs in Clark Tract, but view expanded after survey. Some voted out of ignorance. Tozier felt conflicted as resident and representative.

Talk of roads before, CAC owners or adjacent private property liable? Milovich stated Mono does not provide immunity to owners. Roberts asked about public easement on tract map not dedicated to Mono. Milovich confirmed private road, privately maintained.

Ian Fettes, full-time Clark Tract resident. No farming, ranching, mining, government. June Lake virtually 100% dependent on tourism. Growth of STRs is significant, increasing exponentially. Major player in tourist market and economy of June Lake. Came to June to get away from noise. When June Mountain closed, tourist revenue was threatened. Do what can to support. Suggested controls/regulation be absorbed into communities. Tourist looking for quiet, self-contained environment. If limit density and distribution within neighborhood, could become part of fabric of neighborhood. Community acknowledges and is comfortable with it. If slam door on opportunity, threatening lifeblood of community. Address and accommodate.

Upper Clark year-round residents? Fettes indicated about 20%.

Sugimura suggested keeping CAC as is; weigh in on Leonard Avenue after appeals.

Waiver of liability in rental contract? Sugimura was not comfortable with authority to do so, private parties involved.

Tozier recalled Stacey Simon (county counsel) indicated no way to require homeowner to waive liability, so not legally viable.

Fettes noted homeowner policy covers issues on property and adjacent area. Policy goes wherever owner goes.

Who owns roads in Clark Tract? Tozier doesn't pay property taxes to center line of road. Roberts thought still liable.

--- Commissioner Bush departed at 12:40 pm ---

Lizza indicated neighbors concerned with liability. Fettes noted percentage of road use by short-term renters in single-digits. Families and visitors are most of activity.

Tozier indicated insurance company recommended someone increase 300%. Maybe not use California Street in winter, bad road.

6. REPORTS

A. DIRECTOR: 1) Promotion: Jake Suppa has been promoted to compliance analyst, doubling enforcement staff; 2) Cannabis: Only three supervisors Nov. 21, extend moratorium before it expires. General Plan policies at Dec. 5.

B. COMMISSIONERS: No items

7. INFORMATIONAL: No items

8. ADJOURN to December 21, 2017, at Town/County Conference Room, Mammoth Lakes

Prepared by CD Ritter, PC secretary