

MONO COUNTY PLANNING COMMISSION

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MINUTES

April 18, 2019
(Adopted May 16, 2019)

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Dan Roberts & Patricia Robertson

STAFF: Wendy Sugimura, director; Michael Draper & Bentley Regehr, planning analysts; Christy Milovich, deputy county counsel CD Ritter, PC secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Scott Bush called the meeting to order at 10:00 a.m. at the board chambers in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES

MOTION: Adopt minutes of March 21, 2019, as submitted (*Robertson/Lagomarsini. Ayes: 5-0.*)

4. PUBLIC HEARING

A. COMMISSION INTERPRETATION 19-001/Toledo: Proposal to implement General Plan Mobile Food Vendor standards on Mixed Use LUD on US Hwy 395/main street frontages in the Antelope Valley based on area plan policies.

Jake Suppa noted environmental conditions, Ch 9 commissary, Ch 10 regulates need to certify, business license. Conundrum is General Plan standards for Commercial. Antelope Valley has no commercial, just Mixed Use (MU) on 395 with commercial character/uses in Walker (retail, auto repair, propane tank farms, lodges, restaurants) so precedence set. 04.030 uses not permitted. MU has commercial and residential within a parcel. Planning elements of parking, noise, odor, etc. plus plan of operations. Environmental health monitors food standards. Based on Antelope Valley Area Plan policies, current uses.

Any other MU in county? *Suppa: Yes, within June Lake village. Hwy 158 abuts commercial parcels. Sugimura: Hanging hat on MU like commercial, not applicable to June Lake or anywhere else.*

Why only MU in Walker? *Suppa: Split designations in past. Character of Walker.*

Bush: Front commercial, back residential split from commercial but still on same parcel. *Suppa: Mixed designation consistent with adjacent parcels.*

Bush: Sharing well or leach field maybe affected how set out. Rural country town.

Commercial permitted in MU zone? *Suppa: Live and work on their property. Mobile food vendor not permanent structure. Current real estate office may become commissary.*

Lizza: Provide for wide range of compatible uses, subject to DR. Squarely within that intent. *Sugimura: Commercial uses outright permitted, MU subject to DR for oversight that design fits.*

How many vendors? *Suppa: Ohanas in June Lake, three when standards adopted, one in Mammoth Lakes.*

Bush reminded PC not approving project, just interpretation.

OPEN PUBLIC COMMENT: None. **CLOSE PUBLIC COMMENT.**

MOTION: Find that based on the Antelope Valley Area Plan policies, interpret Mobile Food Vendors to be compatible with Mixed Use land use designations on US Hwy 395 in the Antelope Valley subject to

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
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Roberta Lagomarsini

DISTRICT #3
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Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

the standards of General Plan §04.330 (Plan of Operations) and §04.340 (Mobile Food Vendor Standards & Guidelines). (*Lagomarsini/Lizza. Ayes: 5-0.*)

5. WORKSHOPS

A. WEST-WIDE ENERGY CORRIDOR: Presentation on the West-Wide Energy Corridor, a federal project seeking to create a corridor for energy transmission through 11 western states. Within Mono County, the corridor runs through the Tri-Valley.

Michael Draper presented corridor on screen. Project came from federal government in 2005 when energy law was enacted. Start looking at ways to move energy throughout 11 western states. Agencies involved. 2008 final programmatic statement issued. 2009 record decision, lawsuit against agencies, settled 2012. Divided into different corridors in 2014. Mono submitted two letters, supported by entities. Environmental issues with corridor. Corridor 18-23 enters along 167, travels to 120, crosses at Owens River Gorge to Swall/Paradise. Try to utilize existing infrastructure. Maybe underground piping, energy lines above ground. Policies require underground transmission lines, a lot of corridor on public land but smaller sections on private land. Need permit to construct those lines. Power lines around Benton Paiute land, pointed that out. Brought up mapping issues.

Not following transmission lines? *Draper: Error or should utilize existing infrastructure. On west side of Hwy 6. Owens River Gorge entirely new potential sage-grouse habitat.*

Explain what energy corridor is and what could be? *Draper: Corridor's study is responsible siting decisions, reduce right-of-way crossings. Effort to get renewable energy sites. More opportunities for input, contacted director. June meeting in Reno, another study for public comment. At CPT April 23 Steve Nelson of BLM will give presentation.*

Robertson commended staff for tribal outreach.

Lagomarsini requested Benton/Chalfant meeting to advise residents to comment. People agitated about it in 2005. No organized RPAC but people might divert where it goes, object to underground piping. *Draper: Community meeting for residents.*

Sugimura cited it as BLM project, so better to get BLM to speak to residents, opportunities to weigh in. Draper can schedule outreach meetings or Mono collect and submit to BLM. Friends of Inyo on CPT list. Stakeholders welcome to attend meeting, incorporate into Mono's comments.

Robertson: Next steps? *Draper: Comment ended April 8, tough to find out next steps. Such a big project, realizing specific on-ground issues. Corridor study has matrix of issues/responses. Studies toward identifying issues.*

Lagomarsini: Didn't see anything on comment period. Was public noticed? *Sugimura: Distribution list for communications. Ask at CPT meeting.*

Lagomarsini suggested neighborhood emails to advise residents.

Lizza: Discussed issue at **board Friends of the Inyo level**. Not deal with public lands at PC. Competing interests. Sustainable energy economy to move forward with use and distribution. Safety and impact concerns. On undisturbed land. Power transmission through Lee Vining instead of other side of lake. Lines passing through residential areas.

Roberts: Power line passes through rugged areas, maybe underground. Why tribes? *Lagomarsini: New substation out there.*

Draper will update PC.

B. WALKER BASIN WATER TRANSACTION PROGRAM: Potential water transaction programs to convey water to Walker Lake in Nevada for restoration purposes, including release of a Notice of Preparation for an Environmental Impact Report, range of actions, and alternatives.

Bentley Regehr updated project. Restore Walker Lake initiated by NFWF (National Fish & Wildlife Federation), managed by Walker Basin Conservancy. 2012 MOU requires Mono to consider transaction program. Impacts entire North County, project in Bridgeport and Antelope Valley. Already occurring: joint land and water rights acquisitions, only small hobbyist agriculture so far, Mono program defined through General Plan, occur by 2024 to qualify for current funding.

Buy up water rights? *Big sums of money to offer. Landowners keep green. If offer huge sum, likely sell water and acres would change. Not affect fishing because water still in river. Need to analyze, not want valley to dry up.*

Bush: Can't force people to farm, to irrigate. Look at Olancho way back.

Roberts: Water not going to big city. Steer away from long-term transactions.

Bush: Older ranchers might take money.

Regehr: Analyzing potentially significant concerns. NOP is first step. Scoping meetings coming up. Started in 2012. Storage water transfer program for three years to study impacts. Long-term leasing (two or more years) or temporary leasing, surplus storage water sale. Six strategies proposed, with Strategy 5 preferred by Mono: Temporary leasing and storage water sale.

Legal obligation to give up water? *Set up guidelines.*

Sugimura: Obligation to participate in restoration of Walker Lake, County Counsel Stacey Simon involved. Unsure what happens if water not added but ecosystem collapses. If PC interested in historical premise and legalities (eight-year sage), who legally obligated to participate. Congressional appropriation of funding to restore Walker Lake. Could invite Simon to explain.

Bush: If people not want to sell water, then condemn land and take water? Sugimura: First find voluntary. Any program in Mono County subject to CEQA, not so in Nevada. If Mono takes care of CEQA, NFWF awaits review of program. Normally Mono not involved in private water transactions at all. Could address concerns and potential outcomes not in best interest of Mono. Guide water transaction program, get approval authority before enacting program.

Bush: Send river water to another state. Irrigated land in whole valley would go away. Affect underground water, no recharging.

Robertson: Further discussion on legality, what watershed looks like, how Mono participates despite lines of state and county, environmental relationship to see strategies.

Roberts: Transcends geographical boundaries; nobody wants valleys to dry up. Ecosystem of Walker Lake like Mono Lake. Walker Lake was world-class fishery for cutthroat trout, now partially saline.

Sugimura: When first started on grant, NFWF would fund model on California side of basin. Started CEQA with model data available. NFWF pulled funding for model. Full water modeling needs to occur, big project, very expensive. When NOP comes out, General Plan comes into play. Outreach sessions last summer in Antelope Valley and Bridgeport. This is coming.

Bush: Most people not even thinking about it. *Sugimura: RPACs, Antelope Valley Mutual Water Company talked of concerns, not heard positions yet. Such a big project to get arms around, take position.*

How much money available? *Sugimura: Total funding in California and Nevada. Number proposed for Antelope Valley sale of water based on acre-feet. Analysis has been done.*

Who's responsible? Bulk of program is over-consumptive crops in Nevada. Recognition who needs to bear bigger brunt. Crop substitution as well as buying out water rights. *Sugimura: Crop substitution left to ranchers. Maybe farm bill could provide funding. Walker Conservancy gets involved when water rights and land considered.*

Mitigation from certain areas? *Sugimura: Water from Nevada side preferred. Little less pressure now due to lawsuits. If tracking drops of water, more from Nevada (evaporation from California).*

Water usage in Smith Valley vs. Antelope Valley? *Sugimura: Only part that can be transferred is "consumptive use" (53%) so not damage other holders.*

Apply to land acquisition as well? *Sugimura: Yes. Taking off strategy where permanent water sales or long-terms leases without purchase of land. Too much risk for Mono. Decoupling of land and removal of water. Not an alternative. Alt with most severe impacts is perm sale of water-righted acreage. Sell land as well as water rights. Mono has authority and permitting, establish sideboards.*

Lose control of land? *Sugimura: Define how land managed. WBD can't purchase without permit from Mono. Limit what land could be used for. Preclude row crops.*

If take 53% of water away, how ranchers cope? *Sugimura: Allow storage water sale and temporary leasing of flow rights.*

Thousand dollars vs. millions? Fighting for or against something? People always wants to know about funding.

MOU challenged in court? *Sugimura: Can't promise. MOU says NFWF and WBC will not engage in water transactions in Mono till BOS considers water transaction for approval. Mono offered authority of how transactions would occur.*

Lizza: Proportionality limit to whatever might be available. Problem caused by Mono users; e.g., limit availability of transfers to 5%. Need to cap transfers available. *Sugimura: Not seen that, only distribution.*

Roberts: Ranchers using water downstream. Mono more provider than user.

Sugimura: Financials will be included in NOP. Purchase = \$1800/acre-foot.

How many landowners? *Regehr: Only several. Most land owned by Mutual Water Co.*

Sugimura: Analyze alternatives to get potential environmental impacts; preferred has fewest impacts. Legal questions if no action (#6). Start making private deals with landowners if Mono rejected any program.

Who oversees leases, renewal, monitoring? *Sugimura: Level of detail needs program.*

How landowners use water? *Sugimura: No real measure of how much water, just time. Lagomarsini: Need water master.*

Bush: Not really know how much water talking about. *Sugimura: Weirs installed, more accountability. Propose full hydrogeologic study in General Plan. Adaptive management plan where water removed to provide for constant oversight of ecological changes, surface water not supplanted by groundwater pumping. General Plan policies accompany each strategy.*

Pump water out of ground, ship away? *Sugimura: Groundwater transfer permit required if going outside of basin.*

Bush: Most valuable resource is water.

Land trust involved? *Sugimura: ESLT (Eastern Sierra Land Trust) in Bridgeport area, preclude landowners selling water. Actively working on securing easements. Other concerns, missing information, different alternative for EIR?*

Bush: Default not send water out of Mono. *Sugimura: Legal determination if want oversight.*

Can government condemn water rights like condemn land for public good? *Sugimura: Take to legal counsel. Water rights different, under legal decree.*

Ship water out, take all money?

Robertson: Legal questions at next PC meeting? Larger ecosystem? *Sugimura: Policy workshop on legalities?* Bush: Would be very helpful.

Recap after public outreach? *Sugimura: PC will be involved in General Plan and CEQA doc. Ask Stacey Simon to be present.*

Regehr will issue NOP April 23 for 30-day comment period. Meetings: May 6 in Bridgeport, May 7 BOS and Antelope Valley. Consultants will attend.

6. REPORTS

A. DIRECTOR. 1) Tioga Inn SP: Awaiting Lahontan comments on water degradation analysis 45-day comment period; consists now of workforce housing, no change to hotel. 2) LHMP (Local Hazard Mitigation Plan) went to FEMA, final approval by BOS in next month, grand opportunities on fire planning, hazard preparedness, LHMP to be eligible. 3) Many current planning applications: CEQA, design components, four cannabis, one UP/Variance, Antelope Valley, Lee Vining, Sierra Business Park. 4) Walker Basin NOP (Notice of Preparation): Later this month. 5) Sage-grouse listing information in federal register, USFWS must call for additional information to incorporate into assessment of species status, probably this fall; 6) LADWP wells: Proposed in Long Valley, 20 locations, two wells at each for groundwater monitoring. Mono has no discretionary authority over these wells, ministerial permit through Environmental Health, close to leks so talking to Clarence Martin, maybe pull in BLM on mitigation. Cultural impacts as well. Drilling won't involve water or mud, just vibration.

B. COMMISSIONERS. None

7. INFORMATIONAL.

 None

8. ADJOURN

 at 11:52 a.m. to regular meeting May 16, 2019

Prepared by CD Ritter, PC secretary