

MONO COUNTY PLANNING COMMISSION

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MINUTES

October 17, 2019
(Adopted November 21, 2019)

COMMISSIONERS: Scott Bush (absent), Roberta Lagomarsini (via video in Mammoth Lakes), Chris I. Lizza, Dan Roberts & Patricia Robertson

STAFF: Wendy Sugimura, director; Gerry Le Francois, principal planner (via video in Mammoth Lakes); Jake Suppa, compliance analyst; Hailey Lang, planning analyst; Christy Milovich, assistant county counsel (via video in Mammoth Lakes); Michael Draper, planning analyst (via video in Mammoth Lakes); CD Ritter, PC secretary

PUBLIC: Scott Moore, Jeni Pearsons, CJ Haramis, Kerry Roeser, Avery Gilleland

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Vice-Chair Roberta Lagomarsini called the meeting to order via video from Mammoth Lakes at 10:03 a.m., and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES

MOTION: Adopt minutes of September 19, 2019, as submitted (*Roberts/Robertson. Roll-call vote:* Ayes: *Robertson, Roberts, Lagomarsini, Lizza (items 1-7 before recusal).* Absent: *Bush.*)

4. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 18-018/Colitas Farms: Proposal for cultivation, processing, and manufacturing of cannabis on an Agriculture (AG-10) parcel located at 324 North River Lane in Walker (APN 002-460-015). The proposed project includes: two 10,000 square foot (sf) greenhouses with cannabis canopy area not to exceed 20,000 sf at full build-out; one immature plant greenhouse (1,500 sf); one diffused light clone greenhouse (1,500 sf); two oil extraction, drying, and processing sheds (720 sf each, approximately 180 sf for drying, 348 sf for processing, and 192 sf for oil extraction); one manufactured home (693 square feet); one apartment barn (2,592 sf total with 1,000 sf of living space); two lavender cultivation areas (43,560 sf and 4,560 sf) and lavender oil extraction at full build-out; landscaping trees around the perimeter of the property; 14 parking spaces; and a one-way road with two access points. A CEQA 15183 exemption is proposed.

Commissioner Lagomarsini passed the gavel to Commissioner Lizza.

Hailey Lang explained to applicants one less member of PC but wanted to proceed. Lang introduced the project, provided additional materials, and gave potential PC options. An Initial Study found no significant impacts peculiar to cannabis project or parcel.

Lizza: Existing barbed wire around perimeter. Former use? *Lang: Dilapidated trailer.*

Business store front? *No.*

Road use by residents? *Yes, not within County's road system.*

OPEN PUBLIC COMMENT: Avery Gilleland, across from property, owns business in Walker. Can't believe it's even being considered. Thousands of acres that could be used. 1) Impact on residents: Nobody considered home value a year later. Less than one-lane road in places, in horrendous condition. Dangerous entrance curve. Needs upgrade. Kids 8-10 ride road constantly. 2) Water issue: Neighbor's well just went dry. His well dries at times. Traffic increase, people increase. How expect residents to just lie down and accept this on front doorsteps? 3) Allergic to lavender. Many residents not here today. Cannot even believe PC would consider at all in this area.

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

Kerry Roeser, resident on N River Lane since 1974. Chose Eastern Sierra for peace, tranquillity, small communities, rural. Aging parents fighting environmental fights in Mono County. Adamantly opposed. Commercial AG business on small 20-acre plot with three open ditches (pollution concern). More AG-zoned land in Valley. Intended for vegetable gardening, not impacting neighbors. Lowering water table. Visual impact not in keeping with residential area and small farm. Earlier North River Lane petition had 50 names, multiple concerns. No outreach from owners. Estimated financial gain more important than quality of life for vacationing public and future residents?

Ditches? *Roeser: Ditches travel all across valley, stock water. Wildlife use ditches. Has been archeological site.*

Certain concerns not addressed? *Roeser: Address all concerns. Very personal fight for what believe in.*

Gilleland: Sheriff response time 35 min to 1 hour 20 mins. Something to consider.

CJ Haramis, on N River Lane, last property at end of street. Env, traffic, changes to way of life threat. Property abuts Tilth Farms two seasons of grow. Strong smell. 800-900' from grow. Why lavender if high-pressure misting system. Smell will emanate, how bad will it be? Requested outreach from Supervisor Peters, heard nothing at all. Uncomfortable with community, doing something in own back yard. No philosophical or political views against cannabis, their hood not right place. Antelope Valley one of most geographic and environmentally beautiful places. Every community is special to residents. Operation right up against neighborhood. Giant parcels exist that don't abut residences. Show seriously considering how manage this industry, how it affects residents.

Scott Moore, new to community since April. Set roots for kids. Walker Coffee Co. Concern for kids and property value. What chemical used in process? Not believe in this project.

Jeni Pearsons of Colitas Farms moved here to be farmers. One of few crops that can exist on 20 acres. Working to create rural community lifestyle, positive for own lives. First had Christmas trees and blueberries, but not enough land. General Plan specifically supports ag. Quiet, real, connected to ground. Clean water in ditches. Commit to work hard to contribute positively to community, preserve rural quality. Creating small farm does that. Not want to change. Thought doing correct process. Vastly changed plan after seeing petition. Addressed odor, changed setbacks to not be up against fence. Land has been unused, so any use would change what's there. Meeting water board tomorrow, not cross ditches. Grow in greenhouses so no significant chemical runoff. Housing of interest to county. Mitigate unwanted things. Smaller road, separate exit so not impact others. Make road safe, comfortable. No kids any more than liquor store, just want small farm. Want to do this correctly.

Roberts: Water courses. Develop on small parcel? *Pearsons: Much smaller than 20 acres, disturb only 9.7 acres of what's available.*

Commercial use for lavender? *Pearsons: Extract for soaps, scented item. Did not know of allergy. Pungent.*

Live on property? *Pearsons: Keep jobs, ultimately live there. Person living on site.*

Roeser: Comment on lavender. Grows it at house, not fragrant unless you love it. Brushy plant, not very tall despite constant watering. **CLOSE PUBLIC COMMENT.**

Robertson: Letter from Lahontan in EIR docs, technical reports required. Submitted? *Sugimura: Require Lahontan sign-off, submitted directly to them. Accepting Lahontan letters as signed off.*

Compatibility of land uses on N River Lane? *Sugimura: Don't see agricultural (ag) close to residential. In developing cannabis regulations, no mention of buffer around parcel. Other ag uses, regarding nuisances associated with ag properties, could be associated with any other ag uses already permitted, protected by Right to Farm ordinance. Right to Farm does not apply to cannabis. Residents living adjacent to ag properties know of nuisances, choose to live there anyway. Did not structure cannabis that way. Require use permit to allow public comment. Comments about wells: Not utilize groundwater. Pump water from surface water not groundwater.*

REOPEN PUBLIC COMMENT: Harimas: Tilth says cannot use surface water for cannabis crop.

Sugimura: If State regulates, defer to that. A lot of State issues fall outside Mono's ability to track. Not enforce all regulations. **CLOSE PUBLIC COMMENT.**

Lagomarsini: Concerned about road... Paved? Wider? Dust issue for Great Basin Air Quality? Do people want it improved? *Lang: Private road, no County standards put forth. Residents put grindings on it. Width not standard.*

Sugimura: Analysis from environmental level: Anything unique to this project compared to something allowed outright? Nothing unique to cannabis that exacerbates. Could conditions be imposed on applicant? Well water will be used for cannabis. Irrigation to lavender and trees by surface water.

REOPEN PUBLIC COMMENT: Guilleland: Road is private, non-maintained, fence lines to side of road. Can't widen due to fences. Numerous problems but no sheriff except DUIs. No law on that road. Sheriff can't enforce. **CLOSE PUBLIC COMMENT.**

Sugimura: Agriculture (ag) parcel surrounded on three sides by other ag parcels. PC makes findings, another hearing at BOS for more-political concerns. At issue is detrimental use to surrounding property.

Robertson: Written use is ag but disappointed in lack of public involvement. Lots of adjacent residential concerns.

Roberts: Feel for opponents, emotions involved. Proponent wants to start small farm with cannabis crop. ~~Despite contention that crop is not a problem, it is.~~ Not going to affect property values. Friend visited lavender farm in Lone Pine. Asset to community. Land use offers no reason not to go forward.

Robertson: Cond. 1: Project conditions too vague? Something more specific, including site plan.

Sugimura: Application follows General Plan on project description. More customer service to let applicant and public know what is of concern. Can modify project conditions of approval.

Where is requirement to comply with regional water board? *Sugimura: Under Cond. 3 "State licensing and approvals." Rely on State to enforce its own regulations.*

Lagomarsini: Concerned with residential character of neighborhood. Encouraged residents to attend BOS hearing. Nothing across street all these years. Could be pig farm or something else obnoxious.

MOTION: Find that project qualifies as an Exemption under CEQA guideline 15183 and instruct staff to file Notice of Determination; make required findings as contained in project staff report; and approve Use Permit 18-018 subject to Conditions of Approval as amended: Cond. 1: All development shall meet requirements of the Mono County General Plan, Mono County Code, and **these** project conditions. Cond. 3: ...appropriate state licensing **and approvals** prior to commencing operation.
(Roberts/Lagomarsini. Roll call vote: Ayes: Robertson, Roberts, Lizza, Lagomarsini. Absent: Bush.)

B. CONDITIONAL USE PERMIT 19-008/Shanti Co.: Proposal for commercial cannabis cultivation on a 20-acre Agriculture (AG) parcel located at 100 N Bodie Hills Drive in the Mono Basin (APN 013-210-024). The proposal is for up to 50 commercial cannabis plants located on a 5,000-sf disturbance area that will replace an existing medical cannabis grow in the same location. A CEQA 15301 exemption is proposed.

Bentley Regehr introduced project and distributed larger site plan. Adult recreational grow replaces medical grow. A number of existing uses on property. Must comply with Ch. 13: Cannabis specifications. No signage proposed. Only natural lighting. Needs Operation Permit through BOS. If expand or modify, return for Use Permit Modification.

Robertson: Medical grow of 99 replaced with 50 recreational.

Approve medical grows? *No, not discretionary.*

Lizza: Visual screening seems wishy-washy.

OPEN PUBLIC COMMENT: Jake Suppa, proponent, described Shanti Co. as sole proprietorship, into LLC later. Grew up in area, working toward this moment for economic, environmental, and social benefits. Support from neighborhood of RR (Rural Residential) lots. No direct view from public right of way. Signatures of support from June Lake and Lee Vining.

Lizza: Suppa is Mono County employee. Concern is visual screening, kids near cannabis. What segregates guests from grow? *Entry to yurts not near grow site, not visible. No interaction of guests with product. Creating farm on limited acreage while working full-time job. Opportunity to continue living here, supporting family. Assumptions don't necessarily meet with reality. Visuals: Hard pressed to differentiate various crops.*

Switch from medical? *Better genetics, fewer plants.* **CLOSE PUBLIC COMMENT.**

Actually 99 plants now? *About 50% are male plants, likely down to 50. Two state licenses: medical and adult recreational.*

Robertson: Change conditions wording: *these* project conditions, appropriate state licensing *and approvals*.

MOTION: Find that the project qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination; make the required findings as contained in the project staff report; and approve Use Permit 19-008 subject to Conditions of Approval as amended: Cond. 1: All development shall meet requirements of the Mono County General Plan, Mono County Code, and **these** project conditions. Cond. 3: ...appropriate state licensing **and approvals** prior to commencing operation. (*Robertson/Lagomarsini. Roll-call vote: Ayes: Robertson, Roberts, Lagomarsini, Lizza. Absent: Bush.*)

C. GENERAL PLAN AMENDMENT 19-03/Housing Element Update. The Housing Element is a required element of the General Plan and provides an analysis of the county's housing needs for all income levels and strategies to meet those needs. It is subject to detailed statutory requirements regarding content and must be updated on an eight-year cycle, meaning the proposed element would apply until 2027. The Housing Element contains three sections: 1) Goals and Policies, which identifies programs that promote the production of housing; 2) Technical Appendix, which provides background information, including demographics and a detailed site inventory; and 3) Progress Report providing updates on programs from the prior Housing Element. The Housing Element Update was originally recommended for approval by the Planning Commission as part of GPA 19-02 at the July 30, 2019, meeting. The California Department of Housing and Community Development (HCD) has since provided feedback that required corrections and a re-adoption of the Housing Element. These corrections include the monitoring of four unit complexes to determine if permitting procedures are a constraint on housing production and the addition of a program aimed at creating written procedures for providing reasonable accommodation for persons with disabilities.

Bentley Regehr noted minor edits from HCD: 1) Prog. 1.6: Was more than four units, now just four. More than four falls under different definition; i.e., multifamily unit. 2) Program 4.9 is a newly added program. It requires the adoption of written procedures for reasonable accommodation, consistent with State law. Currently, a Certified Access Specialist on staff works with individual applicants upon submittals, but the County does not have written procedures.

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

Robertson: Thanks to staff on Housing Element, exciting programs and opportunities for future housing.

MOTION: Adopt Resolution R19-03 making the required findings and recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-03. (*Lagomarsini/Robertson. Roll-call vote: Ayes: Roberts, Lagomarsini, Lizza, Robertson. Absent: Bush.*)

5. WORKSHOP

A. REGIONAL TRANSPORTATION PLAN (RTP) UPDATE (*Continued from Sept. 19, 2019*): Presentation and request for input on the update to the RTP, which also serves as the General Plan Circulation Element.

Hailey Lang indicated the RTP is a 20-yr document with technical updates. Stays within CEQA addendum, so just an amendment. Nine objectives for public involvement. Add language that LTC supports wildlife action plan with fire-safe communities a part of document. Quantifiable performance measures were updated. Levels of Service to vehicle miles traveled to measure GHG (greenhouse gas) for better overall view of traffic patterns, congestion, etc. Financial Element updated. Map updates: wildlife collisions.

Timeline for adoption? More public input? *Lang: Adopted by December 2019, public comment accepted. RTP serves as Circulation Element of General Plan.*

Sugimura: Lang is making RPAC rounds for input.

Annual updates? *Sugimura: RTP going to four years to align with Housing Element every eight. RTIP (Regional Transportation Improvement Program) every two years.*

Le Francois: Mono has five-year capital improvement program for roads. New RTIP funding, see what's available from State. SB1 fees available. Public Works proposes projects. Mammoth Lakes Recreation grant for down-canyon trail. Projects come through LTC (Local Transportation Commission). Other government agencies are driving projects.

Lizza: Mono redid guard rails on Virginia Lakes road, new non-reflective tone adjustment on Conway Summit.

Le Francois: Credit goes to Garrett Higerd and former Supervisor Larry Johnston. Cost difference a concern, wear ability too. Caltrans at state level tested it, outgrowth of that.

Robertson: Ride-sharing programs, subsidizing shuttles for special events or employment to reduce vehicle miles? Locating housing close to job centers? Policies around incorporating private roads to improve for safety and quality of life? Priority roads? *Lang: New performance measure is housing linkage. Ride-sharing policies more ESTA-regulated.*

Le Francois: Unmet transit needs. Town, Mono, ESTA will meet on town transit needs and second transit needs process. LTC wanted breakout. Town has sales tax measures, spends \$300,000 a year on transit; that's why it's free. ESTA has hard time getting drivers. Add medical trips to Reno.

Robertson: Ironic that transit can't find drivers due to lack of affordable housing.

Lang: Incorporate private roads to increase safety. Nothing specific programmed.

Le Francois: When Mono approves new land divisions, zone of benefit is needed to maintain roads and set up funding mechanism to do so. Look to property owners to tax themselves. Clark Tract went to third round to form zone of benefit.

Funding through RTP? *Le Francois: Will check. Maybe explore improving roads for health and safety on private roads in certain neighborhoods. Rationale typically for higher densities with multifamily of water/sewer and land availability. Transit services there as well.*

6. REPORTS

A. DIRECTOR: 1) DRs: Valero gas station lighting/signage; cargo container in Evans Tract as accessory use prior to main; Mono City same. **DRs soon:** Marzano mining plan extension; modified parking/snow storage for BROCC. **2) Use permits:** Cannabis and Operations Permit (two annual renewals approved). Six STRs approved, two still not in compliance with conditions, on final deadlines. If not approved, appeal denial to BOS for revision of conditions. **3) Head housing project:** Satisfied PC requirements on snow storage and waste management, awaiting June Lake PUD will-serve letter. **4) Tioga Inn:** Reviewing comments. **5) Housing Mitigation Ordinance:** Considered by BOS. **6) Three GPAs:** cannabis in Tri-Valley; cleanup item; Safety Element triggered by other updates. **7) Specific Plan revisions:** Tioga Inn and June Lake Highlands. Note: PC meetings driven by how quickly staff can process.

B. COMMISSIONERS: Roberts: CCPCA annual event in Chico next weekend. Centered around fire safety, review of Camp Fire. June Lake Head project clearing land. Into Lee Vining saw Tioga Green there instead of abandoned building. **Robertson:** BOS re Housing Mitigation Ordinance, great comments and feedback, awaits draft ordinance. Town Council held public meeting Oct. 9 on land use plan alternative on The Parcel, good input on number of units (400-450, with up to four stories or more). Next meeting Dec. 11. RFQ out, due in early December.

7. INFORMATIONAL: No items

8. ADJOURN at 12:31 pm to regular meeting November 21, 2019

Prepared by CD Ritter, PC clerk