

MONO COUNTY PLANNING COMMISSION

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MINUTES

November 21, 2019
(Adopted December 19, 2019)

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

STAFF: Wendy Sugimura, director; Gerry Le Francois, principal planner (via video in Mammoth Lakes); Kelly Karl, assistant planner; Bentley Regehr, planning analyst; Christy Milovich, assistant county counsel (via video in Mammoth Lakes); Michael Draper, planning analyst (via video in Mammoth Lakes); CD Ritter, PC clerk

PUBLIC: Dan Holler, Mammoth town manager

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. **PUBLIC COMMENT:** None

3. MINUTES:

MOTION: Adopt minutes of October 17, 2019, as amended: 1) P. 3, Roberts comment: ~~Despite contention that crop is not a problem, it is.~~ (Lagomarsini/Lizza. Roll call: Roberts, Lagomarsini, Lizza, Robertson. Ayes: 4. Abstain due to absence: Bush.)

4. PUBLIC HEARING

A. GENERAL PLAN AMENDMENT 19-04/Cleanup. The following technical changes to the Land Use Element are proposed as part of the annual General Plan update: 1) Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied & Not Owner-Occupied in Countywide Land Use Policies and June Lake Area Land Use Policies; 2) Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rental; 3) Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations; 4) Clarify transient rental uses permitted in Commercial Lodging land use designations; 5) In Multi-Family Residential, eliminate short-term rentals from the list of uses permitted subject to use permit for "MFR-L only" and correct list of existing nonconforming MFR complexes; 6) In Chapter 4, update typographical errors to setback standards in Table 04.120 Minimum Yards, add the Mixed Use (MU) designation to the list of designations that allow the placement of manufactured homes in conventional SFR, and add a new policy defining "inactive projects." A technical change to the Cultural Resources section of the Conservation/Open Space Element is also proposed in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities. An Addendum in compliance with the California Environmental Quality Act (CEQA) is proposed for the project.

Wendy Sugimura noted Kelly Karl took this GPA to all RPACs. MFR-L included at BOS direction.

Karl presented a PowerPoint on GPA 19-04, annual cleanup of Land Use Element and Conservation/Open Space Element. Eliminated transient-rental types 1, 2, 3, added owner-occupied and non-owner occupied. Eliminating MFR-L. Small-scale agriculture subject to primary residential use. Clarify several transient-rental uses: commercial lodging; uses subject to DR (Director Review) and Use Permit.

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

Lizza: Not permitted in condos, townhomes, cluster development, etc. under individual ownership. *Sugimura: Strike condominium bullet point. Complex with separately owned individual units permitted use. Strike ADU from short-term rentals*

Regehr: New legislation gives Mono authority to prohibit STR as it sees advisable.

Bush: Mother-in-law house, want to rent for extra housing. Still rent long term.

Sugimura: Misunderstood from state law. Complications due to HMO (Housing Mitigation Ordinance). STR subject to DR wording OK. MFR units owned by single entity/person. Additional threshold of four units.

Criss: Single ownership = apartments, no STR. Third bullet has nothing to do with STR.

Sugimura: Third bullet: four or more units = apartments. Triplex separate. Start with proposed changes, then come back. Strike condo from bullet 3.

Sugimura: Always intend to design more user-friendly. Planners worked on geography for what applies. STR applies to rentals in residential land use designations. Transient rentals apply to MFR-H, et al. MFR change: no STR in MFR-L.

Karl: MFR-H eliminated language. Delete commercial lodging. Ch. 4 new graph: Inactive projects. Conservation/Open Space. Cultural resources section.

OPEN PUBLIC COMMENT: No comments. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Sugimura: Table motion now, have Kelly bring back? *No.*

MOTION: Adopt Resolution R19-04 recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-04 as amended: 1) renumber redundancy; 2) amend first sentence to end with "except in specified locations" (see below); 3) second sentence make new paragraph (Action 13.M.1.b) and eliminate word "Not"; 4) eliminate "condominium" from final bullet in permitted uses in Commercial Lodging section; 5) amend language to third bullet under Commercial Lodging uses permitted subject to Use Permit to read "projects containing four or more units such as condominiums, cooperatives, townhomes, cluster developments and/or apartments"; and 6) Commission recommended adding the "Inactive Project" policy to discretionary permit applications to notify future applicants of time frames in this new policy. (*Lizza/Lagomarsini. Roll call: Roberts, Bush, Lagomarsini, Lizza, Robertson. Ayes: 5-0.*)

B. MODIFICATION OF CONDITIONAL USE PERMIT 19-008/Shanti Co. Proposal to add commercial cannabis distribution to a use permit previously approved on Oct. 17, 2019, for commercial cannabis cultivation on a 20-acre Agriculture (AG) parcel located at 100 N Bodie Hills Dr. in the Mono Basin (APN 013-210-024). The permitted cultivation includes up to 50 commercial cannabis plants located on a 5,000-square foot disturbance area which will replace an existing medical cannabis grow in the same location, and the proposed modification adds the distribution activity. A CEQA 15301 exemption is proposed.

Bentley Regehr added distribution as a use. Distribution and cultivation are separate.

Ever have cultivation without distribution? *Regehr cited several examples.*

Bush: Correcting oversight in original application. OK to participate today after absence? *Yes.*

Regehr: Several trips involved, no impacts to traffic, dust. Distribution through proponent's personal vehicle, no outside contracting.

OPEN PUBLIC COMMENT: Jake Suppa, applicant, noted since last CUP was approved has become LLC. Same intent. Processing arranging lab testing, packaging, labeling, tax. Keep local. Security plan approved by Mono sheriff. Met with Mono Basin RPAC to answer questions. No objection, support from neighbors in area. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza: Not comfortable issuing permit to nonlegal entity.

Milovich: Could issue to individual, not necessarily entity.

Sugimura: Land use permits run with land's APN. Operation permit issued to individual or business. Verify status.

Milovich: Name now should be updated on all administrative documents: Shanti Co. LLC.

Roberts: Conditions 1 and 3 do not include changes made last meeting.

MOTION: Find that 19-008/Shanti Co. Commercial Cannabis Cultivation and Distribution, LLC qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination; make the required findings as contained in project staff report; and approve modifications to Use Permit 19-008 to include distribution as a use. Title should say Cultivation and Distribution. (*Roberts/Lizza. Roll call: Robertson, Lizza, Lagomarsini, Bush, Roberts. Ayes: 5-0.*)

5. ACTION ITEM: COMMISSION INTERPRETATION: Interpretation of outdoor industrial storage as a similar to and not more obnoxious than the uses currently permitted in the Sierra Business Park Specific Plan.

Kelly Karl 19-003. Two parcels at SBP. Town proposes outdoor industrial storage use. Empty receptacles, vehicle parking, containers such as cargo and semis. Transitional storage while being shipped to proper facilities. Transfer station undergoing construction. Subject to Specific Plan. Uses not adequately capture outdoor storage. Two close categorial matches. Karl read four required findings. Town would receive a report of consistency with General Plan.

Subject to Use Permit? *Sugimura: Just making interpretation uses are consistent with permitted uses in SBP Specific Plan.*

Time frame or in perpetuity? *Karl: No specific time frame but not end use of parcels. Not 100% at this point. Seems somewhat tied to construction at Mammoth Disposal site.*

What prohibits adding uses? *Sugimura: Need to tell intended land use. If it changes, already own parcel but would be subject to General Plan and Specific Plan. Snapshot in time to comply with government code section.*

OPEN PUBLIC COMMENT: Town Manager Dan Holler was available for questions.

Time frame for use on sites? *Holler: Not start till next spring/summer, during construction of new facility.*

Use sites for same purpose after new facility in Mammoth? *Holler: In perpetuity.* **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza: It's a stretch. Not seen in uses permitted. Would like **Specific Plan** amendment to include category that accounts for these items.

Lagomarsini disagreed, saw eight similarities. Still lots of vacancies in SBP. Seems benign. No fluid leakage.

Bush: Still, permitting process needed.

Sugimura: Land use compatibility determination. Comply with all design standards of SBP. Bring all SBP permits to LDTAC for public and staff comment.

Bush: Just land use compatibility now.

Lagomarsini: Storage site for stuff. Better than sites visible to public.

Lizza: Items of production not disposal.

Robertson: List of uses not totally jibe. Seems more like waste storage.

Dan Holler described empty containers for equipment storage. Better there than yard in Bishop.

Lagomarsini: Seems consistent with item 8. Old engines, tires, stuff. Barrels filled with waste. Better at SBP than elsewhere.

Bush: SBP is bermed, not visible from highway.
Karl: Fencing with plastic slats required.

MOTION: Find that the proposed industrial outdoor storage use is similar to and not more obnoxious than uses currently permitted in the Sierra Business Park Specific Plan as provided for in General Plan Section 01.040. (*Lagomarsini/Roberts. Roll call: Roberts, Bush, Lagomarsini, Lizza, Robertson. Ayes: 4. No: Lizza.*)

Robertson: Language of proposed permitted use? *Bush: Just interpretation now.*

Sugimura: No degree of specifics, just land use compatibility, not at level of detail in permit determination. Applies on countywide level, but Specific Plan prevails. Further permitting perhaps, but storage use permitted outright by standards of SBP Specific Plan.

Robertson: Could someone else come in? *Milovich: Set precedent? No.*

6. WORKSHOP: None

7. REPORTS

A. DIRECTOR: Anticipating Variance and Use Permit in December. BOS approved first reading Housing Mitigation Ordinance Tuesday.

B. COMMISSIONERS: Roberts: CCPCA meeting in Chico at Hotel Diamond. Presentations on Camp Fire devastation, Cal Fire reps on possible changes (green lawns saved some houses despite discouraging), visited Oroville Dam. New members to promote activities. Inyo member. Another conference to Eastern Sierra in year or so. Next year: Humboldt. **Robertson:** Preferred land use plan for 25-acre Parcel with 400-450 units workforce housing at joint workshop Dec. 11.

8. INFORMATIONAL

9. ADJOURN at 11:45 am to regular meeting December 19, 2019

Prepared by CD Ritter, PC clerk