

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

DRAFT MEETING MINUTES

February 18, 2021 – 9:00 a.m.

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

STAFF: Wendy Sugimura, director; Gerry LeFrancois, senior planner; Kelly Karl, planning analyst; April Sall, planning analyst; Becky Peratt, planning commission clerk, Christian Milovich, county counsel; Nick Criss, code compliance officer; Jake Suppa, code compliance, Sean Robison

PUBLIC: Fred Stump, Katy Buell, Lynne Hemminger, Mark Langer, Sshaw, William Mitchell, Vince Maniaci, 530-721-6489, 858-699-7440/James Kozack

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Scott Bush called the meeting to order at 9:00 a.m. in Zoom meeting room. Wendy Sugimura reviewed meeting procedures and format, and attendees recited the pledge of allegiance to the flag.
2. **PUBLIC COMMENT:** No public comment.
3. **MEETING MINUTES**
 - A. Review and adopt minutes of December 17, 2020.
 - **MOTION:** Approve the minutes of December 17, 2020
Bush/Lagomarsini. Roll-call vote- Ayes: Robertson, Lizza, Lagomarsini, Bush. Abstain: Roberts
4. **PUBLIC HEARING**
 - A. **9:05 a.m. CONDITIONAL USE PERMIT 20-006/Schott & Reedy.** The proposal is for placement of a 116- square foot storage shed prior to construction of the primary residence at 3858 Crowley Lake Drive (APN 060-150-004) in Crowley Lake. The parcel is designated Single-Family Residential (SFR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. (*Staff: Kelly Karl*)
 - Kelly Karl presented project and answered questions from the Commission.
 - **The Public Hearing was opened at 9:50 a.m. and Chair Bush called for public comment.**
 - 7440/James Kozack: Requested to hear from Fire Chief, believes the shed is a fire hazard – could the fire department get a truck up there.
 - Fire Chief Maniaci: Discussed need for driveway to be well-signed and visible, access considerations, culverts withstanding the weight of fire equipment, water supply, and having a 30 ft defensible space clearance. The chief clarified that the fire safe standards need to be part of the approval for the shed and the conditions changed to require those standards.

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

- Commissioners and staff asked further questions of the Fire Chief and he responded. The chief clarified he would not send a unit to defend the shed, but if there is a generator being used out there and a fire started and spread, would need to gain access to send people out there to keep it from spreading. Staff also inquired about prohibiting generators and requiring the shed to remain vacant as just a shell until the main use is constructed. If no activity and no storage would that be okay to defer looking at the 30 ft defensible space issue? The chief said that would suffice.
- Fred Stump: Filed the complaint based on the principle of equanimity and following processes, and on behalf of constituents who had complained. Requested that if approved to adopt with modifications, particularly option 2.
- Shaw: Questioned if the shed would be allowed to remain on property if the owners sell, or if they do not comply with building within two years if the shed would be required to be removed. Also requested that if the shed remains that it be required for the doors and windows to be boarded up, and chainsaws removed.
- **The Public Hearing and public comment was closed at 10:15 a.m.** Commissioners made further comments on the project.
- **Break from 10:34 a.m. to 10:55 a.m.**
- Staff presented the revised Conditions of Approval and commissioners discussed.
 - Condition 4 revised to state that the shed shall be secured against unauthorized entry and flammable liquids/materials shall not be stored.
 - Condition 6 revised to include language that the submittal for a building permit for the main use must comply with fire safe standards, including but not limited to driveway standards. (Fire safe standards language also covers defensible space requirements).
 - Condition 7 deleted due to being covered by condition 6 language referring to fire safe standards.
- **DISCUSSION:** no further discussion
- **MOTION:** Find that the project qualifies as a categorical exemption under CEQA 15303 and instruct staff to file a Notice of Exemption; make the required findings as contained in the project staff report, and approve Use Permit 20-006 subject to the revised Conditions of Approval.

Lizza/Bush. Roll-call vote- Ayes: Roberts, Robertson, Lizza, Lagomarsini, Bush

B. 9:35 a.m. CONDITIONAL USE PERMIT 21-001/Hemminger. The proposal is for permitting the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element. The parcel is designated Rural Residential (RR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. (Staff: April Sall)

- April Sall presented project and answered questions from the Commission.
- **The Public Hearing was opened at 12:15 p.m. and Chair Bush called for public comment.**
 - Applicants Lynne and Dean Hemminger provided the background and timeline of the issue.
 - Katy Buell: Commented on issues with the county permitting and inspection process, and the hazards posed by overground power.

- Mark Langer: Questioned whether Liberty Utility took action to put in overhead lines on their own or whether they were acting at direction of the owner. Questioned who dropped the ball on this. Inquired about the possibility of Inquired whether other estimates for the cost of undergrounding were obtained that could reduce cost. Questioned why the building permit was finalized when there was a pending complaint. (Staff responded). Expressed concern about the poles being a fire hazard. Expressed concern that given the out of order process neighbors were not able to submit their concerns sooner. Requested that the two poles that are on the property be required to be underground as a partial compromise.
- **The Public Hearing and public comment was closed at 12:38 p.m.**
- **DISCUSSION**
 - **Commissioner Lizza:** Would like more information on whether there is standard language in the Liberty Utility contract to comply with local ordinances, and would like to know the legal obligations of Liberty Utility before making a decision. Table until learn more about Liberty’s obligations, but likes the idea of undergrounding the top two poles, but give the applicant time to work with Liberty, to finance it, to find a lower, and give them time to manage the process.
 - **Commissioner Roberts:** There is a distinction between extending community infrastructure to serve a property and the responsibility of the individual property owner. Was probably the intent at the time the subdivision was created for there to be overhead power.
 - **Commissioner Lagomarsini:** Need to shore up the county process and work with Liberty Utility so they know their responsibilities. Would like to see the poles on the owner’s property to be underground – would be good for all of them to go underground but not sure they can make the applicant bear that burden. Need a report back on dealings with Liberty Utility, and perhaps send a letter to the Board of Supervisors. Prepared to move forward today with assurances that Liberty Utility will be dealt with by the county.
 - **Commissioner Robertson:** Require the applicant to comply with the site plan which showed underground power to the property line – that is two of the poles. Need a process for the county to coordinate with Liberty Utilities when putting in utilities on private roads or areas outside the property line.
 - **Chair Bush:** Posed another possible alternative – since last pole is the visually intrusive one, might be able to remove the one pole and underground from the other pole, and remove the visual. More worried about visual impact than overhead lines. They already exist in that neighborhood but understand the visual impact. Not sure of the cost to remove and underground just the one pole. Getting away from overhead power problem because even if all five were removed, there are still overhead poles in the area that pose a danger, so removing five doesn’t remove the danger.
- **MOTION:** Move to table discussion until the Planning Commission has more information about the obligations of Liberty Utility, and a second and/or third estimate on the cost of trenching in the area.
Lizza/Robertson

- **Further Discussion**
 - **Commissioners Lizza and Robertson:** Clarified that he would like to understand whether this is the obligation of Liberty Utility or the homeowner to underground utilities, why they didn't follow the approved site plan, and clarified that a new cost bid could be under similar parameters as described in the bid from Cruz Construction.
 - **County Counsel:** Clarified that the county does not have a claim against Liberty Utility; the property owner does but the county is excluded from. County counsel is not providing private legal advice to the applicant or to anyone on the call, is only acting in capacity as lawyer for the county.
 - **Commissioner Robertson:** Inquired about Liberty Utilities obligation to follow the code on a private road. County counsel responded that residents along a private road bear the burden of repairing and maintaining the road and remaining in compliance.
 - **Commissioner Lagomarsini:** No problem with the homeowner getting a new estimate, but think they only need to look at the two poles on their property. Doing the whole street not appropriate at this juncture. Get estimates for dropline trenching not the whole street.
 - **Commissioner Lizza:** New bid would be from third pole towards the house to undergrounding that already exists. One bid is sufficient.
- **MOTION as amended:** Move to table discussion until the Planning Commission has more information about the obligations of Liberty Utility, and have a new estimate on the cost of undergrounding the two poles on the property.
Lizza/Robertson
 Wendy Sugimura noted that the public hearing would be continued at the next Planning Commission meeting on March 18 at 9:05 a.m.
Roll-call vote- Ayes: Roberts, Robertson, Lizza, Lagomarsini, Bush
As amended at 1:15 p.m: Amending the continuation of the Hemminger Use Permit public hearing on March 18 to 9:35 a.m.

5. REPORTS

A. Director

- Discussed items on agenda for March Planning Commission meeting, ongoing Director Reviews, lot line adjustments, general plan amendments, seven use permits in progress, and provided an update on the status of the Tioga Inn specific plan.

B. Commissioners

- **Chair Bush:** Will be recusing himself from the Way Use Permit.
- **Commissioner Lizza:** Declined to be reappointed to his local RPAC due to the nexus between role on Planning Commission and sitting on the RPAC.
- **Commissioner Robertson:** Mammoth Lakes Housing still has rent assistance due to impacts to income from COVID-19. State rental assistance funds will be administered via a national organization.
- **Commissioner Lagomarsini:** After speaking with the new supervisor for District 2, Commissioner Lagomarsini will be staying on the Planning Commission.
- **Commissioner Roberts:** After a year, misses in-person meetings.

6. ADJOURN to March 18, 2021