

MONO COUNTY PLANNING COMMISSION

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Draft Meeting Minutes

March 18, 2021 – 9:00 a.m.

COMMISSIONER: Scott Bush, Roberta Lagomarsini, Chris Lizza, Jora Fogg, Patricia Robertson

STAFF: Wendy Sugimura, director; Gerry LeFrancois, principal planner; Kelly Karl, planning analyst; April Sall, planning analyst; Heidi Willson, planning commission clerk, Christian Milovich, county counsel; Nick Criss, code compliance officer

PUBLIC: Katy Buell, Lynne Hemminger, Dan Gordon, John Peters, Kara G, Rosemarie, 530-721-6489- Way

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Scott Bush called the meeting to order at 9:01 a.m. in Zoom meeting room. Attendees recited the pledge of allegiance to the flag.

1. **PUBLIC COMMENT:** No public comment.

2. **MEETING MINUTES**

- Commissioner Lizza noted a correction to the February 18, 2021 minutes, to add the word "perceived" to item 5b in his Commissioner report.

Motion: Approve the minutes February 18, 2021 as amended.

Lizza motion; Bush second.

Roll-call vote – Ayes: Robertson, Lizza, Lagomarsini, Bush. Abstain: Fogg. Motion passed 4-0 with one abstention.

**Agenda items taken out of order.

3. **PUBLIC HEARING**

- **9:05 a.m. CONDITIONAL USE PERMIT 20-009/Gordon.** The proposal is for an owner-occupied short-term rental at 90 Aspen Place in Crowley Lake (APN 060-210-067). The existing four-bedroom/four-bathroom main residence would be rented while the owners occupy the detached accessory dwelling unit. Maximum occupancy is 10 people and seven vehicles (five vehicles for renters and two vehicles for the property owners). 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.
 - **Chair Bush called for public comment**
 - Applicant Dan Gordon responded to questions from the commissioner.
 - No additional email comments were received.

CLOSE PUBLIC COMMENT

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

- **DISCUSSION:**

- Commissioner Lizza- Suggests that the language is changed to read a single party of no more than 10 people or occupants.
- Commissioner Robertson- concerned that these findings do not support rural residential character of this neighborhood.
- Commissioner Lagomarsini- concerned with the number of cars. Would like to suggest limiting to 4 guest's vehicles with 2 vehicles for the owners. Totaling 6 vehicles.
- Commissioner Fogg- reducing the parking to 6 could be one condition.
- Chair Bush- Most of the complaints are coming from a condo complex which is also not considered rural residential.

Motion: 1) Approve Use Permit 20-009 with this changing delineated by the staff report and amend conditions of approve #1 to read the owner-occupied short-term rental occupancy is limited to a single party of no more than 10 occupants and 4 vehicles. 2) Move to find that the project qualifies as a categorical exception under CEQA guidelines 15301 and instruct the staff to file a Notice of Exemption, make the required findings as required in the staff report, and approve use permit 20-009 subject to conditions of approval as amended this morning.

Lagomarsini motion; Lizza second.

Roll Call Vote – Ayes: Lizza, Fogg, Lagomarsini, Bush. Nay: Robertson. Motion passed 4-1.

4. Election of new Planning Commission Chair and Vice-Chair

Motion: Commissioner Lizza nominates Commissioner Robertson as Chair.

Lizza motion; Bush second.

Roll Call Vote – Ayes: Lizza, Fogg, Robertson, Lagomarsini, Bush. Motion passed 5-0.

Motion: Commissioner Bush nominates to re-appoint Vice-Chair Lagomarsini.

Bush motions; Lizza Second.

Roll call vote– Ayes: Lizza, Fogg, Bush, Lagomarsini, Robertson. Motion passed 5-0

3. PUBLIC HEARING- CONTINUED

- **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. This is a continuation of the public hearing at the February 18, 2021 Planning Commission meeting. *(Staff: April Sail)*
 - *April Sail presented project and answered questions from the Commission.*
 - *Public hearing was opened, and Chair Robertson called for public comment*
 - Applicant Lynn Hemminger- Wanted to thank the staff. Believes that cost impact is valid. Wanted to reply on a comment from last meeting regarding cost increase. The requiring of under ground boxes and conduit line is factored into the increase cost. Wants to make sure Commission is aware of how far the neighbor is in relation to her

property. Replied to questions from Commissioners. Also wanted to address that their house is just as impactful to view as the overhead powerline.

- Katy Buell- agreed with the staff and the applicant that it is an undue financial hardship. If the Commission decides that the first 2 poles need to be under-grounded, then the other properties need to do it as well.
- Angle Olson- County does the right thing and gives the Memminger's the use permit for the power poles. It seems wrong to go back and undo something that was existing before. There is underground drainage that the power would have had to go under.
- **Public hearing closed.**
- **DISCUSSION:**
 - Commissioner Lizza- Why did we not include information from the Antelope Valley plans policy 4a and 5a which calls out all conventional communication subsequently installed shall be underground. Lots of information in this policy that may inform us one way or another.
 - Commissioner Bush- Have we ever required someone in the past to underground power poles after the fact? Does not believe that the view is an issue and the power poles have already withstood the biggest windstorm yet. Biggest issue is that the digging up of the boulders would be creating far more issues.
 - Commissioner Lagomarsini- No comment
 - Commissioner Fogg- Believes this is an enforcement issue and that this is the responsibility of the owners.
 - Chair Robertson- One reason Mono County has requirements is for safety. If we are going to require undergrounding power unless its undue financial hardship how is that being safe.

Motion: 1) Find the project qualifies as a categorical exemption under CEQA §15303. 2) Instruct staff to file a notice of exemption. 3) The required findings that undergrounding the 5 power poles is an unreasonable financial hardship on the applicant that is contained in the staff report from February 18th, 2021. 4) Approve the Use Permit 21-001. Allowing the over-head power lines to remain condition of approval.

Bush motion; Lagomarsini second.

Roll call Vote – Ayes: Bush, Lagomarsini Nays: Lizza, Fogg, Robertson. Motion failed 2-3.

Motion: Deny the use permit and require the applicant to underground last 2 poles but give the applicant 3 years to complete the project.

Lizza motion; Fogg second.

Roll call vote– Ayes: Lizza, Fogg, Lagomarsini, Robertson Nays: Bush. Motion passed 4-1.

- **10:05 a.m. Use Permit 21-002/Way.** The proposal is for a six-foot-tall front yard wooden fence at 30 Emigrant Street in Bridgeport (APN 008-091-049) within the front yard setback. General Plan, Land Use Element 04.160, allows for front yard fences greater than four feet within the setback, with approval of a Use Permit. The property is designated Multi-Family Residential – Low (MFR-L). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. (Staff: Bentley Regehr)
 - *Wendy on behalf of Bentley presented project and answered questions from the Commission.*

- *Commissioner Bush recused himself from the project as he supervises the applicant in his County position.*
- **Public hearing was opened, and Chair Robertson called for public comment**
 - Applicant Nick Way started by saying thank you. Works for Mono County Sheriff's Department. Spoke about safety and privacy. Understand concerns regarding fire department and police needs to access. Neighbors are supportive.
- **CLOSE PUBLIC COMMENT**
- **DISCUSSION:**
 - Commissioner Lizza- no comment
 - Commissioner Lagomarsini- reasonable request under the circumstances.
 - Commissioner Fogg- agrees that it is an understandable circumstance.
 - Chair Robertson- no comment

Motion 1) Find the project qualifies as a categorical exemption under CEQA §15301. 2) Instruct staff to file a notice of exemption. 3) Make the required finding as contained in the staff report and approve the use permit 21-002.

Lagomarsini motion; Fogg second.

Roll call vote—Ayes: Lizza, Fogg, Lagomarsini, Robertson Abstain: Bush. Motion passed 4-0 with one abstention.

- Director Sugimura requested the Commission clarify and re-word the motion for 21-001 Hemminger due to the concern that the use of the phrase “deny the use permit” could be misconstrued as to the Commission’s intent.

Motion to reopen the conditional use permit 21-001/Hemminger.

Lizza motion; Bush second.

Roll-call vote— Ayes: Robertson, Lizza, Fogg, Lagomarsini, Bush. Motion passed 5-0.

Amended Motion: 1) Find the project qualifies as a categorical exemption under CEQA §15303; 2) Instruct staff to file a notice of exemption; 3) All of the findings cannot be made as required as contained in the staff report; 4) Approve Use Permit 21-001 with the findings for a modified project alternative that the first 3 power poles in the project on Wunderlich Way are an unreasonable financial hardship for the property owner and that only the last two poles must be undergrounded in compliance with the project’s site plan for building permit 18-001, and give the Applicant 3 years from the date of this approval to bring into compliance.

Lizza motion; Fogg second.

Roll call vote— Ayes: Lizza, Fogg, Lagomarsini, Robertson Nays: Bush. Motion passed 4-1.

5. REPORTS

- A. Director: Wendy reported that board of forestry has released a proposal for new fire regulations. If these regulations are adopted as they are now, it is our understanding that some of the new regulations may severely limit development, including ministerial building permits.
- B. Commissioners
 - Lizza- no report
 - Fogg- Has items on her calendar that are unable to move. She is unable to attend next months meeting and would like to be present for Boss application that is a public

hearing set for next month. Requesting that the Boss application be moved to the May meeting. There were no objections.

- Lagomarsini- no report
- Bush- no report
- Robertson- California recently launched the Covid rent relief program, Information and application can be found at housingiskey.com. Assisting with back rent, future rent, and/or utility bills. Mammoth Lakes housing would be happy to assist anyone with questions or persons needing help applying.

6. ADJOURN to April 15, 2021 at 9:00 a.m.