

MONO COUNTY PLANNING COMMISSION

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MINUTES

AUGUST 14, 2014

(Adopted September 11, 2014)

COMMISSIONERS: Scott Bush, Chris Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson

STAFF: Scott Burns, CDD director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner; Garrett Higerd & Walt Lehmann, public works; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Mary Pipersky called the meeting to order at 10:02 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Howard Johnson of Bridgeport thanked commissioners for their service. Originally he planned to speak on an agenda item, but instead on measuring CO₂. Horrendous 34% excess in atmosphere today, short-term result of drought and lack of snowfall. Plan about this now. Distributed copy on climate change compiled by International Panel on Climate Change, 600 world climate scientists. Very serious. Wood-cutting is a non-issue now. Instead, talk about energy efficiency, reducing CO₂.

Garrett Higerd reported on road rehab projects throughout the county.

3. MEETING MINUTES:

MOTION: Adopt minutes of July 10, 2014, as amended: Item 5B, food vendors: Alpine Deli acts as commissary for Tavish, and Mono Market for Ohanas. Stacey Simon suggested Roberts **and Lizza** should recuse himself **themselves** from discussion if it's a **potential** source of income. (Bush/Thompson. Ayes: 5-0.)

4. CONSENT ITEM:

FINAL APPROVAL OF PARCEL MAP 13-001/ Hildenbrand-Booth. Approval of Parcel Map 13-001 will divide APN 026-220-009, totaling 6.30 acres, into four lots of 2.39, 1.19, 1.19, and 1.43 acres, along with an offer of dedication of 0.10 acres along Valley Road. The project is located in the community of Chalfant. Access is via Valley Road, with a proposed private road, Owens Ranch Road. Individual wells and septic systems are proposed. The land use designation is Rural Mobile Home (RMH). The Tentative Parcel Map was approved at a public hearing conducted by the Planning Commission on October 10, 2013. *Staff: Garrett Higerd and Walt Lehmann*

Garrett Higerd indicated the developer has chosen not to construct improvements, but to provide engineered plans and a bond. Map is in good shape, but bond is not yet prepared. Project goes to BOS, as subdivision improvement agreement needs its approval. Mono will not take to BOS, however, until bond is provided. If not received within two weeks, delay taking map to BOS. Needs final approval to move forward, but can't record without bond.

MOTION: Approve Final Parcel Map 13-001/Hildenbrand-Booth. (Roberts/Lizza. Ayes: 5-0.)

5. PUBLIC HEARING:

A. EXPANDED HOME OCCUPATION 14-001/Draper (continued from May 8 at applicant's request). Consider proposal to cut, split and deliver firewood as needed from owner's residence to buyers as an expanded home occupation. Owner is the sole employee, and on-site storage would be limited to a single cord of

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

firewood. Business would be conducted as needed, but may operate daily. The property is approximately 1.3 acres (APN 011-040-029) located at 110 Mt. Patterson Dr., Bridgeport, and has a land use designation of Estate Residential (ER). A CEQA exemption is proposed. *Staff: Gerry Le Francois, principal planner*

Gerry Le Francois stated no cutting and splitting on property. Owner will store and deliver firewood when ordered. He will cut and split in forest, load and store in back of pickup truck for potential buyer. Expanded Home Occupation category is new. Outdoor storage makes it "expanded" home occ. Staff did General Plan consistency review/findings and set conditions.

How to separate personal from for-sale? *Honor system. If back of truck is full, cutting/splitting would be for personal use.* How much for personal use? *Inyo allows 6-8 cords, not clear about Humboldt-Toiyabe.* How to know personal is not spilling over into truck? Commissioner Lizza suggested another condition for no loading on property.

OPEN PUBLIC COMMENT: Lafe Draper, applicant, appreciated waiving fees for disabled veteran to help family survive and stay in Mono County. Could earn up to \$1,200/year. He has access to almond and oak already cut and split, and loads empty truck. Advertise with flyers and newspaper. His firewood is all pinyon, with [USFS] permits. Allowed eight cords/year. Uses three to four cords in bad winter, so would not have > four cords for personal use. Neighbor quality of life is not affected by this business.

Karl Moldenhauer attended May hearing when he brought up issues. He is concerned about separating personal use from for-sale. Condition to keep personal wood from ending up for sale? Only hardwood stored in truck? Not want wood being cut and split on regular basis. Moved here in March for peace and tranquility. Hasn't met Draper, so no personality issues.

Steve Makowski has shared property line since July. Proposal sounds fine after issues were resolved. Maybe more limitations to protect neighbors if business grows. Keep off site. Le Francois noted some permits require annual compliance review; e.g., Long Valley Dog Retreat.

Scott Burns suggested delineating personal from saleable. There is never a need to load wood on property, so consider restriction for protection. Draper indicated he travels with trailer and transfers wood to truck. Burns suggested allowing transfer from trailer to pickup, but not loading stored wood. Permit from USFS for personal woodcutting? *Yes.* Commissioner Roberts warned it is illegal to sell. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Commissioner Bush asked when Draper cuts personal firewood. *Based on work hours for Caltrans, sometimes four 10-hr days when he could cut pinyon. Can't specify exact time.*

Commissioner Thompson suggested checking with Cal Fire on off-site hardwood gathering, as the agency prevents a lot of wood moving. When sell, barter or trade forest products, need limited permit (OK if source is licensed timber operator). Concern about transport of pathogens. Check with Glen Barley. On-street parking allowed? *Yes. CHP does not care if commercial or personal use. Checked with CHP, park on street if allowed. Parking on parcel kicks into County jurisdiction.*

Commissioner Lizza wanted no transfer from trailer to truck on property. Burns suggested no on-site loading. Bush asked how proposal became so volatile. Le Francois noted initial application indicated cut/split/store on site. Draper stated he always intended to get wood elsewhere.

Burns noted original application was more involved. It's not uncommon to propose, then revise. Two issues: 1) Comply with applicable Cal Fire requirements; and 2) With exception of transferring hardwood to pickup, no on-site loading of wood onto pickup truck is permitted.

Bush wanted to state only firewood for sale is hardwood not obtained from national forest with permit. Lizza asked how pine is different from hardwood.

Bush wanted Draper to do what he said he's going to do, not change midstream. Fraud is presenting one thing, coming up with another. Take him at his word

MOTION: Approve Expanded Home Occupation based on staff report, with: wood for sale is only hardwood obtained off site, already cut and split; other wood is for personal use only; comply with Cal Fire requirements; no on-site loading except trailer to pickup. (Bush/Thompson. Ayes: 5-0.)

6. WORKSHOPS:

A. GENERAL PLAN DEVELOPMENT STANDARDS: Gerry Le Francois made changes to wording on graph 3; strikethroughs stay same; p. 35 setbacks from property lines/lease boundaries; p. 37, added language about infrastructure removal as part of reclamation plan. Rest was housekeeping, and chapter is now complete. Tower size? *Mono regulates personal wind generation by Mono County Code. New owner inherits responsibility.* Commissioner Lizza noted it applies only to commercial, not residential. How to draw line between personal and commercial?

Brent Calloway noted three issues: depth-to-width ratio, minimum lot size for public water and sewer; and lot size for on-site sewage treatment.

1) Depth-to-width ratio: If want big house, merge several lots. No push for smaller lots. Medium size: On-site waste treatment. 71' x 211' = smallest size. State law requires no septic within 100' of well. Environmental Health Director Louis Molina wants septic and leach fields close to center of parcel. If ratio is exceeded, need a Variance. Propose to get rid of strict ratios. Long, narrow, irregular lots potentially create conflict with neighbors. Inside communities: 3:1. Outside: 4:1. How does ratio apply to irregular parcel, such as cul-de-sac? *Lot width is measured from setback of building line.*

2) Mixed designation clarification: Exists elsewhere, so must be allowed. Stacey will follow up. Add new graph on parcels with multiple designations.

Use prior to main: Such as garage before house.

Fence height: CBC has raised height from 6' to 7'. Use Permit is needed.

Animal standards: Horse must be separated from house by 50', with 20' setback from your house to your horse.

Regulations: Move regulations into Ch. 04. Guesthouse is inconsistent with accessory units, so in excess of 650 sf requires DR, 1,600 sf needs Use Permit. Guesthouse has no kitchen, for guests only.

Aquaculture: Include aquaculture in definition of agriculture.

Transient Rental Overlay (TRO): Could be spot zoning, so make clear use is permitted within SFR, ER, RR, etc. TRO = GPA, but could build hotel with use permit in commercial area. Rent SFR with DR permit.

Why are manufactured homes excluded from June Lake community? *Old-style trailers, not newer units.*

--- Commissioner Lizza departed at noon ---

Food vendors: Courtney Weiche noted food vendors who get community support can apply for a Director Review (DR). A Use Permit can be downgraded to a DR. Environmental Health has requirements. Ohanas 395, Sierra Smoke Shack (Trout Town Joe as commissary), Texas Chile. Amended Tavish permit to operate this season after no complaints. All three operated with 180-day maximum (i.e., seasonal), which gets around requirements such as paved parking. Food trucks are much less costly to start, some have high-end chefs. Went through all proposed standards and guidelines, made few tweaks. Focus on how to process permits. Want lower level at first, DR, < 180 days, non-controversial. Use Permit if long term, or keep at DR unless controversy or code issues.

Scott Burns noted people want food trucks in current economic situation, but maybe not next to them. DR is straightforward, does not include lots of public input. Discussed in communities with RPACs or businesses? *Yes, at June Lake. People feared "roach coach" at first. Lee Vining business owners expressed concern over not providing bathrooms, etc.. Some jurisdictions limit when and where vendors operate.*

Commissioner Bush **wondered how far this thing could go. Could gas station be replaced by** asked if had "mobile gas station" with tanker truck, not worry about other restrictions? *Environmental Health regulates truck facilities, whereas Planning cares about location.* Where's the limit before we start destroying what we have. Brick/mortar businesses are gone due to Amazon, etc.

Weiche noted Lee Vining liked additional opportunity for people to stop in town and viewed vendors as an attractive feature. All three have offered foods not found in established restaurants. Could be a guideline.

Burns received a call from Tiger Bar after July 4 regarding a successful food truck. Bush suggested communities are defined by hotels, food. Is this a future trend? *Reno has Food Truck Friday. Vegas lets people follow trucks at new sites. Data now shows effect on restaurants. Surveys show providing competition, but not hurting restaurants.* How regulate? *Supportive or more onerous.* How far can go? If preempted from ROW... If Mono requirements are met, could pull up in ROW? *Yes, Ohanas started that way.* Bush predicted if regulated on private property, they'd just go onto the street.

How process and permit food trucks? *Maybe higher level if longer term, but if not known, could keep coming in under DR every year.*

Commissioner Thompson saw a definite trend. Getting ahead of power curve is ideal. A DR is an effective tool, but he wanted applicants doing some ground work, checking neighborhood, etc. In a transient economy, any business helps. If vendor does not fit with land use designation, kick up to Use Permit? Bush thought vendor could live in camper on street, move next day.

Burns suggested a more-formal proposal, discuss right-of-way issues with Stacey Simon.

Bush suggested making it onerous as possible to keep getting permits. Serve alcohol in food trucks? *Need license, which is costly.* Weiche thought maybe year-round is trigger for higher level.

Role of commissary? *Established kitchen to do food prep, sanitizing, cleaning, and restrooms.* Restrooms within 200' for food trucks. Better understanding on writing permit processing criteria. Language on right of way. Restricting from commercial districts. When not in operation, no condition says move vehicle elsewhere after season. Thompson cited a temp setup, so move. Bush asked about limitations on where to park stuff? Opens up lots of issues. Weiche was unsure about moving truck. Burns noted in midst of EIR, so maybe come back once more.

B. REGIONAL TRANSPORTATION PLAN/CIRCULATION ELEMENT: Gerry Le Francois noted RTP is State requirement. Mono also uses the RTP as its Circulation Element, mandate of General Plan law, so document serves dual purpose. Financial element was redone due to longer range for funding. Appendix C: Need to identify project in order to tie into funding source. Caltrans lists short-range projects for future. Various MOUs with other agencies pooled resources for improvements since 1996. Next big project is Olancho-Cartago. Mono has more fix-it type policy for projects. Project ideas come from community members, Caltrans, etc. Bring back regional policy element and community policies. Discussed in Antelope Valley at 14 RPAC meetings. RTP includes Mammoth Lakes section that will be deleted in Circulation Element.

Commissioner Roberts noted some issues: 1) Ch. 2: No "Main Street" in June Lake. Make it lower case. 2) Ch. 3: Accident reports? Dated info. 3) Ch. 4 J: "shuttle" appears six times, seems overused or misused. Shuttle does not refer to size of vehicle, but type of service. Maybe drop word shuttle. Le Francois noted June Lake policies has been around a long time. Changes were made in 2005-06. Hard for CAC to delete things. 4) No mention of YARTS in June Lake policies. YARTS is the only public transportation there.

8. RULES: An applicant faced with only three votes can request continuance at no charge (BOS call). No new application is required, just a continuance. BOS is concerned about the applicant. Commissioner Bush: At a rehearing, how do new commissioners get on board? How replicate public comment? Decide before meeting ever starts, not redo whole hearing. If applicant decides to go, it goes. "Alternatively" sentence is problematic, so delete it.

Burns thought once under way with less than full Commission, say "may" (not shall) be granted upon vote of Commission. Burns recalled Code wording could be read different ways, so Stacey Simon provided legal clarification. Bush cited analogy of asking for a new judge when 90% through trial. Applicant can always appeal decision. Bring back with revised wording.

9. REPORTS:

A. DIRECTOR: No items.

B. COMMISSIONERS: No items.

10. INFORMATIONAL: No items.

11. ADJOURN at 1:27 p.m. to September 11, 2014

Prepared by C.D. Ritter, commission secretary