

MONO COUNTY PLANNING COMMISSION

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SPECIAL MEETING MINUTES

JUNE 9, 2016 (Adopted August 11, 2016)

COMMISSIONERS: Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts (District 2 commission vacant)

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner (via video); Christy Milovich, deputy county counsel; Nick Criss, compliance officer; Garrett Higerd, public works; Paul Roten, public works (via video).

GUESTS: Michael Ursich; Terry Heaton.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called the meeting to order at 10:05 a.m. at the Town/County Conference Room, Minaret Village Mall, Mammoth Lakes, CA, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: None.

3. MEETING MINUTES

MOTION: Adopt minutes of May 12, 2016, as submitted/amended (Bush/Pipersky. Ayes: 4-0.)

4. PUBLIC HEARINGS

A. VARIANCE 16-001/Heaton. The proposal is to allow for future construction of an addition to an existing single-family residence and bridge within the 30' blue-line stream setbacks. Project is located at 25 Granite Ave. in the community of June Lake (APN 001-510-305). Property is 5,000 sf +/- and has a land use designation of Multi-Family Residential High (MFR-H). The project qualifies as a CEQA exemption. *Staff: Courtney Weiche, Associate Planner*

Scott Burns reported Associate Planner Courtney Weiche is departing after eight years of handling numerous controversial projects, serving as primary building permit planner, and covering night meetings. He thanked her for all her efforts and services provided to Planning Commission.

Courtney Weiche outlined the project via videoconference PowerPoint due to later appointment north. She discussed setbacks for yard and stream, and summarized the findings.

Is existing structure compliant with setbacks? *Nonconforming front, but side OK.*

Existing structure appears to be sinking into meadow. Stable? *Looked stable.* Bush thought it was optical illusion. Heaton stated it was built from old USFS cabin, doesn't lean as much as it looks.

Roberts: Very old, rustic small garage historically since a child. Raised, foundation under to level/stabilize. Convert into small studio.

Where does stream flow? Higerd indicated it picks up at corner of property, below Granite Avenue, discharges at basin in Gull Lake Park. Main channel flows between June and Gull lakes through upgraded storm drain system. It's in designated flood plain.

Problems with historic flooding? Higerd recalled significant channel work in early 1980s, current path was set. Upgraded structures, culverts to improve flow of water.

Why no vegetation removal? Wildlife refuge? Higerd mentioned June Lake Streets Project reduced impact. Ditch maintenance. Burns recalled disturbance was not part of project. Different issue. Weiche indicated specific requirements by Public Works.

Roten referenced grading ordinance and flood management. Project will require grading permit, as it's in flow path. If it affected drainage flow, or further requirements would be needed. If affects channel any more, ask developer to resubmit to approving agencies. Public Works requires permits from Army Corps, CDFW, and Lahontan. Base flood elevation was done earlier. No elevation was set, but hydraulic analysis

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Mary Pipersky

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Vacant

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DISTRICT #5
COMMISSIONER
Chris I. Lizza

set one. Grading permit process would control project to not affect channel hydraulics even though short distance from that channel.

OPEN PUBLIC HEARING: Bush noted adjacent house at creek edge also. Any problems? *Heaton said no.*
CLOSE PUBLIC HEARING.

MOTION: Find that project is exempt from CEQA as a Categorical Exemption under CEQA guidelines 15303 & 15305(a) and direct staff to file a Categorical Exemption. Adopt Variance Findings contained in staff report, and approve Variance 16-001 to allow construction of an addition to an existing structure and bridge within required stream setbacks. (Bush/Roberts. Ayes: 4-0.)

B. ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP 35-35/Triad Holmes Associates Profit Sharing Plan. *Staff: Gerry Le Francois, Principal Planner*

Gerry Le Francois described map extension. State has not granted any further extensions through legislation. Project was approved in 2007. EIR was done, so could move forward with project. No modifications to project conditions. Patel never finished it, so Triad/Holmes took back receivership. Maybe one or two more map extensions this year. Some proponents did not follow through, and maps expired.

Commission approved Burcham Flat projects. What happened? Le Francois described them in holding pattern. Economics was just not there to do improvements, so had to get extensions or let map die. Remainder is parcel without conditions.

Higerd described it as a gray area. Is remainder really a fifth lot? Example: Farm on acreage, splitting four one-acre parcels off one side, what's left is the remainder.

Conditions on remainder later? Le Francois stated that if change configuration, would be new map. Final map has to conform to original. Typically, before 2008, these were consent items, but were put on regular agenda, as questions come up. Why 2007 map coming up now? Maps approved for two years, can apply for three one-year extensions.

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

MOTION: Find that project was processed in accordance with Section 15183 of CEQA guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or circumstances under which project will be undertaken, and no new information of substantial importance has been received to warrant further environmental analysis. Approve first one-year extension of Tentative Parcel Map 35-35 to May 10, 2017, subject to prior Conditions of Approval and Mitigation Monitoring Program of May 10, 2017, as shown in staff report. (Bush/Pipersky. Ayes: 4-0.)

--- Break: 10:55 – 11:00 a.m. ---

5. WORKSHOP

A. Transient Rental Overlay Districts (TRODs): Nick Criss described changes to Ch. 25, including changing term Overlay District to Transient Rentals.

Pipersky observed that 25.010 Intent states "no reasonable opposition," but 25.030 on next page says "neighbor support." Should match wording of Intent.

Lizza drafted a detailed Intent clause, citing more reasons than just the demand. Roberts preferred to keep it simple. Pipersky thought it was nice language, but far too broad. Roberts indicated demand was due to the likes of Airbnb. He wanted to make it easy, or people would rent houses anyway.

Criss reminded original concern was that Intent was too broad. Adding workforce housing could be a sticking point. Weiche noted including workforce housing limits possibility to larger homes. People who need support and help likely fit workforce housing.

Definition of workforce housing? Lizza thought housing *traditionally* used as such. No housing exists for new employees in Lee Vining. When applicant comes to Planning Commission, wants to consider workforce housing. No clear line, just case by case. Not remove unit from workforce housing.

If used historically or currently as workforce, what if house were vacant for a year? Criss cited June Lake vacant houses. Set cap percentage for rentals.

Roberts indicated not everyone wants home to be for transient rental; onerous requirements. Some might prefer workforce. Criss thought it more lucrative to rent.

Bush saw reason for change as always financial. Ch. 26 is limiting.

Criss asked, "At what point [is it] not workforce housing anymore?" Lizza stated intent only. Criss asked why rent to workforce if locked in. Lizza saw it as a consideration, not a mandate.

Pipersky questioned allowing it at all. Roberts countered that then people would do it illegally.

Burns opined that locals might rent when away to retain their house. Could limit nights by Use Permit, but how monitor? Bush suggested TOT quarterly to see when rented. Criss wondered if property management collects TOT in lump sum. Airbnb requires 1099 filing, but not VRBO.

Milovich indicated the Town breaks down TOT into number of nights, but not in system if not reported. Unlawful activity goes on. Only solution is to audit, but no staff to do that.

Lizza wanted to give applicants cause to consider these things themselves.

Pipersky asked what's wrong with a petition. Bush stated petition was used repeatedly to stop rentals.

Milovich opined that workforce housing in "Intent" would create confusion or opposition. May create a chilling effect. Need definition. If workforce housing is an issue, address in another chapter.

Bush suggested asking what house has been used for. Burns quoted Housing Element, "Monitor conversion of permanent housing or long-term rental into transient rentals."

Bush thought historic use would determine workforce housing.

Burns noted Use Permit (Type I) has findings, whereas Type II is GPA.

Pipersky saw burden on homeowner, not neighbors. May not know effect till permit is issued. People might not act neighborly.

Criss suggested applicant go to neighbors. Lizza considered show of support a high burden. Roberts recalled applicant garnered neighbor support, yet opposition came from far away. Pipersky thought opposition should come within certain distance from [rental] house.

Lizza contended people want to oppose, not support. Roberts agreed it's harder to find support than opposition. Pipersky preferred a high bar if changing a neighborhood. Lizza thought some might prefer to allow someone to do what they want, neither support nor oppose.

Bush thought if too onerous, might kill legal. Roberts thought neighborhood doesn't change that much where homes are vacant. Bush contended that if you're used to living in quiet place, any disturbance gets noticed. Keep it simple, consider case by case.

Criss noted Type I is Use Permit, which can be revoked; Type II is GPA.

Lizza stated Ch. 26 applies to Types I and II. Criss agreed Ch. 26 is applicable.

Burns stated transient is stricter than regular housing. Take to BOS, then to RPACs when ready, back to Planning Commission for public hearing.

Revised wording of Lizza's proposed Ch. 25 Intent: "In recognition of the growing demand by travelers for alternative lodging. The unpermitted short-term rental uses by property owners to meet this demand, and the difficulties collecting transient occupancy taxes, the Transient Rental designation is intended to provide homeowners with a system that permits them to meet this demand, participate in the sharing economy, and equitably collect local taxes. This designation is intended to protect traditional lodging interests and promote homeowner economic stability. It should be approved only when it promotes community vitality and where adverse impacts that may change the residential characteristics of the neighborhood or the reasonable expectations of adjacent homeowners are minimized."

However, preferred rewording of Ch. 25.010 Intent is: "In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit transient rentals within residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected."

6. REPORTS:

A. DIRECTOR: Maybe skip July 14 meeting, as no public hearings.

B. COMMISSIONERS: No items.

7. INFORMATIONAL: No items.

8. ADJOURN at 12:01 p.m.

Prepared by CD Ritter, PC secretary

