

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

SPECIAL MEETING MINUTES

June 20, 2019
(Adopted July 30, 2019)

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

STAFF: Wendy Sugimura, director; Gerry Le Francois, principal planner; Kelly Karl, assistant planner; Michael Draper, planning analyst; Walt Lehmann & Sean Robison, public works (arrived 10:20); Christy Milovich, deputy county counsel (arrived 10:25); CD Ritter, PC secretary

PUBLIC: Sandra Bauer, Dr. Jim Paulus, Dennis Domaille, Lisa Cutting, Brian Herman

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Scott Bush called the meeting to order at 10:00 a.m. at the Town/County Conference Room in Mammoth Lakes, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: None

3. MEETING MINUTES

MOTION: Adopt minutes of May 16, 2019, as submitted (*Lizza/Roberts. Ayes: 5-0.*)

4. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 18-014/BASK Ventures Inc.: Proposal for indoor cultivation of cannabis on an Industrial (I) parcel located at 474 Industrial Circle, in the Sierra Business Park across from Mammoth Yosemite Airport (APN 037-260-004). Cultivation will occur in a 21,858-square foot indoor facility designed to incorporate up to 10,000 square feet of flowering canopy. A CEQA 15183 exemption is proposed. *Staff: Kelly Karl*

Kelly Karl reviewed details of project. Environmental review showed no adverse impacts.

Findings? *Karl: Shown under table in staff report.*

LDTAC comments? *Karl: Input incorporated.*

How enforce employee number? *Sugimura: Under operations permit check all conditions, operator to keep register of employees.*

Robertson: Footprint taken up by building. Caretaker unit within existing structure? *Sugimura: Not know, fit within existing. Limited number of caretaker units in SBP (Sierra Business Park).*

SBP input? *Karl: Came to LDTAC, wanted design standards followed.*

Wholesale? *Karl: Cultivation.*

OPEN PUBLIC COMMENT: Brian Herman, proponent with three lifelong friends. Way for year-round employment in Mammoth and provide employment to community. Start small as owner/operator. See how industry plays out, stay dynamic, take it slow. Add internal rooms later. Sell to licensed distributor. Consider self-distribution later. Majority distribution to Southern California. None set up yet.

Commodities market? How determine price? *Herman: Indoor highest quality, higher prices. Set mostly between distributor and wholesaler. Market shifted from black to gray. Could raise prices if people forced out of black market.*

Black market to avoid taxes? *Herman: Culture of rebellion against being told what they can do. Takes time for industry to come around. Education important. Black market has pesticides, undercutting legal market now.*

Purchased? *Herman: Yes.*

*Sugimura: Self-distributor would need another State license. **CLOSE PUBLIC COMMENT.***

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

DISCUSSION: Lagomarsini: Perfect location, not near anyone. Bush: Like Colorado, out of sight.

MOTION: Find that project qualifies as an exemption under CEQA guidelines 15183 and instruct staff to file a Notice of Determination; make the required findings in the staff report; and approve Use Permit 18-014 subject to Conditions of Approval (*Roberts/Lagomarsini. Ayes: 5-0.*)

--- Break: 10:45 – 10:52 a.m. ---

5. WORKSHOP

A. TIOGA INN SPECIFIC PLAN: Amendment and Subsequent Environmental Impact Report (SEIR). Proposed addition of 150 new workforce housing bedrooms in up to 100 units, third gas pump island and overhead canopy, parking, package wastewater treatment system, replacement water tank, 30,000-gallon propane tank, and modifications to the boundaries and land use designations in the existing Specific Plan, which also allows for a hotel and restaurant; no changes are proposed to the hotel and restaurant components. The public comment period for the SEIR opens no later than June 14 and closes on August 13, 2019. *Sandra Bauer, consultant*

Lizza: Not really have conflict but personal relationship with family, financial benefit if business goes in. Not real comfortable. If recuse at decision level, maybe not be in workshop?

Bush: Could happen in his area. Contractual involvement? Services to Mono Market? If anyone builds up community, everyone wants it to go through. No contractual or monetary, then no more conflict than anyone else.

Milovich: Not now size and scope of project means need to make sure. Will ask FCC (Federal Communications Commission). Workshop OK but decision maybe not. If conflict exists, can't have any input. For now, just listen. She'll get better answer.

Bush would like to see everyone verbalize. Workshop is sharing ideas, thoughts. Kills a lot of people who know most about it can't speak.

Sugimura: Not many public participants but staff and consultants present. If not have workshop, cumbersome. Public hearing prior to approval decision. Opportunity to provide information, no decision making. Lizza could participate later. Nothing about project changes except response to comments.

Bush: Just because you know somebody...

Milovich: California regulations very clear on conflict. Maybe 15-min break to see if get answer. Initial thought that OK to listen at this workshop. Draw line at participating in meaningful way. Exchange of information not an issue.

--- Break for research with FCC: 11:05 – 11:20 a.m. ---

Milovich: Lizza can listen now but not offer opinions.

Gerry Le Francois presented background. SP (Specific Plan) divided larger property into four parcels. One of first projects that provided on-site housing; proponent saw need. Open-space components. Several amendments. Phasing was allowed. Visitation so huge had to upgrade restrooms. Cell tower component to PC, additional DRs (Director Reviews) to expand kitchen. Deli just really took off. Piecemeal amendments over time. October 2016 scoping notice, public meeting in Lee Vining on expansion. Biggest change: On-site workforce housing of 150 bedrooms, park/ride option, add to gas station, wastewater treatment plant, 30,000-gallon propane tank, modifying components. SPs are subset of General Plan.

Consultant Sandra Bauer prepared EIR (Environmental Impact Report) along with Dr. Jim Paulus, also present. Sizable document released last Friday. Updated project changes. More than 30 comments modified project; e.g., workforce housing increased from 80 to 100 units; resident storage area; daycare facilities; modifications to hotel and restaurant dropped; hilltop access with lower gradient; and third gas pump. Discretionary actions were outlined. Possible traffic signal at 395. Bush protested that 395 goes 100 miles without stoplight.

Sugimura: Caltrans study will have recommendations. Grant is State level, not federal. Six measures under other agencies.

Bauer: Significant concern about deer, unsafe pedestrian/cycling actions. Unmitigated impacts: mudflow; wildlife movement; impacts on police services; traffic impacts at junction; impacts to scenic resources; and impacts of light and glare. Extended public review due to scope of project. Back to PC in October or November, possible decision at end of 2019.

Lee Vining income vs Mono? Mean vs median income? *Bauer: Looked at Census Bureau data, didn't find comparable.*

Robertson: Hard to find specific data on unincorporated. How applicant came up with on-site daycare? *Domaille: Young families with kids, parents can work. Get licensed. Open to community. Employees with kids live in community.*

Robertson: Workforce housing component, term "affordable" used. National standard 30% of income on housing. People are spending up to 50% on housing.

Bauer: Nothing on rent control. Rent would be affordable to on-site workers. If grant successful, maybe rent control component.

Robertson: 2016 comments on affordability of units. Community really needs it. Market rate not necessarily affordable.

Domaille: Needs employees, who need houses. Either pay more, charge more or pay less, charge less. History of rentals there managed to work it out. Not want to build units that sit empty. Not housing for homeless or people who don't work.

Robertson: Market study on how many units could absorb over time. Build all at once? *Domaille: If built today, would rent today.*

Lagomarsini: Existing 2BD/3BD units at \$1,200 to \$1,500. Two are employees. Flexibility of units? Convert 2BD to two studios? *Bauer: Not as workable as concept would suggest. Domaille: Moving walls around gets into issue of utilities.*

Robertson: You own/operate units, criteria of eligibility. Will County staff review? *Domaille: People living there will have jobs (stated in SP). Not for backpackers, campers in summer.*

Bauer: Not limited to employees on site. Yosemite employees also candidates. Not to seniors.

New owner subject to same requirement? *Domaille: New owner would have same issue of place for employees to live.*

Lagomarsini: Build hotel, sell to Best Western or other? *Domaille: May not want to be in business but need housing*

Restrictions travel with land? *Bauer: Yes, approval of changes proposed.*

Roberts: Absent rent control restrictions, market rate different if restricted to employees only? *Domaille: May be lower. Has one invaluable employee who pays no rent.*

Roberts: Restricting to employees should lead to fair rate.

Bauer: Not for vacationing public, retirees.

Employee requirement in EIR? *Bauer: To Sugimura. Still a draft so could strengthen. A lot to read.*

Traffic loop one-way? *Bauer: Two-way. Formal easement from Edison for secondary access. LADWP access used, no chance would formalize as secondary access.*

Lagomarsini: Traffic pattern seems like big mess. *Bauer: Transit stop hard to see traveling down 120. Maybe relocate. Caltrans could set clearer signage to avoid free-for-all.*

Multi-use path connecting to Lee Vining? *Bauer: Complex undertaking. Work on grant with Caltrans.*

Deer crossing? *Paulus: No fencing now. Funnel deer toward riparian corridor, a la Mammoth Creek. Undercrossing with darkness, not homeless camp. Idaho and Wyoming use big ramps across highways. CDFW chooses undercrossing along stream. Deer have no concern for operating power plants.*

Bauer: Safe cycling and deer underpass part of grant element. Important aspect.

Le Francois noted Walt Lehmann's last PC meeting. Has been invaluable to CDD staff on maps and larger projects.

6. REPORTS

A. DIRECTOR: 1) John Head: Measured distance to stream, field adjustments, preparing revised site plan; 2) Pumped Storage: Reservoir in Whites. Previous comments still stand. Staff will revise. FERC will see if application is complete; 3) Walker River Farms: To BOS July 2; 4) Tioga Green: On-site well adequate, LAFCO not needed, to BOS July 9, notice to MB RPAC because much sooner than expected; 5) Housing Element: Bentley Regehr submitted to HCD (Housing & Community Development), revised, await formal comments, to PC in July, approved document by mid-August; 6) Upcoming: Cannabis (2), SP amendment, Director Review, Lot Line Adjustments, Mergers.

B. COMMISSIONERS: Lizza: Local opposition to Tioga Green in Lee Vining expressed at BOS and to proposed new California fisheries regulation changes that do not really fit. Tioga Pass limited opening tomorrow. **Robertson:** Wednesday hearing on The Parcel for workforce housing. **Roberts:** June Lake's getting busy. **Bush:** Road construction soon. **Lagomarsini:** Friend waited an hour outside Gardnerville, not happy.

7. INFORMATIONAL: No items

8. ADJOURN at 12:13 pm to regular meeting July 18, 2019

Prepared by CD Ritter, PC secretary