

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
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commdev@mono.ca.gov

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## AGENDA

November 21, 2019 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

**\*Videoconference:** Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

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Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's Pizzeria). Agenda packets are also posted online at [www.monocounty.ca.gov](http://www.monocounty.ca.gov) / boards & commissions / planning commission. For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

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*\*Agenda sequence (see note following agenda).*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda

**3. MEETING MINUTES:** Review and adopt minutes of October 17, 2019 – *p. 1*

**4. PUBLIC HEARING**

**10:05 A.M.**

**A. GENERAL PLAN AMENDMENT 19-04/Cleanup.** The following technical changes to the Land Use Element are proposed as part of the annual General Plan update: 1) Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied & Not Owner-Occupied in Countywide Land Use Policies and June Lake Area Land Use Policies; 2) Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rental; 3) Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations; 4) Clarify transient rental uses permitted in Commercial Lodging land use designations; 5) In Multi-Family Residential, eliminate short-term rentals from the list of uses permitted subject to use permit for "MFR-L only" and correct list of existing nonconforming MFR complexes; 6) In Chapter 4, update typographical errors to setback standards in Table 04.120 Minimum Yards, add the Mixed Use (MU) designation to the list of designations that allow the placement of manufactured homes in conventional SFR, and add a new policy defining "inactive projects." A technical change to the Cultural Resources section of the Conservation/Open Space Element is also proposed in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities. An Addendum in compliance with the California Environmental Quality Act (CEQA) is proposed for the project. *Staff: Kelly Karl – p. 6*

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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

**10:25 A.M.**

**B. MODIFICATION OF CONDITIONAL USE PERMIT 19-008/Shanti Co.** Proposal to add commercial cannabis distribution to a use permit previously approved on Oct. 17, 2019, for commercial cannabis cultivation on a 20-acre Agriculture (AG) parcel located at 100 N Bodie Hills Dr. in the Mono Basin (APN 013-210-024). The permitted cultivation includes up to 50 commercial cannabis plants located on a 5,000-square foot disturbance area which will replace an existing medical cannabis grow in the same location, and the proposed modification adds the distribution activity. A CEQA 15301 exemption is proposed. *Staff: Bentley Regehr – p. 24*

**5. ACTION ITEM**

**10:45 A.M.**

**COMMISSION INTERPRETATION:** Interpretation of outdoor industrial storage as a similar to and not more obnoxious than the uses currently permitted in the Sierra Business Park Specific Plan. *Staff: Kelly Karl – p. 41*

**6. WORKSHOP:** None

**7. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**8. INFORMATIONAL**

**9. ADJOURN** to regular meeting December 19, 2019

**\*NOTE:** Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USC 12132, 28CFR 35.130).

\*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

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Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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## DRAFT MINUTES

October 17, 2019

**COMMISSIONERS:** Scott Bush (absent), Roberta Lagomarsini (via video in Mammoth Lakes), Chris I. Lizza, Dan Roberts & Patricia Robertson

**STAFF:** Wendy Sugimura, director; Gerry Le Francois, principal planner (via video in Mammoth Lakes); Jake Suppa, compliance analyst; Hailey Lang, planning analyst; Christy Milovich, assistant county counsel (via video in Mammoth Lakes); Michael Draper, planning analyst (via video in Mammoth Lakes); CD Ritter, PC secretary

**PUBLIC:** Scott Moore, Jeni Pearsons, CJ Haramis, Kerry Roeser, Avery Gilleland

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-Chair Roberta Lagomarsini called the meeting to order via video from Mammoth Lakes at 10:03 a.m., and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

### 3. MEETING MINUTES

***MOTION:*** Adopt minutes of September 19, 2019, as submitted (*Roberts/Robertson. Roll-call vote: Ayes: Robertson, Roberts, Lagomarsini, Lizza (items 1-7 before recusal). Absent: Bush.*)

### 4. PUBLIC HEARING

**A. CONDITIONAL USE PERMIT 18-018/Colitas Farms:** Proposal for cultivation, processing, and manufacturing of cannabis on an Agriculture (AG-10) parcel located at 324 North River Lane in Walker (APN 002-460-015). The proposed project includes: two 10,000 square foot (sf) greenhouses with cannabis canopy area not to exceed 20,000 sf at full build-out; one immature plant greenhouse (1,500 sf); one diffused light clone greenhouse (1,500 sf); two oil extraction, drying, and processing sheds (720 sf each, approximately 180 sf for drying, 348 sf for processing, and 192 sf for oil extraction); one manufactured home (693 square feet); one apartment barn (2,592 sf total with 1,000 sf of living space); two lavender cultivation areas (43,560 sf and 4,560 sf) and lavender oil extraction at full build-out; landscaping trees around the perimeter of the property; 14 parking spaces; and a one-way road with two access points. A CEQA 15183 exemption is proposed.

Commissioner Lagomarsini passed the gavel to Commissioner Lizza.

Hailey Lang explained to applicants one less member of PC but wanted to proceed. Lang introduced the project, provided additional materials, and gave potential PC options. An Initial Study found no significant impacts peculiar to cannabis project or parcel.

Lizza: Existing barbed wire around perimeter. Former use? *Lang: Dilapidated trailer.*

Business store front? *No.*

Road use by residents? *Yes, not within County's road system.*

**OPEN PUBLIC COMMENT: Avery Gilleland,** across from property, owns business in Walker. Can't believe it's even being considered. Thousands of acres that could be used. 1) Impact on residents: Nobody considered home value a year later. Less than one-lane road in places, in horrendous condition. Dangerous entrance curve. Needs upgrade. Kids 8-10 ride road constantly. 2) Water issue: Neighbor's well just went dry. His well dries at times. Traffic increase, people increase. How expect residents to just lie down and

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accept this on front doorsteps? 3) Allergic to lavender. Many residents not here today. Cannot even believe PC would consider at all in this area.

**Kerry Roeser**, resident on N River Lane since 1974. Chose Eastern Sierra for peace, tranquillity, small communities, rural. Aging parents fighting environmental fights in Mono County. Adamantly opposed. Commercial AG business on small 20-acre plot with three open ditches (pollution concern). More AG-zoned land in Valley. Intended for vegetable gardening, not impacting neighbors. Lowering water table. Visual impact not in keeping with residential area and small farm. Earlier North River Lane petition had 50 names, multiple concerns. No outreach from owners. Estimated financial gain more important than quality of life for vacationing public and future residents?

Ditches? *Roeser: Ditches travel all across valley, stock water. Wildlife use ditches. Has been archeological site.*

Certain concerns not addressed? *Roeser: Address all concerns. Very personal fight for what believe in.*

Gilleland: Sheriff response time 35 min to 1 hour 20 mins. Something to consider.

**CJ Haramis**, on N River Lane, last property at end of street. Env, traffic, changes to way of life threat. Property abuts Tilth Farms two seasons of grow. Strong smell. 800-900' from grow. Why lavender if high-pressure misting system. Smell will emanate, how bad will it be? Requested outreach from Supervisor Peters, heard nothing at all. Uncomfortable with community, doing something in own back yard. No philosophical or political views against cannabis, their hood not right place. Antelope Valley one of most geographic and environmentally beautiful places. Every community is special to residents. Operation right up against neighborhood. Giant parcels exist that don't abut residences. Show seriously considering how manage this industry, how it affects residents.

**Scott Moore**, new to community since April. Set roots for kids. Walker Coffee Co. Concern for kids and property value. What chemical used in process? Not believe in this project.

**Jeni Pearsons** of Colitas Farms moved here to be farmers. One of few crops that can exist on 20 acres. Working to create rural community lifestyle, positive for own lives. First had Christmas trees and blueberries, but not enough land. General Plan specifically supports ag. Quiet, real, connected to ground. Clean water in ditches. Commit to work hard to contribute positively to community, preserve rural quality. Creating small farm does that. Not want to change. Thought doing correct process. Vastly changed plan after seeing petition. Addressed odor, changed setbacks to not be up against fence. Land has been unused, so any use would change what's there. Meeting water board tomorrow, not cross ditches. Grow in greenhouses so no significant chemical runoff. Housing of interest to county. Mitigate unwanted things. Smaller road, separate exit so not impact others. Make road safe, comfortable. No kids any more than liquor store, just want small farm. Want to do this correctly.

Roberts: Water courses. Develop on small parcel? *Pearsons: Much smaller than 20 acres, disturb only 9.7 acres of what's available.*

Commercial use for lavender? *Pearsons: Extract for soaps, scented item. Did not know of allergy. Pungent.*

Live on property? *Pearsons: Keep jobs, ultimately live there. Person living on site.*

Roeser: Comment on lavender. Grows it at house, not fragrant unless you love it. Brushy plant, not very tall despite constant watering. **CLOSE PUBLIC COMMENT.**

Robertson: Letter from Lahontan in EIR docs, technical reports required. Submitted? *Sugimura: Require Lahontan sign-off, submitted directly to them. Accepting Lahontan letters as signed off.*

Compatibility of land uses on N River Lane? *Sugimura: Don't see agricultural (ag) close to residential. In developing cannabis regulations, no mention of buffer around parcel. Other ag uses, regarding nuisances associated with ag properties, could be associated with any other ag uses already permitted, protected by Right to Farm ordinance. Right to Farm does not apply to cannabis. Residents living adjacent to ag properties know of nuisances, choose to live there anyway. Did not structure cannabis that way. Require use permit to allow public comment. Comments about wells: Not utilize groundwater. Pump water from surface water not groundwater.*

**REOPEN PUBLIC COMMENT: Harimas:** Tilth says cannot use surface water for cannabis crop.

Sugimura: If State regulates, defer to that. A lot of State issues fall outside Mono's ability to track. Not enforce all regulations. **CLOSE PUBLIC COMMENT.**

Lagomarsini: Concerned about road... Paved? Wider? Dust issue for Great Basin Air Quality? Do people want it improved? *Lang: Private road, no County standards put forth. Residents put grindings on it. Width not standard.*

Sugimura: Analysis from environmental level: Anything unique to this project compared to something allowed outright? Nothing unique to cannabis that exacerbates. Could conditions be imposed on applicant? Well water will be used for cannabis. Irrigation to lavender and trees by surface water.

**REOPEN PUBLIC COMMENT: Guilleland:** Road is private, non-maintained, fence lines to side of road. Can't widen due to fences. Numerous problems but no sheriff except DUIs. No law on that road. Sheriff can't enforce. **CLOSE PUBLIC COMMENT.**

Sugimura: Agriculture (ag) parcel surrounded on three sides by other ag parcels. PC makes findings, another hearing at BOS for more-political concerns. At issue is detrimental use to surrounding property.

Robertson: Written use is ag but disappointed in lack of public involvement. Lots of adjacent residential concerns.

Roberts: Feel for opponents, emotions involved. Proponent wants to start small farm with cannabis crop. Despite contention that crop is not a problem, it is. Not going to affect property values. Friend visited lavender farm in Lone Pine. Asset to community. Land use offers no reason not to go forward.

Robertson: Cond. 1: Project conditions too vague? Something more specific, including site plan.

Sugimura: Application follows General Plan on project description. More customer service to let applicant and public know what is of concern. Can modify project conditions of approval.

Where is requirement to comply with regional water board? *Sugimura: Under Cond. 3 "State licensing and approvals." Rely on State to enforce its own regulations.*

Lagomarsini: Concerned with residential character of neighborhood. Encouraged residents to attend BOS hearing. Nothing across street all these years. Could be pig farm or something else obnoxious.

**MOTION:** Find that project qualifies as an Exemption under CEQA guideline 15183 and instruct staff to file Notice of Determination; make required findings as contained in project staff report; and approve Use Permit 18-018 subject to Conditions of Approval as amended: Cond. 1: All development shall meet requirements of the Mono County General Plan, Mono County Code, and **these** project conditions. Cond. 3: ...appropriate state licensing **and approvals** prior to commencing operation.  
(*Roberts/Lagomarsini. Roll call vote: Ayes: Robertson, Roberts, Lizza, Lagomarsini. Absent: Bush.*)

**B. CONDITIONAL USE PERMIT 19-008/Shanti Co.:** Proposal for commercial cannabis cultivation on a 20-acre Agriculture (AG) parcel located at 100 N Bodie Hills Drive in the Mono Basin (APN 013-210-024). The proposal is for up to 50 commercial cannabis plants located on a 5,000-sf disturbance area that will replace an existing medical cannabis grow in the same location. A CEQA 15301 exemption is proposed.

Bentley Regehr introduced project and distributed larger site plan. Adult recreational grow replaces medical grow. A number of existing uses on property. Must comply with Ch. 13: Cannabis specifications. No signage proposed. Only natural lighting. Needs Operation Permit through BOS. If expand or modify, return for Use Permit Modification.

Robertson: Medical grow of 99 replaced with 50 recreational.

Approve medical grows? *No, not discretionary.*

Lizza: Visual screening seems wishy-washy.

**OPEN PUBLIC COMMENT:** Jake Suppa, proponent, described Shanti Co. as sole proprietorship, into LLC later. Grew up in area, working toward this moment for economic, environmental, and social benefits. Support from neighborhood of RR (Rural Residential) lots. No direct view from public right of way. Signatures of support from June Lake and Lee Vining.

Lizza: Suppa is Mono County employee. Concern is visual screening, kids near cannabis. What segregates guests from grow? *Entry to yurts not near grow site, not visible. No interaction of guests with product. Creating farm on limited acreage while working full-time job. Opportunity to continue living here, supporting family. Assumptions don't necessarily meet with reality. Visuals: Hard pressed to differentiate various crops.*

Switch from medical? *Better genetics, fewer plants.* **CLOSE PUBLIC COMMENT.**

Actually 99 plants now? *About 50% are male plants, likely down to 50. Two state licenses: medical and adult recreational.*

Robertson: Change conditions wording: *these* project conditions, appropriate state licensing *and approvals*.

***MOTION:*** Find that the project qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination; make the required findings as contained in the project staff report; and approve Use Permit 19-008 subject to Conditions of Approval as amended: Cond. 1: All development shall meet requirements of the Mono County General Plan, Mono County Code, and **these** project conditions. Cond. 3: ...appropriate state licensing **and approvals** prior to commencing operation. *(Robertson/Lagomarsini. Roll-call vote: Ayes: Robertson, Roberts, Lagomarsini, Lizza. Absent: Bush.)*

**C. GENERAL PLAN AMENDMENT 19-03/Housing Element Update.** The Housing Element is a required element of the General Plan and provides an analysis of the county's housing needs for all income levels and strategies to meet those needs. It is subject to detailed statutory requirements regarding content and must be updated on an eight-year cycle, meaning the proposed element would apply until 2027. The Housing Element contains three sections: 1) Goals and Policies, which identifies programs that promote the production of housing; 2) Technical Appendix, which provides background information, including demographics and a detailed site inventory; and 3) Progress Report providing updates on programs from the prior Housing Element. The Housing Element Update was originally recommended for approval by the Planning Commission as part of GPA 19-02 at the July 30, 2019, meeting. The California Department of Housing and Community Development (HCD) has since provided feedback that required corrections and a re-adoption of the Housing Element. These corrections include the monitoring of four unit complexes to determine if permitting procedures are a constraint on housing production and the addition of a program aimed at creating written procedures for providing reasonable accommodation for persons with disabilities.

Bentley Regehr noted minor edits from HCD: 1) Prog. 1.6: Was more than four units, now just four. More than four falls under different definition; i.e., multifamily unit. 2) Program 4.9 is a newly added program. It requires the adoption of written procedures for reasonable accommodation, consistent with State law. Currently, a Certified Access Specialist on staff works with individual applicants upon submittals, but the County does not have written procedures.

**OPEN PUBLIC COMMENT:** None. **CLOSE PUBLIC COMMENT.**

Robertson: Thanks to staff on Housing Element, exciting programs and opportunities for future housing.

***MOTION:*** Adopt Resolution R19-03 making the required findings and recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-03. *(Lagomarsini/Robertson. Roll-call vote: Ayes: Roberts, Lagomarsini, Lizza, Robertson. Absent: Bush.)*

## 5. WORKSHOP

**A. REGIONAL TRANSPORTATION PLAN (RTP) UPDATE** *(Continued from Sept. 19, 2019):* Presentation and request for input on the update to the RTP, which also serves as the General Plan Circulation Element.

Hailey Lang indicated the RTP is a 20-yr document with technical updates. Stays within CEQA addendum, so just an amendment. Nine objectives for public involvement. Add language that LTC supports wildlife action plan with fire-safe communities a part of document. Quantifiable performance measures were updated. Levels of Service to vehicle miles traveled to measure GHG (greenhouse gas) for better overall view of traffic patterns, congestion, etc. Financial Element updated. Map updates: wildlife collisions.

Timeline for adoption? More public input? *Lang: Adopted by December 2019, public comment accepted. RTP serves as Circulation Element of General Plan.*

Sugimura: Lang is making RPAC rounds for input.

Annual updates? *Sugimura: RTP going to four years to align with Housing Element every eight. RTIP (Regional Transportation Improvement Program) every two years.*

Le Francois: Mono has five-year capital improvement program for roads. New RTIP funding, see what's available from State. SB1 fees available. Public Works proposes projects. Mammoth Lakes Recreation grant for down-canyon trail. Projects come through LTC (Local Transportation Commission). Other government agencies are driving projects.

Lizza: Mono redid guard rails on Virginia Lakes road, new non-reflective tone adjustment on Conway Summit.

Le Francois: Credit goes to Garrett Higerd and former Supervisor Larry Johnston. Cost difference a concern, wear ability too. Caltrans at state level tested it, outgrowth of that.

Robertson: Ride-sharing programs, subsidizing shuttles for special events or employment to reduce vehicle miles? Locating housing close to job centers? Policies around incorporating private roads to improve for safety and quality of life? Priority roads? *Lang: New performance measure is housing linkage. Ride-sharing policies more ESTA-regulated.*

Le Francois: Unmet transit needs. Town, Mono, ESTA will meet on town transit needs and second transit needs process. LTC wanted breakout. Town has sales tax measures, spends \$300,000 a year on transit; that's why it's free. ESTA has hard time getting drivers. Add medical trips to Reno.

Robertson: Irony that transit can't find drivers due to lack of affordable housing.

Lang: Incorporate private roads to increase safety. Nothing specific programmed.

Le Francois: When Mono approves new land divisions, zone of benefit is needed to maintain roads and set up funding mechanism to do so. Look to property owners to tax themselves. Clark Tract went to third round to form zone of benefit.

Funding through RTP? *Le Francois: Will check. Maybe explore improving roads for health and safety on private roads in certain neighborhoods. Rationale typically for higher densities with multifamily of water/sewer and land availability. Transit services there as well.*

## 6. REPORTS

**A. DIRECTOR: 1) DRs:** Valero gas station lighting/signage; cargo container in Evans Tract as accessory use prior to main; Mono City same. **DRs soon:** Marzano mining plan extension; modified parking/snow storage for BROCC. **2) Use permits:** Cannabis and Operations Permit (two annual renewals approved). Six STRs approved, two still not in compliance with conditions, on final deadlines. If not approved, appeal denial to BOS for revision of conditions. **3) Head housing project:** Satisfied PC requirements on snow storage and waste management, awaiting June Lake PUD will-serve letter. **4) Tioga Inn:** Reviewing comments. **5) Housing Mitigation Ordinance:** Considered by BOS. **6) Three GPAs:** cannabis in Tri-Valley; cleanup item; Safety Element triggered by other updates. **7) Specific Plan revisions:** Tioga Inn and June Lake Highlands. Note: PC meetings driven by how quickly staff can process.

**B. COMMISSIONERS: Roberts:** CCPCA annual event in Chico next weekend. Centered around fire safety, review of Camp Fire. June Lake Head project clearing land. Into Lee Vining saw Tioga Green there instead of abandoned building. **Robertson:** BOS re Housing Mitigation Ordinance, great comments and feedback, awaits draft ordinance. Town Council held public meeting Oct. 9 on land use plan alternative on The Parcel, good input on number of units (400-450, with up to four stories or more). Next meeting Dec. 11. RFQ out, due in early December.

**7. INFORMATIONAL:** No items

**8. ADJOURN** at 12:31 pm to regular meeting November 21, 2019

*Prepared by CD Ritter, PC clerk*

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**Mono County  
Community Development Department**

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November 21, 2019

To: Mono County Planning Commission  
From: Kelly Karl, Assistant Planner  
Re: General Plan Amendment 19-04: Cleanup

**RECOMMENDATION**

1. Conduct a public hearing on GPA 19-04, the associated Addendum to the General Plan Environmental Impact Report, and receive any additional public comments;
2. Deliberate the project and additional public comments, and make any desired modifications; and
3. Following the public hearing and project deliberations, adopt Resolution R19-04 recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-04.

**FISCAL IMPACT**

No fiscal impact expected from the minor technical changes to the General Plan.

**ATTACHMENTS**

- A. Notice of Public Hearing
- B. GPA 19-04 Addendum
- C. Proposed General Plan Amendment 19-04 – redline version
- D. Resolution R19-04 recommending the Board of Supervisors adopt GPA 19-04

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**GPA 19-04: CLEANUP**

**BACKGROUND**

General Plan Amendment (GPA) 19-04 proposes modifications to the Land Use Element and Conservation/Open Space Element. The proposed GPA corrects existing inconsistencies in both Countywide and June Lake Area land use policies due to terminology changes in short-term rental regulations that were adopted earlier this year, addresses direction from the Board to eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rentals, provides minor clarifications, and corrects typographical errors.

The proposed amendment was presented to the Regional Planning Advisory Committees, including Antelope Valley, Bridgeport, Mono Basin, and June Lake. No opposition was expressed.



## **DISCUSSION**

The amendment proposes minor technical changes as part of the annual cleanup of the General Plan for Planning Commission consideration. The following is a summary of the proposed technical corrections and clarifications to the Land Use Element and Conservation/Open Space Element proposed as part of this amendment with the full redline text provided in Attachment C:

### Countywide Land Use Policies

- Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied or Not Owner-Occupied.

### June Lake Area Land Use Policies

- Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied or Not Owner-Occupied.

### Chapter 25 – Short-Term Rentals

- Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rentals.

### Residential Land Use Designations

- Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations.

### Commercial Lodging

- Clarify transient rental uses permitted in Commercial Lodging land use designations.

### Multi-Family Residential

- Eliminate short-term rentals from MFR-L only Uses Permitted Subject to Use Permit.
- Exclude three complexes on Commercial Lodging designations (Aspen Meadows, Hideaway Down Canyon, & Birch Creek) that were erroneously included as part of the MFR complexes list allowing transient rentals.

### Chapter 4 - General

- Update typographical errors to setback standards in Table 04.120 Minimum Yards;
- Add the Mixed Use (MU) designation to the list of designations that outright allow the placement of manufactured homes in conventional SFR, which was previously subject to a Director Review permit; and
- Add a new policy defining “inactive projects.”

### Conservation/Open Space Element: Cultural Resources

- Add a technical change to the Cultural Resources section in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities.

This staff report has been reviewed by the Community Development Director.

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Date: November 4, 2019

To: The Sheet

From: CD Ritter

Re: Legal Notice for the **November 9** issue.

Format: **Please publish this General Plan Amendment as a minimum 1/8-page legal notice as required**

Invoice: Cara Isaac, PO Box 347, Mammoth Lakes, CA 93546

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **Nov. 21, 2019**, in the Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following: **10:05 a.m. GENERAL PLAN AMENDMENT 19-04/Cleanup**. The following technical changes to the Land Use Element are proposed as part of the annual General Plan update: 1) Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied & Not Owner-Occupied in Countywide Land Use Policies and June Lake Area Land Use Policies; 2) Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rental; 3) Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations; 4) Clarify transient rental uses permitted in Commercial Lodging land use designations; 5) In Multi-Family Residential, eliminate short-term rentals from the list of uses permitted subject to use permit for “MFR-L only” and correct list of existing nonconforming MFR complexes; 6) In Chapter 4, update typographical errors to setback standards in Table 04.120 Minimum Yards, add the Mixed Use (MU) designation to the list of designations that allow the placement of manufactured homes in conventional SFR, and add a new policy defining “inactive projects.” A technical change to the Cultural Resources section of the Conservation/Open Space Element is also proposed in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities. An Addendum in compliance with the California Environmental Quality Act (CEQA) is proposed for the project. Project materials are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Secretary to the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

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Date: November 4, 2019

To: Mammoth Times

From: CD Ritter

Re: Legal Notice for the **November 7** issue.

Format: **Please publish this General Plan Amendment as a minimum 1/8-page legal notice as required**

Invoice: Cara Isaac, PO Box 347, Mammoth Lakes, CA 93546

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **Nov. 21, 2019**, in the Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following: **10:05 a.m. GENERAL PLAN AMENDMENT 19-04/Cleanup**. The following technical changes to the Land Use Element are proposed as part of the annual General Plan update: 1) Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied & Not Owner-Occupied in Countywide Land Use Policies and June Lake Area Land Use Policies; 2) Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rental; 3) Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations; 4) Clarify transient rental uses permitted in Commercial Lodging land use designations; 5) In Multi-Family Residential, eliminate short-term rentals from the list of uses permitted subject to use permit for “MFR-L only” and correct list of existing nonconforming MFR complexes; 6) In Chapter 4, update typographical errors to setback standards in Table 04.120 Minimum Yards, add the Mixed Use (MU) designation to the list of designations that allow the placement of manufactured homes in conventional SFR, and add a new policy defining “inactive projects.” A technical change to the Cultural Resources section of the Conservation/Open Space Element is also proposed in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities. An Addendum in compliance with the California Environmental Quality Act (CEQA) is proposed for the project. Project materials are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Secretary to the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

# **2019 Mono County General Plan Cleanup**

## **Environmental Impact Report (EIR) Addendum**

**November 2019**

**Mono County Community Development Department**



## I. INTRODUCTION

The proposed project is General Plan Amendment (GPA) 19-04, which consists of minor technical changes and additions to the Land Use Element and Conservation/Open Space Element. An addendum to the Mono County General Plan Final Environmental Impact Report (SCH# 2014061029) is proposed for this project as allowed by Section 15164 (a) of the CEQA Guidelines:

- "(a) The Lead Agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

Section 15164 (a) of the CEQA Guidelines allows a lead agency to prepare an addendum to an EIR if only minor technical changes or additions are necessary or none of the conditions in Section 15162 calling for the preparation of a subsequent EIR have occurred. Section 15162 of the CEQA Guidelines require the preparation of a subsequent EIR for a project when an EIR has been certified for that project when the lead agency determines, on the basis of substantial evidence in the record, that one or more of the following has occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## II. PROJECT DESCRIPTION

General Plan Amendment (GPA) 19-04 proposes modifications to the Land Use Element and Conservation/Open Space Element. The proposed GPA corrects existing inconsistencies in both Countywide and June Lake Area land use policies due to terminology changes in short-term rental regulations that were adopted earlier this year, addresses direction from the Board to eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rentals, provides minor clarifications, and corrects typographical errors. The proposed modifications are summarized below:

### Countywide Land Use Policies

- Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied or Not Owner-Occupied.

### June Lake Area Land Use Policies

- Eliminate Type I, Type II, & Type III terminology and replace with Owner-Occupied or Not Owner-Occupied.

### Chapter 25

- Eliminate MFR-L from the list of residential land use designations in Chapter 25 – Short-Term Rentals.

### Residential Land Use Designations

- Require that small-scale agriculture uses be subject to a primary residential use in all residential land use designations.

### Commercial Lodging

- Clarify transient rental uses permitted in Commercial Lodging land use designations.

### Multi-Family Residential

- Eliminate short-term rentals from MFR-L only Uses Permitted Subject to Use Permit.
- Exclude three complexes on Commercial Lodging designations (Aspen meadows, Hideaway Down Canyon, & Birch Creek) that were erroneously included as part of the MFR complexes list allowing transient rentals.

### Chapter 4 - General

- Update typographical errors to setback standards in Table 04.120 Minimum Yards;
- Add the Mixed Use (MU) designation to the list of designations that outright allow the placement of manufactured homes in conventional SFR, which was previously subject to a Director Review permit;<sup>1</sup> and
- Add a new policy defining “inactive projects.”

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<sup>1</sup> Uses processed under a Director Review permit must be exempt from CEQA and not be controversial or environmentally sensitive. If the use is not exempt, or is controversial or environmentally sensitive, the project would be subject to a use permit.

Conservation/Open Space Element: Cultural Resources

- Add a technical change to the Cultural Resources section in accordance with California Code of Regulations §15064.5(e), which is incorporated by reference, requiring work be stopped and standard mitigation measures implemented if archaeological artifacts are discovered during grading, earthwork and site disturbance activities.

### III. DECISION NOT TO PREPARE A SUBSEQUENT EIR

The CEQA Guidelines require the preparation of a subsequent EIR if one or more of several conditions are met; an addendum is required if none of the conditions requiring a subsequent EIR has occurred, but minor changes are necessary to the original EIR. The decision not to prepare a subsequent EIR for the adoption of the Mono County Housing Element Update was based on an analysis of the conditions requiring a subsequent EIR and the determination that none of those conditions applied to this project, i.e.:

- (1) There are no substantial changes to policies in the Land Use Element and Conservation/Open Space Element that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

*The changes and additions to policies in the Land Use Element fall into one of three categories: 1) terminology or procedure updates that have no impact on land use types or intensity, 2) typographical errors where the correct text would have been analyzed in the 2015 General Plan Update EIR, or 3) addition or elimination of short-term rental uses, which occur in existing structures and have no impacts beyond single-family residential uses which have already been analyzed in the 2015 EIR and CEQA addenda filed when these policies were originally amended. The modification to the Conservation/Open Space Element adds an additional mitigation measure for cultural resources to reduce potential impacts of future development projects.*

*Therefore, no new impacts and no increase in the severity of previously identified impacts will result from the changes.*

- (2) There are no substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

*No revisions to the EIR are required, since the minor additions and updates to policies in the Land Use Element and the Conservation/Open Space Element do not create or increase any environmental effects.*

- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, that shows any of the following:



- (A) The project will have one or more significant effects not discussed in the previous EIR; or  
 (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or

*As discussed previously, the proposed additions and updates would not create any new environmental impacts or increase severity.*

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

*The update proposes only minor technical changes and additions to the Land Use Element and the addition of a cultural resources mitigation measure to the Conservation/Open Space Element. None of the mitigation measures or alternatives previously found to not be feasible have been found to be feasible now.*

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

*There are no mitigation measures or alternatives associated with the updated policies and programs beyond those analyzed in the EIR that would substantially reduce impacts and, as discussed previously, no new impacts have been identified.*

#### **IV. CONCLUSION**

Based on the considerations and analyses presented above and based on the provisions contained in CEQA §15164[a]) as presented in its entirety in this Addendum, it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined that an Addendum to the adopted 2015 Mono County General Plan EIR is the appropriate CEQA document for the proposed General Plan Amendment 19-02.

CEQA §15164(c-e) states that “an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”

## LAND USE ELEMENT UPDATES

### 1. COUNTYWIDE LAND USE POLICIES

**Policy 1.M.1.** Approvals of ~~Type I~~ Owner-Occupied and ~~Type III~~ Not Owner-Occupied short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.

**Action 1.M.1.a.** The following permits are required to operate ~~Type I~~ Owner-Occupied and ~~III~~ Not Owner-Occupied short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.

### 2. JUNE LAKE AREA LAND USE POLICIES

**Policy 13.M.1.** Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

**Action 13.M.1.a.** Not Owner-Occupied ~~Type II~~ short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). ~~Type III~~ Not Owner-Occupied short-term rentals, which are ~~non-owner occupied and~~ specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

**Action 13.M.1.a.** Prohibit Owner-Occupied ~~Type I~~ and Not Owner-Occupied ~~Type III~~ rentals in the Williams Tract and Petersen Tract.

**Action 13.M.1.b.** Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

**Action 13.M.1.c.** No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the countywide discretionary permit(s) for short-term rentals.

**Action 13.M.1.d.** In the Clark Tract, Owner-Occupied ~~Type I~~ and ~~Type III~~ Not Owner-Occupied rentals may be permitted year-round on Nevada Street/Silver Meadow subject to the discretionary permit(s) for short-term rentals and June Lake Area Plan policies. In the rest of the Clark Tract, only ~~Type I~~ Owner-Occupied rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake Area Plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to eight parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and ~~Type III~~ Not Owner-Occupied rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

**Action 13.M.1.e.** In the South 158 neighborhood, ~~Type III~~ Not Owner-Occupied rentals are prohibited. The CAC was evenly split on Owner-Occupied ~~Type I~~ rentals, and therefore ~~Type I's~~ Owner-Occupied rentals may be permitted subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

**Action 13.M.1.f.** ~~Type I Owner-Occupied~~ and ~~Type III Not Owner-Occupied~~ rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

**Action 13.M.1.g.** The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

### 3. CHAPTER 25 – SHORT-TERM RENTALS

#### 25.015 General Requirements and Applicability.

- A. This chapter applies to short-term rental in any single-family unit with a land use designation(s) of SFR, ER, RR, ~~MFR-L~~ or RMH in all communities except June Lake. In June Lake, this chapter applies only to SFR designations; short-term rentals in other residential land use designations in June Lake are not permitted.

### 4. RESIDENTIAL LAND USE DESIGNATIONS:

- Add the updates below to all residential land use designations, requiring that small-scale agriculture uses be subject to a primary residential use.

#### Estate Residential (ER)

**INTENT: The “ER” designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.**

#### **PERMITTED USES**

- Single-family dwelling
- Small-scale agriculture<sup>1</sup>
- Accessory buildings and uses<sup>1</sup>
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.

#### **NOTES**

1. Accessory buildings, ~~small-scale agriculture~~, and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building

## 5. COMMERCIAL LODGING, MODERATE (CL-M) & HIGH (CL-H)

### Commercial Lodging, Moderate (CL-M) and High (CL-H)

**INTENT:** The “CL-M” designation is intended to provide commercial lodging units for short-term occupation in or near residential uses.

The “CL-H” designation is intended to provide short-term commercial lodging units in close proximity to commercial/recreational centers.

#### PERMITTED USES

- Single-family dwelling (manufactured homes are not permitted)
- Duplexes and triplexes
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act
- **Transient rentals (rentals for fewer than 30 consecutive days) in condominium developments where units are under individual ownership**

#### USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- **Transient rentals (rentals for fewer than 30 consecutive days) in single-family residential units, including accessory dwelling units, and multi-family units under single ownership** of up to three dwelling units

#### USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- **Transient rentals (fewer than 30 consecutive days) in multi-family units under single ownership** of four or more dwelling units
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

## 6. MULTI-FAMILY RESIDENTIAL, LOW (MFR-L), MODERATE (MFR-M), HIGH (MFR-H)

### Multi-Family Residential, Low (MFR-L), Moderate (MFR-M), High (MFR-H)

**INTENT:** The “MFR-L” designation is intended to provide for low-density multifamily residential development, such as duplexes and triplexes.

The “MFR-M” designation is intended to encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities; i.e., hotels, motels.

The “MFR-H” designation is intended to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels.

**USES PERMITTED SUBJECT TO USE PERMIT** (Use Permit Processing, Ch. 32)

#### ~~MFR-L only~~

- ~~Short term rentals (fewer than 30 consecutive days) in single family residential units in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with a valid Short Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies except in the June Lake Planning Area where short term rentals are only permittable in SFR.~~

#### **MFR-L, MFR-M and MFR-H**

- Art galleries
- Quasi-public buildings and uses
- Public utility buildings and structures, not including service yards
- Country clubs and golf courses
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Parking lots and parking structures

#### **MFR-H only**

- Mobile-home parks (see Dev. Standards – Mobile Homes and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Social care facilities and related integrated professional offices
- Parking lots and parking structures when abutting a commercial district
- Hotels, motels, bed-and-breakfast establishments and dorms
- Transient rentals (fewer than 30 consecutive days) ~~of four or more dwelling units only~~
- Manufactured housing subdivision (see Ch. 18)

Transient rentals (fewer than 30 consecutive days) are prohibited in MFR-L and MFR-M, except in the following complexes: ~~Aspen Meadows, Hideaway Down Canyon, Interlaken, Birch Creek,~~ Edgewater, Sierra Suns, or in complexes where transient use is not specifically addressed in the use permit and/or parcel map of an existing development and can be demonstrated as a non-conforming use prior to the adoption date of this General Plan Amendment.

**7. CHAPTER 04 – GENERAL, TABLE 04.120: MINIMUM YARDS**

LUD	Front	Rear	Side
SFR <1 acre	20'	10'	10'
SFR >1 acre	30'	30'	30'
ER <1 acre	50'	10'	10'
ER >1 acre	50'	30'	30'
RR <1 acre	50'	10'	10'
RR >1 acre	50'	30'	30'
RU	30'	30'	30'
RMH <1 acre	20'	10'	10'
RMH >1 acre	30'	30'	30'
MFR <1 acre	20'	10'	10'
MFR >1 acre	30'	30'	30'
MU <1 acre	10'	5'	10'
MU >1 acre	30'	30'	30'
CL	10'	5'	0'
C	10'	5'	0'
SC	10'	5'	0'
IP	20'	10'	10'
RM	50'	30'	30'
AG	50'	50'	50'
NHP	30'	30'	30'
OS	50'	30'	30'

**04.280 Placement of manufactured homes in conventional SFR areas.**

These standards permit the placement of manufactured, factory-built or modular housing in all areas designated for conventional single-family residential dwellings: SFR, ER, RR, MFR-L, MU, RU, RM, AG and OS. ~~In addition, they are allowed in the MU designation subject to Director Review.~~

**04.360 Inactive Projects.**

An inactive project is one where the project applicant has not submitted the information and/or documents requested in the most recent County correspondence within 180 days. County staff shall provide written notification of “inactive status” to the project applicant 180 days following the last correspondence. Project applicants shall have 30 days from the date of that notice to submit the information and/or documents requested. If the County does not receive a complete response within 30 days, the project will be deemed withdrawn and all application materials and a final invoice will be mailed to the applicant.

## CONSERVATION/OPEN SPACE ELEMENT UPDATES

### 1. CULTURAL RESOURCES

**Action 22.C.1.f.** Project grading, earthwork, and site disturbance in general shall be subject to the following standard mitigation measures if archeological evidence is encountered:

- a. Work shall be stopped and appropriate agencies will be notified if archaeological evidence is encountered during earthwork activities. A qualified consultant shall be hired and an appropriate report shall be filed with the County Planning Division which identifies acceptable site mitigation measures. If the archaeological evidence is determined to be of Native American heritage, local tribes shall be contacted and, if requested by the tribe(s), the developer shall pay a tribal cultural monitor to be on site until earthwork and site disturbance is complete.
- b. California Code of Regulations §15064.5(e) shall be followed in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.



**RESOLUTION R19-02**

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION  
INITIATING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS  
ADOPT GENERAL PLAN AMENDMENT (GPA) 19-04 – ANNUAL CLEANUP, IN  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, as an outcome of the annual General Plan review, several adjustments to the Land Use Element and Conservation/Open Space Element of the General Plan are proposed to make technical corrections, minor additions, and respond to changes in State law; and

**WHEREAS**, a General Plan Amendment was adopted in February 2019 revising short-term rental regulations and changing the terminology used; and

**WHEREAS**, the Community Development Department conducted public outreach via the Regional Planning Advisory Committees, including Antelope Valley, Bridgeport, Mono Basin, and June Lake to receive public input and community feedback on proposed amendment; and

**WHEREAS**, in accordance with the California Environmental Quality Act and CEQA Guidelines Section 15164, a 2019 Addendum to the final Environmental Impact Report for the 2015 Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates, and Repeal of the Conway Ranch Specific Plan was certified on December 8, 2015; and

**WHEREAS**, an Addendum to the 2015 Regional Transportation Plan (RTP)/General Plan Update Environmental Impact Report (EIR) was prepared for GPA 19-04; and

**WHEREAS**, on November 21, 2019, the Planning Commission held a duly noticed public hearing regarding GPA 19-04 – Annual Cleanup; and

**WHEREAS**, having reviewed and considered all the information and evidence presented to it, including public testimony, written comments, staff reports and presentations, the Planning Commission recommends that the Board of Supervisors make required findings and adopt GPA 19-04 amending text in the General Plan Land Use Element and Conservation/Open Space Element.

**NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION HEREBY  
FINDS, RESOLVES, AND RECOMMENDS AS FOLLOWS:**

**SECTION ONE:** The Planning Commission initiates General Plan Amendment 19-04.

**SECTION TWO:** The Planning Commission certifies the Addendum for GPA 19-04 Cleanup.



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**SECTION THREE:** The Planning Commission finds that the General Plan Amendment, including all text changes to the Land Use Element and Conservation/Open Space Element of the Mono County General Plan, which are attached hereto as Exhibit A and incorporated herein by reference, is consistent with the General Plan as well as all applicable area plans.

**SECTION FOUR:** The Planning Commission further finds that the proposed area plan text amendments of GPA 19-04 are consistent with the countywide General Plan.

**SECTION FOUR:** The Planning Commission recommends that the Board of Supervisors adopt GPA 19-04 and certify the Addendum.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of November 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Scott Bush, Chair

Attest:  
  
\_\_\_\_\_  
CD Ritter, Commission Secretary

Approved as to form:  
  
\_\_\_\_\_  
Christian Milovich, Assistant County Counsel

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**Mono County  
Community Development Department**

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November 21, 2019

To: Mono County Planning Commission  
From: Bentley Regehr, Planning Analyst  
Re: Modification to Use Permit 19-008/Shanti Co.

**Recommendation**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and
3. Approve modifications to Use Permit 19-008 to include distribution as a use.

**Background**

On Oct 17, 2019, the Planning Commission approved Use Permit 19-008 for commercial cannabis cultivation on a 20-acre parcel located at 100 N. Bodie Hills Drive in the Mono Basin planning area (APN 013-210-024). The staff report did not include language for commercial cannabis distribution activity. Per Chapter 13 of the General Plan, Commercial Cannabis Activities, uses related to commercial cannabis must be approved through use permit prior to the applicant obtaining the required Operation Permits. An Operation Permit is required for each use related to commercial cannabis, meaning the applicant will need to obtain separate Operation Permits for cultivation and distribution.

Distribution will be for transport of goods cultivated on site only and will not involve distribution of products from other businesses. Transportation of goods will be handled by the owner, and no outside services will be contracted. A loading area is provided next to the processing shed, as shown on the site plan (Attachment 2).

The staff report from Oct. 17 has been amended with edits in red to add the distribution use and provide the appropriate analysis (Attachment 1).

This staff report has been reviewed by the Community Development Director.

**Attachments**

- Attachment 1 – Redline version of modified staff report
- Attachment 2 – Site Plan
- Attachment 3 – Public Hearing Notice

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**Mono County  
Community Development Department**

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**Attachment 1 – Modified staff report with edits in red to include distribution activity**

November 21, 2019

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Re: Use Permit 19-008/Shanti Co. Commercial Cannabis Cultivation and Distribution

**Recommendation**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 19-008 subject to Conditions of Approval.

**Background**

In November 2016, California voters approved the Adult Use of Marijuana Act (Proposition 64) to legalize adult use of marijuana (in addition to medical uses that were legalized in 1996). Every precinct in Mono County passed Proposition 64 with margins as low as 1.4% in the Bridgeport area to a high margin of approximately 30% in the Mono Basin, June Lake, and Wheeler Crest areas.<sup>1</sup> The state's legalization of adult use marijuana presented local jurisdictions with several choices for regulating the new industry: 1) ban cannabis activities in whole or part; 2) adopt local regulations for cannabis activities; or 3) remain silent and defer to state laws and regulations.

Mono County conducted a community-based planning effort for feedback on the most appropriate regulatory approach and, ultimately, to develop policies and regulations for legalized cannabis activities. In 2017, the following 12 Regional Planning Advisory Committee (RPAC) meetings and outreach sessions were conducted: two in Antelope Valley, three in Bridgeport, one in June Lake, two in the Mono Basin, two in Long Valley, and two in Tri-Valley. Three workshops were held with the Planning Commission, and feedback from the Commission and RPACs were incorporated into the development of the policies. Concurrently, the Cannabis Joint Committee, which is comprised of 10 County departments/divisions, reviewed the policies and public feedback, and provided additional input that was incorporated as policies were developed.

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<sup>1</sup> For clarification, the margin represents the amount over and above the 50% +1 required for passage of the proposition.

At a formally noticed public hearing in October 2017, the Commission recommended General Plan policies pertaining to cannabis activities for adoption by the Board. The Board of Supervisors held five workshops, including one with the Town of Mammoth Lakes and one specific to cannabis taxation, to consider the public feedback received through RPAC, Planning Commission, and Joint Committee discussions, and provide direction to staff. In December 2017, the Board held a public hearing adopting the General Plan policies recommended by the Planning Commission.

Following the adoption of guiding policies, specific regulations in both the General Plan and Mono County Code were developed through another community-based planning effort. The RPACs again held a total of 12 meetings where cannabis regulations were discussed: two in Antelope Valley, three in Bridgeport, two in the Mono Basin, one in June Lake, two in Long Valley, and two in the Tri-Valley. The Planning Commission also again held three workshops to both incorporate RPAC feedback into the regulations and provide additional input and direction to staff, and the staff-level Cannabis Joint Committee provided additional feedback.

The Commission made a recommendation to the Board to adopt new regulations in March 2018. The Board of Supervisors heard two minor updates and held four discussions on cannabis taxation, in addition to three workshops on cannabis regulations where specific policy issues were considered. The Board adopted the new General Plan and Mono County Code regulations at a formal public hearing on April 17, 2018.

In addition to the structured public engagement process above, the public is always welcome to directly contact Community Development Department staff and Mono County Supervisors via phone or email, or to schedule an in-person meeting to share comments, concerns, and input. Attendance at public meetings and speaking in public is not necessary in order to provide feedback.

## **Project Description**

UP 19-008/Shanti Co. is a proposal for commercial cannabis cultivation **and self-distribution** on a 20-acre parcel located at 100 N. Bodie Hills Drive in the Mono Basin planning area (APN 013-210-024). The property is designated Agriculture (AG), which allows for commercial cannabis cultivation **and distribution** subject to Use Permit and Operation Permit (Mono County Code 5.60). **The project will require separate Operation Permits for cultivation and distribution.**

The proposal is for up to 50 commercial cannabis plants located on a 5,000-square foot disturbance area. The disturbance area is currently occupied by up to 99 medical cannabis plants, permitted through Proposition 215. The existing cannabis plants will be replaced by the proposed commercial grow and the disturbance area will not expand beyond its current footprint. The total canopy area for each cannabis plant will be approximately 10 square feet, for a total canopy area of up to 500 square feet. Ground not planted with cannabis will have a cover crop.

The existing building proposed for processing will not have structural modifications. The building will be used for drying, trimming, packaging, labeling, and storage. A carbon filtration unit will be added to the building to reduce the emission of odor.

**Distribution will be for transport of products cultivated on-site. Distribution of products from other operations will not be included as part of the business. Transportation of goods will be handled by the owner through the use of a personal vehicle not larger than a typical van, sport utility vehicle,**

or full-size pickup truck, and no outside services will be contracted. Cannabis product will not be transported with other goods produced on the property. A loading area is provided next to the processing shed, as shown on the site plan (Attachment 2).

The property has several other existing and proposed uses:

<b>Table 1: Existing and Proposed Uses, Other Than Cannabis</b>		
<b>Use</b>	<b>Existing?</b>	<b>Approval</b>
Single Family Residence (2,000 s.f.)	Yes	Permitted by-right*
Accessory Dwelling Unit (1,129 s.f.)	No	Director Review 17-015
Farm-stay yurts (4)	No	Use Permit 18-002
Kitchen to serve yurt guests (900 s.f.)	Yes	Use Permit 18-002
Massage room for guests (200 s.f.)	Yes	Use Permit 18-002
Hoop Houses used for produce (4)	Yes	Permitted by-right*
Greenhouse for produce	Yes	Permitted by-right*
Farm stand (200 s.f.)	No	Permitted by-right*
Market Garden for Mixed Vegetables (2 x 10,000 s.f.)	Yes	Permitted by-right*
Livestock Barn	No	Permitted by-right*

\*Through Agriculture (AG) Land Use Designation

All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process. A CUP for cannabis cultivation must demonstrate adequate plans for site control, setbacks, odor control, signage, visual screening, lighting, parking, and noise, as presented in this report.

The project qualifies for a 15301 CEQA exemption. The project does not propose expansion of current disturbance areas and does not have any significant environmental effects, including those peculiar to cannabis operations.

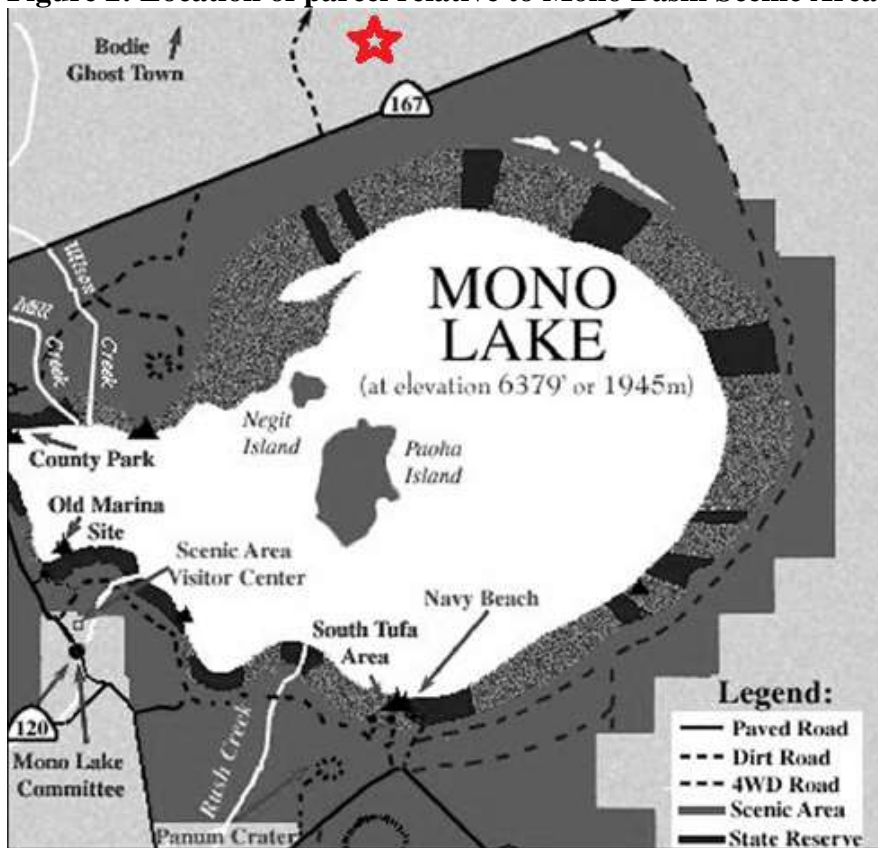
## **Project Setting**

The project is located in the Mono Basin north of Highway 167, gaining access from Cottonwood Canyon Road. Rural Residential (RR) parcels surround the property on the south, west, and north boundaries. To the east of the property is a 300-acre Resource Management (RM) parcel. The nearest residence is approximately 700 feet to the south from the proposed grow area. Other nearby residences include single family homes 1,300 feet to the north and 1,800 feet to the west, respectively. The property is located outside the Mono Basin Scenic Area.

Figure 1: Location of parcel, 100 N Bodie Hills Dr, APN 013-210-024



Figure 2: Location of parcel relative to Mono Basin Scenic Area



**Figure 3: Grow site, looking southwest**



**Figure 4: Hedge row visual screening, looking southeast**



## **Land Development Technical Advisory Committee (LDTAC)**

The LDTAC reviewed the application on September 3, 2019 and recommended application acceptance. LDTAC reviewed draft Conditions of Approval on Oct. 7, 2019. **The LDTAC reviewed this updated staff report that contains information regarding commercial cannabis distribution at the Nov. 18, 2019, meeting.**

## **CEQA Compliance**

The project qualifies for a Class 1 categorical exemption. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposal does not include an expansion of use, as the disturbance area will remain the same and the maximum number of cannabis plants will be reduced from 99 to 50. Commercial cannabis plants do not represent a significant change over the existing plants used for medical purposes. The total canopy area will not be expanded and will not exceed 500 square feet. The processing building will not be expanded, and no structural modifications will occur. A cover crop will reduce bare ground to prevent dust impacts. The addition of a carbon filtration system will not require modifications to the building.

**Commercial cannabis distribution will not generate significant impacts to circulation or air quality beyond that of a typical agriculture use and a smaller vehicle (e.g., a van, sport utility vehicle, or full-size pickup truck) than typically associated with agricultural commodities will be used. North Bodie Hills Drive and the property's driveway are unpaved, but the number of increased vehicle trips is negligible at approximately 5-10 per month and the road observes a speed limit of 15 mph, meaning there will be minimal additional dust produced. Access to North Bodie Hills Drive is gained from Highway 167 and Cottonwood Canyon Road, both of which are paved and will not be substantially impacted by the minimal amount of increased vehicle trips. In addition, no new employees are proposed and so no cumulative impacts would be created from the approved cannabis cultivation or yurt/farmstay operation.**

Elements related to Use Permit 18-002 were permitted through an addendum to the 2015 General Plan EIR.

## **General Plan Consistency**

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Mono Basin Area Plan policies contained in the Mono County General Plan Land Use Element. Use Permit approval for commercial cannabis also requires compliance with Chapter 13, Mono County Cannabis Regulations.

The General Plan land use designation for this property is Agriculture (AG), which allows for commercial cannabis cultivation subject to Use Permit and Operation Permit. The "AG" designation is intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture.



## **Mono County Land Use Element, Countywide Land Use Policies**

### **Objective 1.G.**

*Protect open space and agricultural lands from conversion to and encroachment of developed community uses.*

**Policy 1.G.1.** *Protect lands currently in agricultural production.*

The project maintains and enhances the parcel's agricultural use and does not encroach on the communities on Mono City and Lee Vining.

**Objective 1.L.** *Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.*

**Policy 1.L.3.** *Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.*

The project is subject to Chapter 13, Cannabis Regulations and requires a Conditional Use Permit aimed at ensuring no significant impacts to the community are incurred, including those related to odor control, visuals, lighting, and noise. See analysis of compliance with Chapter 13 below.

**Policy 1.L.4.** *In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.*

The project has potential benefits to Mono County's economy, including contribution to the County's tax base.

## **Mono County Land Use Element, Mono Basin Community Plan Policies**

GOAL 11. Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area.

### **Objective 11.A.**

Plan for a diversified, sustainable economy.

**Policy 11.A.1.** *Achieve a more-diversified economy and employment base consistent with the small-town, rural nature of the Mono Basin.*

**Objective 11.C.**

Diversify the existing economic base and employment opportunities to achieve a more-sustainable economy.

**Policy 11.C.2.** *Encourage and support new business development and entrepreneurial efforts that contribute to a mix of uses and services, and a wider range of employment opportunities.*

**Policy 11.C.6.** *Encourage locally produced goods and services, including food production for local consumption of locally produced food.*

The project diversifies the Mono Basin's economy and provides locally produced goods, while maintaining the rural character of local businesses. There are no other existing commercial cannabis cultivation sites in the Mono Basin.

### **Compliance with Mono County General Plan Chapter 13, Cannabis Regulations**

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:

#### **13.070 C. Site Control.**

*No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed childcare facilities.*

None of the above-mentioned facilities are located within 600 feet of the site. The project site is over six miles from Mono City and fourteen miles from Lee Vining.

**Figure 5: Location in relation to sensitive receptors****13.070 D. Setbacks.**

*All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.*

The project meets all setbacks for the Agriculture (AG) Land Use Designation, which are set at 50' front, 50' side, 50' rear for primary structures and 50' front, 30' side, 30' rear for accessory structures. See Attachment 2: Site Plan for illustration of setbacks.

**13.070 E. Odor Control.**

*An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.*

Cannabis-related odor generation will be mitigated through multiple avenues. The project site is located in a rural area and surrounded by large parcels a minimum of 20 acres. The site is at least 700 feet from the nearest residence.

Odors may vary substantially based on the type of crop, peak concentrations, atmospheric conditions, and topography. The project will utilize a feminized auto pollinator to reduce drift and stature. The outdoor crop will also limit the creation of sulfur compounds through the use of natural lighting and will not induce artificial stress through light and temperature. A 4-6' hedge of raspberry and goji berry bushes, among other plants, and surrounding mixed crops will further

mask cannabis-generated odors. A misting system will be used on the outdoor crop to reduce the drift of odor.

The processing building will contain a 30 cfs (cubic feet/second) carbon filtration system. The system will be replaced each season or at saturation.

**13.070 F. Signage.**

*A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.*

The project does not propose any signage.

**13.070 G. Visual Screening.**

*All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.*

Visual screening will occur primarily through vegetative screening. The proposal includes the addition of a hedgerow along the perimeter of the grow site consisting of annual sunflowers, amaranth, and cover-crop (clover, vetch, summer alfalfa), and perennial plantings of goji berry, currant, apple, and grapes. Existing vegetation aiding in screening includes lilacs, an apple orchard, grape vines, and pinyon-juniper stands surrounding the grow area. The use of auto pollinator hybrid strains will limit the stature of the cannabis plants and further reduce visual impact.

The project is located outside the Mono Basin Scenic Area and is more than 2,500 feet from Highway 167.

**13.070 H. Lighting.**

*All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.*

The outdoor grow site will use natural lighting only. Exterior lighting on the property will comply with Chapter 23, Dark Sky Regulations.

**13.070 I. Parking.**

*A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.*

The proposal does not include additional employees or visitation from off-site services and therefore will not require parking spaces beyond the spaces needed for existing uses. The property contains 12 parking spaces, as shown on the site plan (Attachment 2). Parking requirements for existing uses are as follows:

<b>Table 2: Required Parking for Existing Uses</b>		
<b>Use</b>	<b>Standard</b>	<b>Provided Spaces</b>
Yurts (4)	One space per sleeping room plus one space for each two employees on largest shift	6
Farm Stand (200 s.f.)	One space for each 200 sq. ft. of gross leasable floor area	1
Massage Room (200 sf)	One space for each 200 sq. ft. of gross leasable floor area	1
Primary Residence	2 spaces	2
Accessory Dwelling Unit	2 spaces	2
<b>Total</b>	<b>12 required</b>	<b>12</b>

The site has sufficient space for loading and unloading at the cultivation site and processing building.

### **13.070 J. Noise.**

*Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.*

The project is not expected to generate noise beyond that of similar existing agriculture operations on the property and surrounding properties.

### **Notice of Public Hearing**

A public hearing notice was published in the October 3, 2019 issue of the Mammoth Times and the October 5, 2019 issue of The Sheet (Attachment 3) and was mailed to surrounding property owners within 300 feet of the proposed project. At the time of this staff report no public comment was received.

### **Use Permit Findings**

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

- 1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The project complies with all applicable provisions of the Mono County General Plan. The site is adequate in size to accommodate parking, loading, visual screening, and all setbacks and requirements for the Agriculture (AG) Land Use Designation (LUD), as shown in the site plan (Attachment 2).

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The parcel is accessed by Bodie Hills Drive via Cottonwood Canyon Road and Highway 167. **Bodie Hills Drive is unpaved, and Cottonwood Canyon Road and Highway 167 are paved. Transportation of product is expected to generate approximately 5-10 vehicle trips per month, which will not substantially impact circulation or dust generation.** The proposal does not include an increase in employees or off-site services.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

The project is consistent with the rural character of the Mono Basin. Setbacks, visual screening, and odor mitigation proposed for the project will reduce impacts to surrounding property owners. The proposed 50 cannabis plants and 250 square feet of canopy area are a reduction from the 99 medical plant grow currently allowed on the site and will not produce any significant impacts beyond those created by existing conditions. **Transportation of cannabis product will generate approximately 5-10 vehicle trips per month and is expected to produce a negligible amount of additional traffic and dust.** The project is located over fourteen miles from sensitive receptors in the community of Lee Vining, including schools and the community center.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- a. The proposed use is consistent with the General Plan and the Mono Basin Community Plan (see discussion in the General Plan Consistency section above).
- b. Outdoor commercial cannabis cultivation is permitted in agriculture land use designations, given they meet the criteria set forth by Chapter 13 and subject to Mono County Code 5.60.
- c. The project is located within the Mono Basin Planning Area. The Mono Basin Community Plan encourages businesses that create diversity, while being consistent with the rural character of the area.

**MONO COUNTY**  
**Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** 19-008

**APPLICANT:** Shanti Co.

**ASSESSOR PARCEL NUMBER:**

**PROJECT TITLE:** Shanti Co. Cannabis Cultivation and Distribution

**PROJECT LOCATION:** 100 N Bodie Hills Drive, Mono Basin

**CONDITIONS OF APPROVAL**  
See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** November 21, 2019

**EFFECTIVE DATE USE PERMIT:** December 5, 2019

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** November 21, 2019

- cc:   X   Applicant
- X   Public Works
- X   Building
- X   Compliance

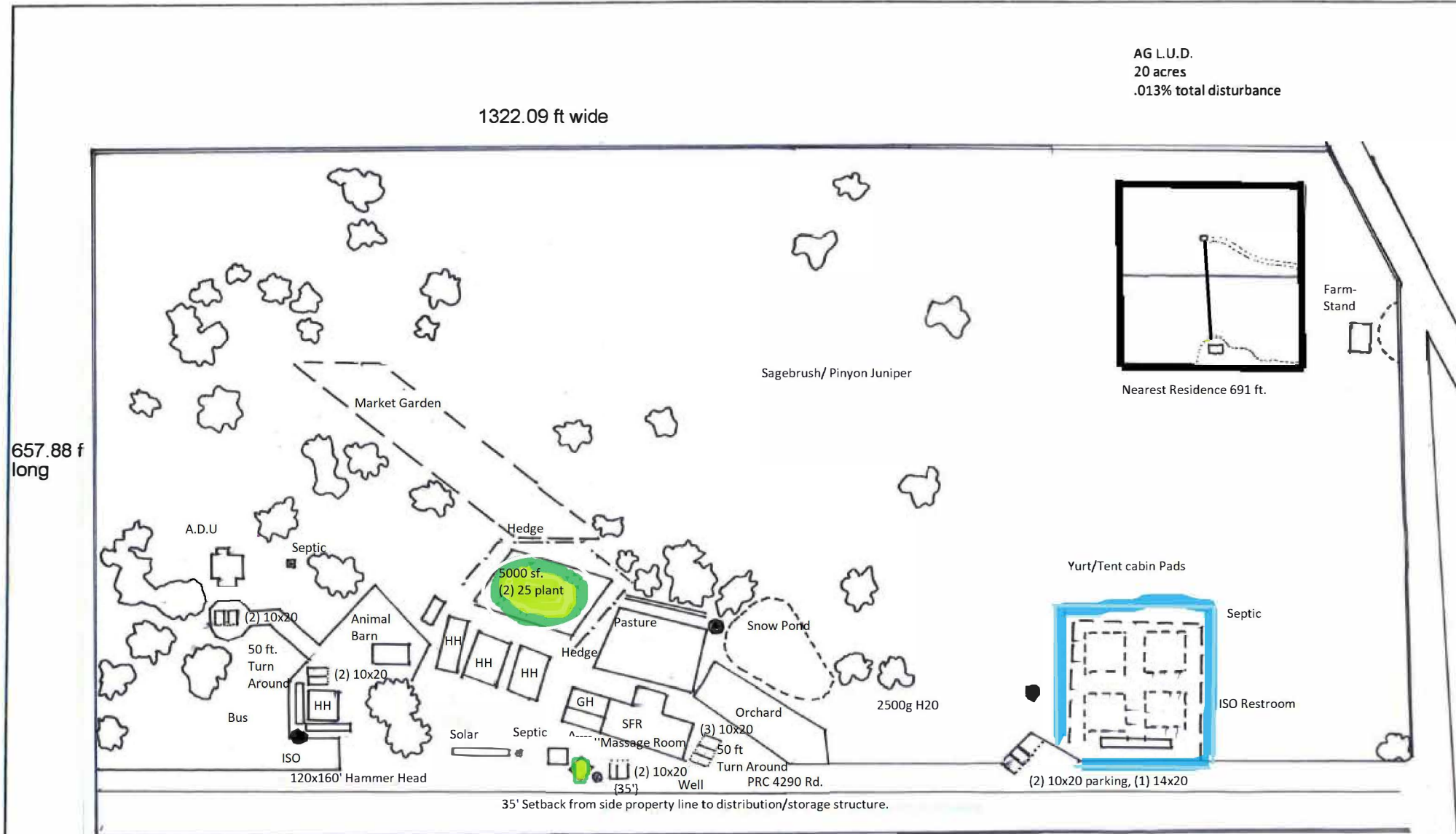
**CONDITIONS OF APPROVAL**

## Use Permit 19-008/Shanti, Co. Cannabis Cultivation

1. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with Chapter 13, Cannabis Regulations.
3. The project is required to obtain a Mono County Cannabis Operations Permit pursuant to Mono County Code 5.60 and appropriate state licensing prior to commencing operation. A copy of state licenses shall be provided to the Mono County Community Development Department.
4. The project shall be in substantial compliance with the project description and the site plan (Attachment 2) of the staff report.
5. There shall be no expansion of cannabis uses **beyond the approved cultivation and distribution uses**, and the disturbance area shall not exceed 5,000 square feet, without approval from the Mono County Planning Commission.
6. Applicant must maintain active business license and tax certificate requirements.
7. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
8. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



Shanti Co.  
 PO Box 13  
 Lee Vining, CA 93541  
 shantico13@gmail.com



CEQA 15301, via existing Prop 215 circa 2006.

Existing: SFR, Green house, Hoop houses (HH), compost, animal barn, market garden, prop 215, ISO, bus, distribution & processing, massage room, parking spaces, septic well, solar.  
 11 parking spaces minimum 10x20, 1 access space 14x20 min  
 Proposed: Yurt pad, ISO, commercial (2) 25 plant cannabis grows.

Circulation provides (2) 50ft. turn arounds near residence, and hammer head turn around near distribution. 120'x160' hammer head

LEGEND: ● 2500g tank.

5000 s.f. disturbed prop 215 area change of use to (2) 25 plant grows, or (1) 50 plant grow, A/M. Self Distribution.

Yurt/Tent cabin site and ISO storage container rest-room/storage.

Scale: 50'

SHANTI CO		
SCALE:	APPROVED BY:	DRAWN BY:
DATE: 8.14.19		REVISED
SITE PLAN		
APN 13-210-24		DRAWING NUMBER: 2

# MONO COUNTY PLANNING COMMISSION

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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](http://www.monocounty.ca.gov)

Date: November 6, 2019  
To: The Sheet  
From: CD Ritter  
Re: Legal Notice for the **November 9** issue.  
Invoice: Cara Isaac, PO Box 347, Mammoth Lakes, CA 93546

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **Nov. 21, 2019**, at Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following: **10:25 a.m. MODIFICATION OF CONDITIONAL USE PERMIT 19-008/Shanti Co.**: Proposal to add commercial cannabis distribution to a use permit previously approved on Oct. 17, 2019, for commercial cannabis cultivation on a 20-acre Agriculture (AG) parcel located at 100 N Bodie Hills Dr. in the Mono Basin (APN 013-210-024). The permitted cultivation includes up to 50 commercial cannabis plants located on a 5,000-square foot disturbance area which will replace an existing medical cannabis grow in the same location, and the proposed modification adds the distribution activity. A CEQA 15301 exemption is proposed. The project files are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Secretary to the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

**Date:** November 21, 2019

**To:** Mono County Planning Commission

**From:** Kelly Karl, Assistant Planner

**Re:** Commission Interpretation of industrial outdoor storage as a similar to and not more obnoxious than other permitted uses in the Sierra Business Park Specific Plan

### RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Find that the proposed industrial outdoor storage use is similar to and not more obnoxious than uses currently permitted in the Sierra Business Park Specific Plan as provided for in General Plan Section 01.040.

### BACKGROUND

The proposed project parcels located in the Sierra Business Park (SBP), directly across from the Mammoth Yosemite Airport at 294 Industrial Circle (APN 037-260-036) and 312 Industrial Circle (APN 037-260-037), are currently undeveloped, and have a Specific Plan land use designation (Figure 1). The Sierra Business Park Specific Plan (SP) was approved in December 2000 and most recently amended in June 2014. The SP established development standards and specified the types of allowable industrial uses within the SBP.

The Town of Mammoth Lakes (Town) submitted a request for review under Government Code Section 65402 to the Mono County Community Development Department on November 1, 2019. Pursuant to Section 65402, the acquisition of real property by a city that is located within an unincorporated territory must be reviewed by the relevant planning agency for conformity with an adopted General Plan prior to acquisition. The planning agency is required to render its report determining the conformity of the proposed acquisition with the Mono County General Plan within forty (40) days of submittal. In this case, the Planning Commission is requested to render the determination in order to consider an interpretation that the proposed use is similar to and not more obnoxious than other permitted uses. Full text of Government Code Section 65402 is available at the following link:

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65402](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65402)

### PROJECT

An interpretation of similar use is needed for industrial outdoor storage of recyclable materials and equipment. Industrial outdoor storage is currently not included in the listed of permitted uses in the SP; however, similar uses currently in the SP include “storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.,” and “manufacture and storage of building, construction, and plumbing parts and equipment.”

The Town proposes to purchase two parcels in the SBP as part of an effort to develop an integrated solid waste management program. The existing Mammoth Disposal site in Mammoth Lakes will be undergoing planned construction of a transfer station and the site will be very constrained with limited storage capacity (especially in winter). The SBP parcels will be used to store recyclable materials and equipment, including empty commercial collection bins (trash and recycling), residential carts,

compactors, bear-proof recycling/trash containers including fully enclosed Conex containers (i.e, cargo containers) used to store recyclable materials, vehicle parking, and limited storage of fully enclosed semi-trailers pending delivery of recycled materials (e.g., cardboard, mattresses, etc.). The site area will meet the fencing/screening standards in the SP and will be paved in compliance with SP standards (e.g., dry well, oil/water separator, etc.).

This proposal requires the interpretation of the Planning Commission, consistent with General Regulations 2.1 & 2.2 in the SBP SP (full text below) and General Plan policy 01.040 (full text below) which allows the Commission to interpret development regulations.

**SBP SP - General Regulations - 2. Code Consistency**

*“1. The development standards herein shall regulate all development in the Sierra Business Park. In case of a conflict between this Specific Plan and the Mono County General Plan, relevance to the project, the Mono County General Plan shall prevail.”*

*“2. Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, Grading Ordinances, and other adopted ordinances of the County.”*

**General Plan Policy 01.040**

*“Unless otherwise provided, any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (§03.030, Interpretation of "Similar Uses") or, on appeal therefrom, by the Board of Supervisors.”*

**FIGURE 1: PROJECT LOCATION**



## **GENERAL PLAN CONSISTENCY**

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Mammoth Vicinity Area Plan policies contained in the Mono County General Plan Land Use Element.

The General Plan land use designation for this property is Specific Plan (SP). The project is compatible with the purpose and objectives of the SP, which seek to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. The proposed outdoor storage use is similar to the existing light industrial uses in the SP.

The proposed project is consistent with Countywide Land Use policies that seek to provide for industrial land use needs that do not create significant environmental impacts and are economically beneficial to the area.

The project is also consistent with the Mammoth Vicinity Area Plan's commitment to maintaining the scenic and environmental integrity of the area while also providing for industrial land use needs in unincorporated areas. The project limits growth to an existing industrial park and protects the scenic quality of the Highway 395 Scenic Corridor by following the Sierra Business Park design guidelines for minimizing visual impacts.

## **MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES**

**GOAL 1.** *Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.*

**Objective 1.A.** *Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.*

**Policy 1.A.1.** *Contain growth in and adjacent to existing community areas.*

**Objective 1.F.** *Provide for industrial land uses that are economically beneficial to the area and that are compatible with the environment.*

**Policy 1.F.1.** *Provide for local industrial land use needs.*

**Action 1.F.1.a.** *Designate a sufficient amount of land in appropriate community areas to meet local industrial land use needs (e.g., wood lots, equipment storage, etc.). Local industrial land use areas should be outside residential areas.*

**Policy 1.F.2.** *Provide for light industrial uses (e.g., light manufacturing, assembly work, etc.) that do not create significant environmental impacts.*

**Objective 1.I.** *Maintain and enhance the local economy.*

**Policy 1.I.1.** *Land use designations shall provide sufficient land for the economic development of community areas.*

**Policy 1.I.2.** *Assess the economic costs and benefits of proposed development projects.*

## **MONO COUNTY LAND USE ELEMENT, MAMMOTH VICINITY**

**GOAL 21.** *Maintain and enhance the scenic, recreational, and environmental integrity of the Mammoth vicinity.*

**Objective 21.A.** *Maintain and enhance scenic resources in the Mammoth vicinity.*

**Policy 21.A.2.** *Future development shall be sited and designed in a manner that preserves the scenic vistas presently viewed from US 395.*

**Objective 21.B.** Provide for the land use needs of both the incorporated and unincorporated areas.

**Policy 21.B.1.** Contain growth in and adjacent to existing developed areas.

**Policy 21.B.2.** Provide for industrial land use needs.

**Policy 21.B.3.** Future development projects shall avoid potential significant environmental impacts or mitigate impacts to a level of non-significance, unless a statement of overriding concerns is made through the EIR process.

## **SIERRA BUSINESS PARK SPECIFIC PLAN CONSISTENCY**

Please click the link below to access the full text of the Sierra Business Park Specific Plan:

<https://www.monocounty.ca.gov/planning/page/sierra-business-park-specific-plan-july-2014>

The proposed use is compatible with the purpose and objectives of the SP that seek to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. Outdoor industrial storage is not currently included in the list of permitted uses in the SP; however, outdoor industrial storage is similar to and not more obnoxious than the uses currently approved in the SP. Existing uses similar to industrial outdoor storage include (1) “storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.,” and (2) “manufacture and storage of building, construction, and plumbing parts and equipment.”

## **FIGURE 2: SP DEVELOPMENT STANDARDS**

### **DEVELOPMENT STANDARDS**

#### **1. USES PERMITTED**

The following uses are permitted within the Sierra Business Park subject to approval by the Land Development Technical Advisory Committee (LDTAC) and any other applicable development permit.

1. Shipping and delivery.
2. Storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.
3. Janitorial services and supplies.
4. Rental agencies for motorized and non-motorized modes of transport, and service in connection therewith.
5. Rental agencies for snow and yard equipment, and service thereof.
6. Rental agencies for industrial and construction equipment, and service thereof.
7. Wholesale lumberyards and wholesale plumbing supplies.
8. Vehicular repair facilities, paint shops and tire recapping facilities.
9. Wholesale nurseries and garden shops.
10. Warehousing, rental, and service outlets for appliances, computers, components, and other similar products.
11. Commercial recreational facilities, equipment storage, rental and repair.
12. Card-lock gas fueling stations.
13. Research laboratories and facilities.
14. Product development and testing facilities.
15. Tooling and small machine shops.
16. Photo-finishing and photographic processing facilities.
17. Blueprinting, reproduction, printing, copying and photoengraving services.
18. Construction industries including general and specialty contractors and their accessory & incidental office uses.
19. Manufacture and storage of building, construction, and plumbing parts and equipment.
20. Motion picture, video, television and recording studios.
21. Firewood storage provided the facilities are screened from view of motorists on Highway 395.

## **CEQA COMPLIANCE**

The project is within the SBP SP, the proposed use is similar to existing permitted uses in the SP, and the SBP SP has a certified Environmental Impact Report from 2000. No further environmental review is necessary.

## **INTERPRETATION OF “SIMILAR USES” FINDINGS**

In accordance with Mono County General Plan, Chapter 1, Section 01.040, “...any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 03.030, Interpretation of "Similar Uses").” In accordance with Chapter 4, Section 04.030 the Planning Commission may interpret “similar uses” after making certain findings.

Section 04.0360, Required Findings:

1. *That the proposed use is consistent with this General Plan and any applicable area plans or specific plans:*

The proposed use is consistent with the General Plan, the Mammoth Vicinity Area Plan, and the SBP SP (see discussion in General Plan Consistency and Sierra Business Park Specific Plan Consistency sections above). The proposed use is compatible with the purpose and objectives of the SBP SP, and outdoor industrial storage is similar to and not more obnoxious than the industrial uses currently permitted in the SP.

2. *That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation:*

The proposed use is compatible with the intent of the SP as well as the central founding objective of the SBP to provide opportunity for needed industrial services. The interpretation of similar use for the Town’s proposed outdoor industrial storage use would only apply to parcels within the SBP.

3. *That the use is capable of meeting the standards and requirements of that designation;*

The proposed parcels are adequate in size to meet development standards in the SP and the Town’s project description includes compliance with paving and drainage standards in the SP. However, future building plans and overall project design will need to be evaluated for compliance with both the development standards in both the General Plan and the SP.

4. *That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.*

The proposed outdoor industrial storage use is consistent with the intent and objective of the SP. The proposed use is similar to and not more obnoxious than other existing industrial uses in the SBP and is not expected to cause significant environmental impacts or be detrimental to surrounding property.

## **CONCLUSION**

If the Planning Commission interprets that the proposed use is similar to and not more obnoxious than existing uses in the SBP, then the Town will receive a report pursuant to Government Code Section 65402 that the proposed land uses on the two subject parcels are consistent with the General Plan and SBP SP. Once the parcels are acquired, building plans will need to be evaluated for compliance with

General Plan and SP development regulations, and a building permit application will need be submitted and accepted for processing at the Land Development and Technical Advisory Committee (LDTAC).

This staff report has been reviewed by the Community Development Director.

**ATTACHMENTS**

- Town Staff Report & Draft Town Council Resolution



**TOWN COUNCIL STAFF REPORT**

**To: Town Council**  
**From: Daniel C. Holler, Town Manager**  
**Meeting: November 6, 2019**  
**RE: Purchase of Two Parcels in the Sierra Business Park**

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**RECOMMENDATION**

Staff is recommending the Town Council adopt the proposed resolution authorizing the purchase of two parcels located at 294 and 312 Industrial Circle, Mammoth Lakes, CA, APN 033-165-036 (Lot 36) and APN 033-165-037 (Lot 37) and authorize the Town Manager and Administrative Services/Finance Director to complete all actions necessary for the purchase in the amount of \$675,000 plus closing costs.

**BACKGROUND**

The Town Council's strategic priorities include the development and implementation of a Solid Waste Program and services. Staff is working with Mammoth Disposal on the implementation of enhanced services including an integrated transfer station located on property currently owned and operated by Mammoth Disposal. The site is constrained in size making it difficult to effectively manage services. There is a need for additional storage room for trash bins, carts, storage containers, vehicles and other related operational items. While not needed on a daily basis, the close proximity of operational materials will enhance efficiency of operations. The proposed purchase of the two parcels provides adequate space for storage and limited operational uses. The Town can also use additional space to store recycling and trash bins and storage containers.

Based on projected long-term needs of the Solid Waste Program the negotiation focused on the purchase of both of the parcels as they are adjacent and have a common owner. The negotiated price for the two parcels is \$675,000. The listed price for the two parcels was \$714,000. Combined the parcels are approximately 2.6 acres. The usable area of the parcel, after meeting setback requirements is adequate for the anticipated needs to support the Solid Waste related program and to assist the Town with similar storage needs. The initial program does not include the construction of any buildings, but this may be considered in the future based on needs. It is anticipated the site will need to be paved and appropriate drainage and associated improvements completed.

**ANALYSIS**

The use of the property is limited by Mono County Zoning and the specific CC&Rs that govern the Sierra Business Park. The uses anticipated by the Town are allowed. The property will need to be fenced and the front improved with a solid wall/fence per the requirements of the Sierra Business Park. The parcels are part of the Owners' Association and will have an annual assessment for the ongoing maintenance of the common areas and infrastructure maintenance. The amount for 2019 was \$3,936.89 per acre. The Owner's Association is working to improve their water system

which will result in a one-time assessment. The final cost is not known at this time but a very preliminary estimated charge for the two parcels is in the \$6,000 to \$10,000 range.

A summary comparison of the three most recent sales within the Business Park are provided below. There has been very limited sales activity in the Park with little movement in the market. The proposed purchase price is below the average price per square foot of previous sales.

	Lot	Address	Acres	Price	Date Sold	Price Sq. Ft.
Sierra Business Park	30	192 Industrial Circle	0.51	\$159,000	8/4/2019	\$7.16
Sierra Business Park	4	474 Industrial Circle	1.16	\$310,000	9/20/2018	\$6.13
Sierra Business Park	3	471 Industrial Circle	1.77	\$444,500	8/1/2018	\$5.77
					<b>Average</b>	<b>\$6.35</b>
					<b>Price Sq. Ft.</b>	
Sierra Business Park	36	294 Industrial Circle	2.6			
Sierra Business Park	37	312 Industrial Circle	113,256 sq. ft	\$675,000		<b>\$5.96</b>

A market value review of the two lots was requested and provided from a separate broker, which found the sale of Lot 4 as the most comparable. The estimated market value for Lot 36 was \$340,000 and for Lot 37 was \$355,000 for a combined value of \$695,000. The negotiations on the property did take into consideration the potential one-time assessment to improve the water system.

### ***Options***

Option 1. Adopt the proposed resolution authorizing the purchase of two parcels located at 294 and 312 Industrial Circle, Mammoth Lakes, CA, APN 033-165-036 (Lot 36) and APN 033-165-037 (Lot 37) and authorize the Town Manager and Administrative Services/Finance Director to complete all actions necessary for the purchase in the amount of \$675,000 plus closing costs.

Option 2. Council may consider the purchase of only one Lot and direct staff to enter new negotiations for a single Lot and to review the impact of having less area for the stated purposes.

Option 3. Council may at this time direct staff to not pursue the purchase of the two Lots.

### **FINANCIAL CONSIDERATION**

The Town has collected dedicated revenues from Mammoth Disposal to assist in the development of a long-term Solid Waste management program. The additional properties will assist in meeting the goals of the Town in managing solid waste, allow for increased efficiency of Mammoth Disposal Operations and allow for planning for the eventual closure of the Benton Crossing Landfill. The Solid Waste Fund has adequate reserves (approximately \$1.5 million) to fund the purchase of these properties and to complete required improvements. The financial arrangement with Mammoth Disposal will be finalized as part of the overall solid waste program. The use of

these restricted funds to purchase the property will assist in managing the cost of the solid waste management program and services and related fees and charges passed on to customers.

### **LEGAL CONSIDERATIONS**

The proposed resolution sets forth the findings for the purchase of the two lots in the Sierra Business Park. A finding of compliance with the County's general plan will need to be made by the County Planning Commission. Their consideration will be scheduled for November 20, 2019 with a report brought back to Town Council on December 4, 2019. The close of escrow is scheduled for December 10, 2019.

### **ATTACHMENTS**

Property Location Map

Resolution

Property Location Map



**RESOLUTION NO. 19 - \_\_\_\_****A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, AUTHORIZING THE PURCHASE OF TWO PARCELS LOCATED IN THE SIERRA BUSINESS PARK, MONO COUNTY LOTS 36 AND 37 (APN NUMBERS: 037-260-036 AND 037-260-037) 294 AND 312 INDUSTRIAL CIRCLE MAMMOTH LAKES CA 93546**

WHEREAS, the Town of Mammoth Lakes (Town) has worked with Mammoth Disposal on improving solid waste and related services; and

WHEREAS, the provision of effective solid waste services has been impeded due to space constraints on current property owned by Mammoth Disposal; and

WHEREAS, the Town Council has collected from Mammoth Disposal revenues the use of which is restricted to address the space and operational requirements for enhanced solid waste services; and

WHEREAS, the Town Council was presented with the option to purchase two parcels in the Sierra Business Park that may be used for the storage of solid waste related equipment, bins and limited operations; and

WHEREAS, the parcels are unimproved vacant land, such there will be no “displaced persons” as a result of the Town’s acquisition within the meaning of Government Code Section 7260 et seq.; and

WHEREAS, the acquisition does not constitute a “project” for purposes of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378, and no environmental review is required under CEQA Guidelines Sections 15061(c)(3) (exemption where no project exists); and

WHEREAS, the Town has undertaken a study of values of comparable properties within Mammoth Lakes, has satisfied itself that the price to be paid for the two parcels represents fair market value, and on that basis has elected to forego obtaining an appraisal for the two parcels;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes as follows:

Section 1. The above findings are true and correct and that the Town Council finds the use of Town dedicated resources to secure property to enhance solid waste services in Town of Mammoth Lakes is a public purpose.

Section 2. The Town Council authorize purchase of the two adjoining parcels in the Sierra Business Park, APN number 037-260-036 (Lot 36 – 294 Industrial Circle, Mammoth Lakes, CA 93546) and APN number 037-260-037 (Lot 37 – 312 Industrial Circle, Mammoth Lakes, CA 93546), located in Mono County.

Section 3. The Town Council authorize purchase of the two parcels in the amount of \$675,000, plus closing costs.

Section 4. The Town Manager and the Administrative Services/Finance Director are authorized to take all necessary actions to complete the purchase of the stated properties and the Town Manager is authorized to sign all required documents on behalf of the Town of Mammoth Lakes.

Section 5. Notwithstanding the foregoing, prior to irrevocably committing any Town funds for the purchase of the two units, the location, purpose, and extent of the Town’s acquisition has been submitted to and reported upon by the Mono County Planning Commission as to conformity with the County’s General Plan, pursuant to Government Code Section 65402.

APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF NOVEMBER 2019.

\_\_\_\_\_  
Bill Sauser, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Gray, Town Clerk