

MONO COUNTY PLANNING COMMISSION

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MEETING MINUTES

December 19, 2019 – 10 a.m.
(Adopted January 16, 2020)

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

STAFF: Gerry Le Francois, principal planner; Michael Draper & Bentley Regehr, planning analysts; Garrett Higerd & Kalen Dodd, public works; Christy Milovich, assistant county counsel; CD Ritter, PC clerk

GUEST: Craig Tapley (via video in Mammoth Lakes)

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Scott Bush called the meeting to order at 10:00 am at the board chambers in Bridgeport, and attendees recited pledge of allegiance to the flag.

2. PUBLIC COMMENT: Bartshe Miller, Mono Lake Committee, submitted written comments on Tioga Inn project, to BOS last week. Coming up for formal review next year. Identified up to 70 unavoidable impacts. Comments offer alternatives to minimize impact to area so balanced project can emerge.

3. MINUTES

MOTION: Adopt minutes of Nov. 21, 2019, as amended: Item 5: Lizza would like **Specific Plan** amendment (*Roberts/Lizza*. Roll call: *Lagomarsini, Roberts, Lizza, Bush*. Ayes 4-0. Absent: *Robertson*.)

4. PUBLIC HEARING

A. VARIANCE 19-01/Stang. Proposal to encroach upon the required stream setback distance of 30' at Dream Mountain Estates, June Lake (APN 016-270-005). The applicant proposes to construct a new single-family residence 16' from a stream on the property. The land use designation is Single-Family Residential (SFR). The parcel is currently vacant. The proposed house and garage area total 1,249 square feet (sf), or 14.8% of the total 8,401.5-sf lot area. An exemption in compliance with the California Environmental Quality Act (CEQA) is proposed for the project.

Michael Draper introduced project in June Lake requesting reduced stream setback. Meets all other required setbacks. Course of stream has changed over time. To make lot more buildable, have setback 16' from top of stream bank (cobble rock wall). Site visit to undeveloped property in May. Required findings were stated. Site accommodates SFR with modest building envelope. Another structure in 1984. Consistent with adjoining uses. Notified CDFW (California Department of Fish & Wildlife), which had no concerns. Require communication with property owner. Base flood elevation will be established. No detriment to adjacent residences. Encourages infill in subdivision of 23 lots. Level of development limits impact to riparian area. Flood-plain study would be required. Calls out specific creeks, this creek is tributary to Reversed Creek. Garage below residence. No ground-level patios. Conditions of approval were noted. New easement will allow cleaning and maintenance of channel.

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

Milovich: Reminded that applicants have less than full commission, could postpone hearing. Proceed under building code adopted Jan. 1, 2020. Not understand all new regulations. Extravagant compared to current standards. If tabled, submit documents prior to year-end to be under current regime. Timing unfortunate. PC does not have discretion.

Tapley: Move forward with four commissioners. *Milovich: Commenter wanted postponement.*

Draper: Talked with DeWitt, wanted postponement. Followed noticing requirements.

Share stream bed? Stakes in May? *Draper: Placed by applicant, Criss and Draper thought stakes not accurate top of stream bank. DeWitt should have noticed something going on. Tapley placed stakes all over applicant property.*

Water flowing toward neighboring lot? *Draper: Flowing away from property. Bush: Anything would be downstream, not onto his property. Draper: If stream were dammed, could happen. Roof shed goes away from creek.*

Stream into culvert? *Draper: Yes, alongside road and eventually crosses.*

Tapley: All surface water. Culvert exists, allows driveway. Another culvert for other properties.

Other lots affected by creek now or later? *Milovich: P. 9 mentions DeWitt property, variance may have been prior. Lagomarsini: Continuance request by DeWitt.*

Other questions? *Lagomarsini: Inclined to move forward. Bush: DeWitt could appeal to PC and BOS. Le Francois: Could appeal if approved. Roberts: No specific concerns, just options.*

MOTION: Move ahead (*Lagomarsini/Roberts. Roll call: Roberts/Bush/Lizza/Lagomarsini. Ayes: 4-0. Absent: Robertson.*)

Higerd: When Public Works became aware of easement on tract map, worked with CDD to grant new drainage easement to public to replace old one. At some point, drainage moved from original easement closer to perimeter of property. In keeping with allowing public access, new easement in location where drainage exists today: 10' either side of center line. Granted so clear out debris to maintain waterway.

Same kind of easement on other properties in this tract? *Higerd: Original affected several different parcels. Same blanket easement. Lagomarsini: Change easements on other properties? Higerd: Only property in question.*

OPEN PUBLIC COMMENT: Craig Tapley stated stream course changed when cobble was added to protect. Backfilled lots brought grade up. Looking at original 20' easement, just 10' either side.

Tapley: County's not looking at anything prior to 1990, not know setbacks when DeWitt built. Done best to design residence in FEMA flood zone D. No major event since January 1997. With design of structure concrete slab at grade for garage. Designed living area to be 11' above grade for second floor. 936 sf, roof slopes away from stream course. Could introduce stone. Conservative design, not asking for much except acted in due process.

Lizza: How long own property? *Tapley: Year and a half. Another client looked at moving stream but would work with Army Corps, Lahontan, etc. Footprint about 20% of lot coverage.*

CLOSE PUBLIC COMMENT.

DISCUSSION: Lizza: OK with setback. Would like to see good map of where creek runs through other properties to see impact. *Roberts: Consistent with other construction in area. Draper showed map of adjacent properties.*

Lagomarsini: Appropriate variance for site in subdivision.

Tapley: Culvert 49", runs over on 6, 7, and 8. Draper: Lot 9 vacant.

Is lot 8 30' from creek? *Draper: Residence set back far on property.*

MOTION: Find that project is exempt from CEQA as a Categorical Exemption under CEQA guideline 15303 and direct staff to file a Notice of Exemption; adopt findings in staff report; and approve Variance 19-001 to allow 16' setback from top of stream bank for SFR on APN 016-270-005. (*Lizza/Lagomarsini. Roll call Lagomarsini, Lizza, Bush, Roberts. Ayes: 4-0. Absent: Robertson.*)

B. CONDITIONAL USE PERMIT 19-011/Heaton for use of a residence as a transient rental at 24 W. Granite Ave. in June Lake (APN 015-103-005). The unit contains one bedroom and is allowed a maximum of four overnight guests. Property is designated Multi-Family Residential – High (MFR-H).

Bentley Regehr added slight change to staff report: 2-BD not 1-BD, occupancy increase from four to six. Two unpaved spaces would need paving, off-site parking prohibited. Discussed snow storage, not push into stream. Reduced 30' to 5', snow not in setback. All exterior lighting down-directed. Exempt under CEQA.

Bush: Who manages? *Regehr: Signage stating how managed.*

Lizza: MFR-H allows transient rentals. *Le Francois: Probably holdover from 1980s and '90s, language likely never changed. Maybe expected larger projects not SFR. VRBO came along, dealing with individual units.*

OPEN PUBLIC COMMENT: Connie Lear would manage traditional vacation home property. Leonard Avenue rentals rented prior with a year to get pavement done. Asking to pave first prior to rentals now. *Regehr: Bring up to code.*

Le Francois: In past PC deferred things like landscaping, or in this case paving. Can't pave unless temp 45-50 and rising. May be throwing money away. Requirement as SFR, should have been caught at building permit stage. Lot off paved street needs paved parking.

Paving under Variance 16-01? *Le Francois: Heaton bought red-tagged structure with illegal modifications, inherited headaches.* Roberts: Small garage exists. *Heaton: Was storage container.*

Milovich: PC can alter a condition.

Want to rent this season? *Heaton: Yes, wait till ready to pave in spring.*

Rent year-round? *Heaton: Just winters.*

Talking permeable or solid paving? *Regehr: Regular paving. Not up against lot coverage issue for permeable.* Lagomarsini: Option for permeable? *Le Francois: Allow pavers, turf stone, pervious concrete. If off hardened surface, translates to parking. Some type of hardening.* **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza: Paving should have been done long ago, set June 30 deadline to pave. *Roberts: Could still be muddy and snowy.* Bush: Amend to July 31.

MOTION: Find that project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption; make the interpretation the use of a single unit as a transit rental on a Multi-Family Residential – High (MFR-H) parcel is similar and not more obnoxious than use of four or more units as transient rentals on an MFR-H parcel; make the required findings in staff report; and approve Use Permit 19-011 subject to Conditions of Approval: Add to Condition 3 July 31, 2020, deadline for two paved parking spaces. (*Roberts/Lagomarsini. Roll call: Lagomarsini, Lizza, Bush, Roberts. Ayes 4-0. Absent: Robertson.*)

5. WORKSHOP: None

6. REPORTS

A. DIRECTOR: Le Francois: 1) Tioga Inn Specific Plan: Administrative draft, final subsequent EIR. 2) Head property: Building permit in fall, working on issues. Buildings to be delivered at spring thaw. Start as soon as possible.

B. COMMISSIONERS: None.

7. INFORMATIONAL: None.

8. ADJOURN to 11:15 a.m. to regular meeting January 16, 2020

Prepared by CD Ritter, PC clerk