

# 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)

## SPECIAL MEETING AGENDA

February 16, 2023 – 9:00 a.m.

### Hybrid Meeting: Zoom & Mono Lake Room

Mono Lake Room-Mono County Civic Center  
1290 Tavern Rd  
Mammoth Lakes, CA

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

### TELECONFERENCE INFORMATION

#### 1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

#### To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/85741674555>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: **857 4167 4555**

To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

#### To join the meeting by telephone

Dial (669) 900-6833, then enter *Webinar ID*: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press \*9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

#### 2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment **by visiting**:

[http://monocounty.granicus.com/MediaPlayer.php?publish\\_id=18ba204e-42f6-4d0a-9d3d-fc6b89b99aae](http://monocounty.granicus.com/MediaPlayer.php?publish_id=18ba204e-42f6-4d0a-9d3d-fc6b89b99aae)

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Jora Fogg

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

*\*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**

**A.** Review and adopt minutes of December 15, 2022, AB361 meeting. (pg. 1)

**B.** Review and adopt minutes of December 15, 2022, special meeting. (pg. 2)

**4. PUBLIC HEARING**

**A. UP 22-012/The Villager Motel. [9:00 am]** The project is located at 2640 Highway 158, June Lake (APN 015-113-068) and proposes to replace a one-story, two-unit existing commercial lodging structure with a two-story, four-unit structure. The proposed structure will have a footprint approximately 20 square feet larger than the existing structure. It will be setback 10' from South Crawford Avenue and 3' from the south property boundary. Additional parking is provided on site, and a project condition will require a contract for snow removal. The property is 0.76 acres and designated Commercial. *Staff: Michael Draper (pg. 6)*

**B. UP 23-001 & Expanded Home Occupation Permit 23-001/Sherer. [9:30 am]** The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014) and proposes an accessory structure/garage greater than 20' in height and an Expanded Home Occupation Permit. The Expanded Home Occupation will allow the applicants to complete maintenance work on heavy equipment related to the applicants' existing business, Eastside Iron Co. All work will be completed within the accessory structure/garage. Heavy equipment will not be used at the project site, other than for the purpose of moving equipment into and out of the accessory structure. The property is designated Estate Residential and is 0.95 acres. *Staff: Michael Draper (pg. 41)*

**5. ACTION ITEM**

**A.** Recommend the Board of Supervisors send a letter to Liberty Utilities regarding compliance with overhead power regulations. *Staff: Wendy Sugimura & Emily Fox (pg. 77)*

**6. WORKSHOP**

**A.** Brown Act requirements and returning to in-person meetings. *Staff: Emily Fox (pg. 83)*

**7. REPORTS**

**A. Director**

**B. Commissioners**

**8. INFORMATIONAL**

**A.** Letter to the Planning Commission from Mark Langner (pg. 100)

**9. ADJOURN** to March 16, 2023

**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 USCS 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.

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 restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission](http://www.monocounty.ca.gov/departments/community-development/commissions-committees/planning-commission). For inclusion on the e-mail distribution list, send request to [hwillson@mono.ca.gov](mailto:hwillson@mono.ca.gov).

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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## SPECIAL MEETING AGENDA

December 15, 2022 – 9:00 a.m.

1. **CALL TO ORDER**
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.
3. **CONSIDER ADOPTION OF RESOLUTION 22-12 AB 361 TO CONTINUE DIGITAL MEETINGS**

**Motion:** Adopt Resolution 22-12 AB361 to continue digital meetings.

**Lizza motion; Lagomarsini second.**

**Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.**

**Motion passed 5-0.**

4. **ADJOURN** to December 15, 2022, at 9:07 am

**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 USCS 12132, 28CFR 35.130).

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Commissioners participate from a remote location per COVID public health precautions. Interested persons may appear before the Commission at the digital meeting 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.

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## SPECIAL MEETING AGENDA

December 15, 2022– 9:00 a.m.

**COMMISSIONER:** Chris Lizza, Roberta Lagomarsini, Jora Fogg, Scott Bush, Patricia Robertson

**STAFF:** Wendy Sugimura, director; Heidi Willson, planning commission clerk; Michael Draper; principal planner, April Sall, planning analyst; Laura Stark, planning analyst; Sean Robison, public works, Louis Molina, Environmental Health, Emily Fox, Counsel

**PUBLIC:** Helen Thompson, Terry, Sarah, Debbie, Cynthia, Rod Vickers, Daniel Dikes, Vanina Larroca Vicena, Valada Corbett, Susan Barnes, Star Arther, Tina, Cody McCabe, Angie Landrum, Benjamin Paladino, Ron, Wayne Swindall, Ella, Amanda, Dean Hemminger, Kate Buell, Eugene Chittock, Hap Hazard, Fred Stump, Carol Ann Mitchell, Zach Wood, Toiyabe Motel, Tarik Ouazzani, Jerry Ambrose, JoAnne Michael, John, MadisonLAScalza, JB Borton, Dan Landrum, David Semsarah, Dennis, Flowers3, Gio Isidro, Hammett & Edison, Jacqueline Hamilton, Alexis Dunlap, 714-319-0347, 530-495-1177, 530-208-6570, 530-570-1853, 775-781-8381, 775-781-9566, 831-750-7351

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE-** Meeting called to order at 9:07 am.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
  - No public comment.
3. **MEETING MINUTES**
  - A. Review and adopt minutes of November 17, 2022, AB361 meeting.
  - B. Review and adopt minutes of November 17, 2022, Special meeting.

**Motion:** Approve the minutes from meeting on November 17, 2022.

**Lagomarsini motion; Fogg second.**

**Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.**

**Motion passed 5-0.**

#### 4. PUBLIC HEARING

- A. **9:00 Use Permit 22-009/Chalfant Cell Tower** The project proposes to install, operate, and maintain a proposed cell tower to be located at 500 Locust Road in Chalfant (APN: 026-200-044-000) in order to improve the cell service in the Chalfant Valley and along US 6.  
*Staff Michael Draper and Laura Stark*
  - Stark gave a presentation and answered questions from the Commission.
  - Former Mono County Supervisor Hap Hazard gave a summary on his past work and history with the Chalfant Cell tower project.

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Chris I. Lizza

- Former Mono County Supervisor Fred Stump gave a summary on his work on the Chalfant Cell tower project.
- Public Hearing Opened at 9:58 am
- Carol Ann Mitchell is in support of the project but wanted to make sure traffic laws, color, and daylight maintenance hours were addressed in the conditions of approval.
- Public Hearing Closed at 10:02 am

Commission discussed colors and maintenance, modifying one condition of approval and adding another as follows:

2. The design, color and building materials for equipment structures shall be compatible with the surrounding natural environment. No reflective construction materials shall be used in the monopole, antenna pole(s), antennas and equipment shelters to house necessary radio and associated equipment. The design, color and building materials for equipment shelters shall be a dull finish in a ~~dark~~ muted color that is within the background landscape, ~~similar to Dunn-Edwards Paints, Shaker Gray DE623~~, approved by the Community Development Department.

11. ~~Physical, onsite maintenance shall occur if at all possible during daylight hours except for emergencies.~~

**Motion:** Find that the project qualifies as a class 3 Categorical Exemption making the required findings as contained in the staff report; and approve Use Permit 22-009 subject to the modified conditions of approval.

**Lagomarsini motion; Bush second.**

**Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.**

**Motion passed 5-0.**

- 9:10 USE PERMIT 22-010/Olson.** Consider approval of a Use Permit application for overhead power to serve a single-family residence located at 162 Wunderlich Way in Walker (APN 002-440-030-000). Overhead powerlines with two overhead poles on the property are supported by a pole spanning from Wunderlich Way approximately 380' onto the property; then powerlines are undergrounded the remaining distance approximately 180' to the applicant's home. A Categorical Exemption under CEQA guideline 15303(d) is proposed.

*Staff: April Sall*

- Sall gave a presentation and answered questions from the Commission.
- Public Hearing opened at 11:00 am.
- Eugene Chittock spoke on behalf of the applicant to address the concerns raised and answer any questions.
- Comments made in opposition by Katy Buell due to safety and fairness from other neighbors.
- Comments made in support of the project by Dean Hemminger with understanding on how hard and expensive undergrounding overhead power is.
- Applicant Angela Olson spoke to clarify information from the staff report, comments made by the public, and the Commission.
- Public Hearing Closed at 11:21 am.

**Motion:** Find that the project qualifies as a categorical exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption; approve As-built Project and make the alternative findings and approve Use Permit 22-040 subject to Conditions of Approval on the basis of the financial hardship and also topography findings per Chapter 11.D.3. of the Mono County General Plan.

**Bush motion; Lizza second.**

**Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini. Nay: Robertson.**

**Motion passed 4-1.**

- C. 9:30 Use Permit 21-006/Sierra High.** Commercial cannabis activity including ten-acres of outdoor cultivation, and indoor cultivation of no more than 10,500 square-foot (SF) of mature plant canopy for year-round operation within four structures. The project also includes onsite cannabis processing (trimming, packaging, and labeling), wholesale distribution, and non-storefront retail. The project is located on a 124-acre parcel designated Agriculture (AG) at 7761 Eastside Lane, Topaz (APN 001-150-004-000). Supporting structures to be constructed may include: a well-house, a water tank-house, hoop-houses, storage containers, a drying shed, and a nursery/processing building. The property has previously been used for cattle grazing, has two private water wells on the property and energy will be provided by a combined heat and power system. A Mitigated Negative Declaration (MND) is proposed for compliance with the California Environmental Quality Act (CEQA).

*Staff Michael Draper*

Commissioner Bush recused himself due a possible conflict of interest.

- Draper gave a presentation and answered questions from the Commission.
- Public Hearing opened at 1:26 pm.
- Comments made in opposition by Helen Thompson, Terry, Sarah, Debbie, Cynthia, Rod Vickers, Daniel Dikes, Vanina Larroca Vicena, Valada Corbett, Susan Barnes, Star Arther, and Tina with concerns regarding safety, traffic, fire danger, visual impacts, and odor.
- Comments made in support by Cody McCabe, Angie Landrum, Benjamin Paladino, Ron, Wayne Swindall, Ella, Amanda, 714-319-0347.
- Public Hearing closed at 2:06 pm.

**Motion:** Adopt the Mitigated Negative Declaration findings based on the whole record that there is no substantial evidence the project will have a significant effect on the environment, that the Mitigated Negative Declaration reflects the Planning Commission’s independent judgment and analysis, and that the office of Community Development is the custodian of the records of proceedings on which the Planning Commission’s decision is based. Further, make the findings as stated in the staff report and approve use permit 21-006 subject to the conditions of approval. Adopt the mitigated monitoring and reporting plan.

**Lizza motion; Robertson second.**

**Roll-call vote – Ayes: Lizza, Lagomarsini, Robertson.**

**Motion Passes 3-0 with one absent and one abstention.**

## 5. WORKSHOP

No item

## 6. REPORTS

**A. Director**

1. Summary of Brown Act requirements

**B. Commissioners**

No reports from the commissioners.

**7. INFORMATIONAL**

- 8. ADJOURN at 2:46 pm** to January 19, 2023

*Respectfully submitted by Heidi Willson*

# Mono County Community Development Department

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## Planning Division

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February 16, 2023

To: Mono County Planning Commission

From: Michael Draper, Principal Planner

Re: Use Permit 22-012 / The Villager Motel

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(d) and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 22-012 subject to Conditions of Approval.

### PROJECT DESCRIPTION

The project will remove an existing duplex motel unit and construct a two-story, four-unit motel building in its place at 2640 Highway 158, June Lake (APN 015-113-068). The property is 0.76 acres, designated Commercial (C) and contains a commercial lodging business, The Villager Motel, which currently has 26 units and seven structures. Under the Commercial land use designation, a Use Permit is required to increase the number of lodging units. The new structure will be located in a similar location as the existing structure. The existing structure has a footprint of 698 square feet (sf), and the replacement structure will have a footprint of 718 sf. The number of lodging units will increase from 26 units to 28 units. On-site parking is provided for the new units. The property is existing nonconforming to development standards for parking, snow storage, lot coverage, and setbacks on Knoll Avenue and South Crawford Avenue.

### DISCUSSION

The Villager Motel has been in operation since 1954. The existing two-unit, single-story structure was built in 1963 according to the Mono County Tax Assessor's Office. The proposed structure to replace this unit will be two stories with four units, approximately 718 sf, and in the similar location as the existing structure. The proposed structure will have a 4' x 28' first floor porch, same as the existing structure, and second floor deck of the same size. The proposed structure will have an exterior stair well for access to the upper story.

The parcel has a land use designation (LUD) of Commercial (C); the designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, and business and professional uses and services in community areas, including commercial lodging and higher density housing, when found compatible with retail and service functions. Commercial

lodging is a use permitted subject to a Use Permit. Given the age of this operation, the Community Development Department does not have record of a use permit. Increasing the number of lodging units is also subject to a Use Permit in order to determine development standards are met, and to provide the public an opportunity to provide input.

Director Review permit DR 99-14/Lunbeck was approved for this property in September 1999 to allow the reconstruction and minor addition to a deck, converting office space into a manager's unit, and converting one large motel room into separate rooms. See Attachment 1. The permit found the property was existing nonconforming due to inadequately sized parking spaces and inadequate side yard setback along Knoll Avenue.

## GENERAL PLAN CONSISTENCY

### Lot coverage

Maximum lot coverage for the parcel is 70%. Lot coverage is the area encumbered by impervious areas, structures, and modifications, including decks. The total coverage of structures is 10,397 sf and impervious areas devoted to parking and access is 14,809 sf, totaling 25,206 sf. The total lot area is 33,105 sf, therefore lot coverage is approximately 76% and existing nonconforming to the standard. The new structure will not increase lot coverage because the additional 20 sf occurs on area that is currently paved. Therefore, no new impervious surface is created by the project

### Setbacks

The Commercial designation requires a front setback of 10', rear setback of 5' and 0' side yard setbacks. The project site is unique in that it fronts three different streets; State Highway 158 is to the east, Knoll Avenue is to the north, and South Crawford Avenue is to the west. The property may be considered both a corner lot and double frontage lot. Therefore, setback requirements are 10' along State High 158, 10' along Knoll Avenue, 10' along South Crawford Avenue, and 0' on the south, side-yard property line adjacent to another parcel. The new structure will be located along South Crawford Avenue. It will be setback 10' from the avenue and three feet from the side, southern property boundary, and therefore meets setback standards.

Existing structures along Highway 158 are setback greater than 10' from the property line. Existing structures along Knoll Avenue are a minimum of approximately three feet from the property line and are existing nonconforming to the setback requirement of 10'. Along South Crawford Avenue, an existing structure is 0' setback from the property line and is existing nonconforming to the setback requirement of 10'.



Figure 1. Project site.

The existing duplex structure that will be replaced has a 5' setback from South Crawford Avenue and therefore is existing nonconforming with respect to the required 10' setback. The proposed project will bring the new structure into compliance with the required setback, eliminating the existing nonconformance.

The analysis performed in DR 99-14/Lunbeck considered Knoll Avenue the side yard and identified structures along Knoll Avenue being existing nonconforming to the setback requirement. This permit was granted with the statement that proposed additions (allowing reconstruction and minor additions to a deck, converting office space into a manager's unit, and converting one large motel room into separate rooms) will not expand or increase the nonconforming feature. A notice was sent to adjoining property owners, and no comments were received.

#### Density

The maximum allowed density for motels, within the C designation is 40 units/acre. The project site is 0.76 acres, thereby the maximum units the property may contain is 30 units. The project will increase the number of units from 26 to 28 units total.

#### Parking

Per MCGP LUE Table 6.010, the required number of parking spaces for a Commercial Lodging operation is one space per sleeping room plus one space for each two employees on the largest shift. Uncovered parking spaces are required to be a minimum of 10' x 20'.

The proposed number of units is 28, and four employees will be scheduled during the largest shift: 32 spaces total are required to be provided on site. The project site provides 34 parking spaces, and two spaces are ADA accessible, (see Attachment 2, Site Plan). DR 99-14/Lunbeck noted parking spaces were nonconforming due to inadequately sized parking spaces. All parking proposed for this project are existing on site, and no new spaces need to be created, therefore the project will not exacerbate the existing nonconforming parking.

#### Snow storage

Snow storage is required to be equal to a required percentage of the area from which the snow is to be removed, and provided on site but may be allowed offsite through the use permit process. The snow load required for structures per the location within the County is used to establish the snow storage area required. "Snow storage area" means an area set aside for the storage of snow. The area may be landscaped, paved or covered with natural vegetation.

The required percentage of snow storage area in the community of June Lake is 65%. The area from which snow is to be removed is approximately 14,809 sf (listed as paved parking and access on the application); therefore an on-site snow storage area of 9,625 sf is required per the General Plan.

The plans provided identify 5,100 sf of snow storage area, which is 4,525 sf less than the requirement. On site snow storage is existing nonconforming to the standard. Snow storage may be allowed off site through this use permit process. A condition of approval for this project includes the requirement to maintain a snow removal contract for off site snow storage. The owner has a

snow removal contract for the 2022-23 year (see attachment 3). The proposed project will not exacerbate the nonconforming snow storage area because the proposed structure is similar in size to the existing structure and will not infringe on the existing snow storage area.

Alterations to nonconforming uses, buildings and structures

The parcel is nonconforming for lot coverage, setbacks, parking, and snow storage requirements for the Commercial LUD.

Per MCGP Chapter 24, Nonconforming Uses, Section 34.010, *the lawful uses of land, buildings or structures existing on the effective date of the adoption of this General Plan, when such use does not conform to the land development regulations, may be continued except as provided in this chapter. The regulations of this chapter are intended to set standards that will not inhibit the continued and/or expanded or altered use of such properties, provided that the general intent of the provisions of the land use designations and land development standards are met, the character of the community is not adversely affected, and that wherever practical, deficiencies are mitigated.*

The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

- A. *Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.*

Lot Coverage: The property exceeds the allowed lot coverage by 6% based on existing development. The proposed project does not increase this nonconformity because the increase of 20 sf in building footprint replaces paved area already counted toward lot coverage. No new impervious surface is created by the project.

Setbacks: None of the existing nonconforming setbacks are increased by this project, and one nonconforming setback along South Crawford Avenue is brought into compliance. The proposed structure will meet the required setbacks.

Parking: The proposed use will require additional parking spaces however the property currently contains more spaces than needed and the necessary spaces are available. Some parking spaces are less than 10' x 20' and are therefore existing nonconforming. The project will not alter existing spaces and will utilize unused spaces. The project will not be detrimental to the intent of the policy.

Snow Storage: The project will not alter the nonconforming space storage area or exacerbate the need for additional snow storage. A snow removal contract is required to be maintained by the property, and the property is currently in compliance with this.

- B. *The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.*

Lot coverage: Granting permission to demolish and replace the existing structure with a similarly sized structure, in approximately the same building footprint, and compliant with setbacks will not adversely impact the surrounding properties.

The roof of the proposed structure will be in the same alignment as the current structure, positioned to shed snow on the project site and not towards the neighboring property.

Setbacks: The proposed structure will meet the required setbacks.

Parking: The parking demand will not be substantially detrimental to the public or property in area. Necessary parking exists on site, however parking stall sizes are less than 10' x 20'. The continued use of this parking will not impact surrounding properties.

Snow storage: Granting permission for the project will not impact snow storage. The property contains a snow storage area that can continue to be used. A snow removal contract is required, and existing, for the property.

- C. The alteration shall not increase the intensity of the use-category of the land, building or structure.*

Per the land use designation, the parcel is permitted a maximum density of 30 units. The proposed project increases lodging units from 26 to 28 units, which is within the permitted density and therefore does not increase the use intensity of the land.

- D. If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.*

The project is being considered by the Planning Commission at a noticed public hearing.

## **PUBLIC NOTICING**

Public notice was published in the February 4, 2023, edition of The Sheet newspaper, and mailed to property owners within 300' of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch. 46. See Attachment 3. Draft conditions of approval were reviewed by the Land Development Technical Advisory Committee (LDTAC) on February 6, 2023.

## **COMMENTS RECEIVED**

The project was accepted for processing at the October 17, 2022, LDTAC meeting. At that time no comments were received. At the time this report was written, no additional comments have been received.

## **CEQA COMPLIANCE**

This project is categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303d.

*15303 (d). New Construction or Conversion of Small Structures*

*Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:*

*© A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.*

This project is a replacement structure, with a new floor area of approximately 1,650 sf, for an existing commercial lodging business. The replacement structure will increase the total number of lodging units from 26 to 28 units. The project is categorically exempt from CEQA.

## **USE PERMIT FINDINGS**

MCGP L-E - Section 32.010, Required Findings:

Use permits may be granted by the Planning Commission only when all the following findings can be made in the affirmative:

- 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 site is adequate for the proposed structure. The new structure will meet setback standards, increase the total number of lodging units by two, and not increase or exacerbate any existing nonconformities related to lot coverage, parking, setbacks, or snow storage. Sufficient on-site parking is provided to meet the demand of these two units. The property lacks sufficient on-site snow storage area and therefore a Condition of Approval requires a valid agreement for snow removal to be maintained.

- 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 access roads and streets are adequate to carry the quantity and kind of traffic generated by the proposed use because the lodging business has continued to operate without incident to the streets. The new structure will increase the operations lodging units by two units and the increased use is not anticipated to generate significant impacts to the existing access streets and circulation. All parking will be on-site, and the site can accommodate the increased parking spaces required per this project.

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

Replacing the existing structure with a structure similar in size and containing two more units will not be detrimental to the public welfare or injurious to property or improvements in the area. The proposed structure will not exacerbate existing nonconforming parts of the property, including structures setback, lot coverage, parking, and snow storage. The structure will be located in approximately the same location as the existing structure, and oriented in the same manner. The roof will shed snow onto the project parcel, not to affect the neighboring property. The property owner currently maintains a contract for offsite snow storage/snow removal. All parking is required to be provided on site and the site provides sufficient parking spaces to meet the demand generated by two more lodging units.

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

The General Plan applies the Commercial (C) designation to the property. The proposed use is consistent with the C designation.

The project is consistent with the following June Lake Issues/Opportunity/Constraints:

3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

The project is controlled expansion/infill for an existing lodging business.

57. The June Lake Loop's economy is based upon its tourist industry orientation, and the area must be able to accommodate a significant spike in population during the busiest days. Summer activities such as fishing, camping, hiking and sightseeing presently draws the majority of the Loop's visitors.

The project provides for additional commercial lodging units.

60. Enhancing the Loop's economic foundation will depend on expanding and improving tourist-oriented recreational facilities and accommodations. Public and private campgrounds during the summer months operate at near-full capacity, while in the winter, overnight accommodations fall short of demand.

The project provides for additional commercial lodging units.

61. Proposed development in the West Village/Rodeo Grounds and June Lake Village is expected to support additional visitors.

The project provides for additional commercial lodging units within the Village.

The project is consistent with the following June Lake Area Policies:

Objective 13.C. Contain growth in and adjacent to existing developed areas, and retain open-space buffers around each area.

Policy 13.C.1. Encourage compatible development in existing and adjacent to neighborhood areas.

The project provides infill for a Commercial conducting a commercial lodging business. The project is compatible with existing development in the area.

Objective 13.I. Maintain the June Lake Village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

The project takes place in the Village and is supporting an existing commercial lodging business.

This staff report was reviewed by the Community Development Director.

**Attachments**

- Attachment 1 – Director Review Permit 99-14/Lunbeck
- Attachment 2 – Site Plan and photos of existing structure.
- Attachment 3 – Snow removal contract.
- Attachment 4 – Combined Notice.



**CONDITIONS OF APPROVAL**  
Use Permit 22-012 / The Villager Motel

- 1) Off site snow storage is required in order to meet snow storage demand when existing onsite snow storage areas are filled. An agreement with a snow removal business shall be valid each year while the business is in operation. Staff may request a copy of the agreement to validate this condition is met.
- 2) Project shall substantially comply with the site plan submitted with the use permit.
- 3) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 4) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 5) 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.
- 6) Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.7)
- 7) Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
  - C. No extension is granted as provided in Section 31.080.
- 8) Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this

provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

- 9) Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

**MONO COUNTY**  
**PLANNING DEPARTMENT**

P. O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-5450 FAX 924-5458  
monocounty@qnet.com

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5217 FAX 932-7145  
northmono@qnet.com

**NOTICE OF DECISION DIRECTOR REVIEW 99-14/Lunbeck**

APPLICANT: Bob Lunbeck  
SUBJECT PROPERTY: 15-113-68/June Lake Villager Motel  
PROPOSAL: Replacement of and addition to an exterior deck, interior remodeling of an office area into a manager's quarters, and partitioning of a larger motel unit into separate units

Pursuant to Mono County Zoning and Development Code (MCZDC) Chapters 19.13, 19.40, & 19.43.020 D1 and based upon the following findings, you are hereby notified that Director's Review 99-14 has been:

\_\_\_\_\_ Granted as requested.  
XX \_\_\_\_\_ Granted subject to the attached Conditions of Approval.  
\_\_\_\_\_ Denied.

**BACKGROUND**

Director Review 99-14 would allow for the reconstruction and minor addition to a deck, converting office space into a manager's unit, and converting one large motel room into separate rooms. The .7 acre property (APN 15-113-68) is located on the corner of Highway 158 and Knoll Avenue. The property is zoned Commercial and has a Commercial land use designation in the Mono County General Plan. The Motel is nonconforming due to inadequately sized parking spaces and inadequate side yard setback along Knoll Avenue. Mono County Zoning and Development Code (MCZDC) requires a Director Review if additions, exterior alternations, or additional parking is needed for commercial structures. Minor alteration of existing nonconforming structures are allowed if necessary to improve or maintain the health and safety of the occupants or unless the expansion will not unduly increase any aspects of the nonconformity as stated in Mono County Zoning and Development Code section 19.43.020 D 1.

**DIRECTOR REVIEW FINDINGS**

Under MCZDC Section 19.40.030, the Planning Director may issue a Director Review Permit after making certain findings. The Director has made the following findings concerning DR 99-14:

1. All applicable provisions of the MCZDC 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 proposed deck replacement and interior remodeling will not increase the nature of the existing nonconforming use. The deck replacement has adequate front yard setbacks and the interior remodeling will not change the side yard setback along Knoll Avenue. The remodeling of rooms into a manger's unit and one new room will require a

minimum of three conforming parking spaces. Any future additions to the motel shall meet all the required setbacks and shall not increase the nature of the nonconformity.

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

The streets in the community will not be substantially impacted. The June Lake Villager Motel is existing. The replacement and addition to the deck, the remodeling, and use of two new rooms is not expected to increase traffic on Highway 158 and Knoll Avenue or in the community.

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 motel is existing and the proposed additions will not expand or increase the nonconforming parking spaces due to inadequate size and setback along Knoll Avenue. A notice was sent to adjoining property owners about the proposed improvements, and no comments were received.

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

The Mono County General Plan applies the Commercial (C) land use designation to the property. The proposed uses are consistent with the Commercial designation.

5. Improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Zoning and Development Code because;

MCZDC 19.43.020 D allows for expansion of nonconforming uses of structures provided the expansion will not unduly increase any aspects of the nonconformity and is carried out according to the director review process. As noted in condition 1 and 2, the proposed deck addition and interior remodeling are not permitted to increase the nature of the nonconformity.

6. The project is exempt from CEQA, because;

The deck and future additions would qualify for a Class 1 exemption that allows for the expansion of existing facilities and structures (15301e).

#### **CONDITIONS OF APPROVAL**

1. The proposed deck addition shall comply with all required setbacks of the Mono County Zoning and Development Code (MCZDC).
2. The interior remodeling shall provide a minimum of three on-site parking spaces as shown in Figure 1.

This Director Review Permit shall become effective fifteen (15) days following the issuance of the Director's decision. This decision may be appealed within fifteen (15) days by filing a written notice of appeal with the Secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission.

PREPARED BY: Gerry Le Francois, Senior Planner

DATE OF DECISION: 9/30/00

SIGNED:   
Scott Burns, Planning Director

PROPERTY LINES

PAVED PARKING AREA TO REPLACE EXISTING WOOD FRAME PARKING DECK. BOUNDED BY EXISTING RETAINING WALL TO THE NORTH AND NEW RETAINING WALLS TO THE WEST AND SOUTH

REPLACE EXISTING STAIRS, NEW STAIRS SHOULD BE SAME OVERALL LENGTH AS EXISTING

KNOLL AVENUE

Remove plate

LOT 24

EXISTING BUILDING

LOT 25

EXISTING BUILDING

EXISTING BUILDING

Grass  
LOT 23  
PATIO  
Grass

EXIST BUILDING

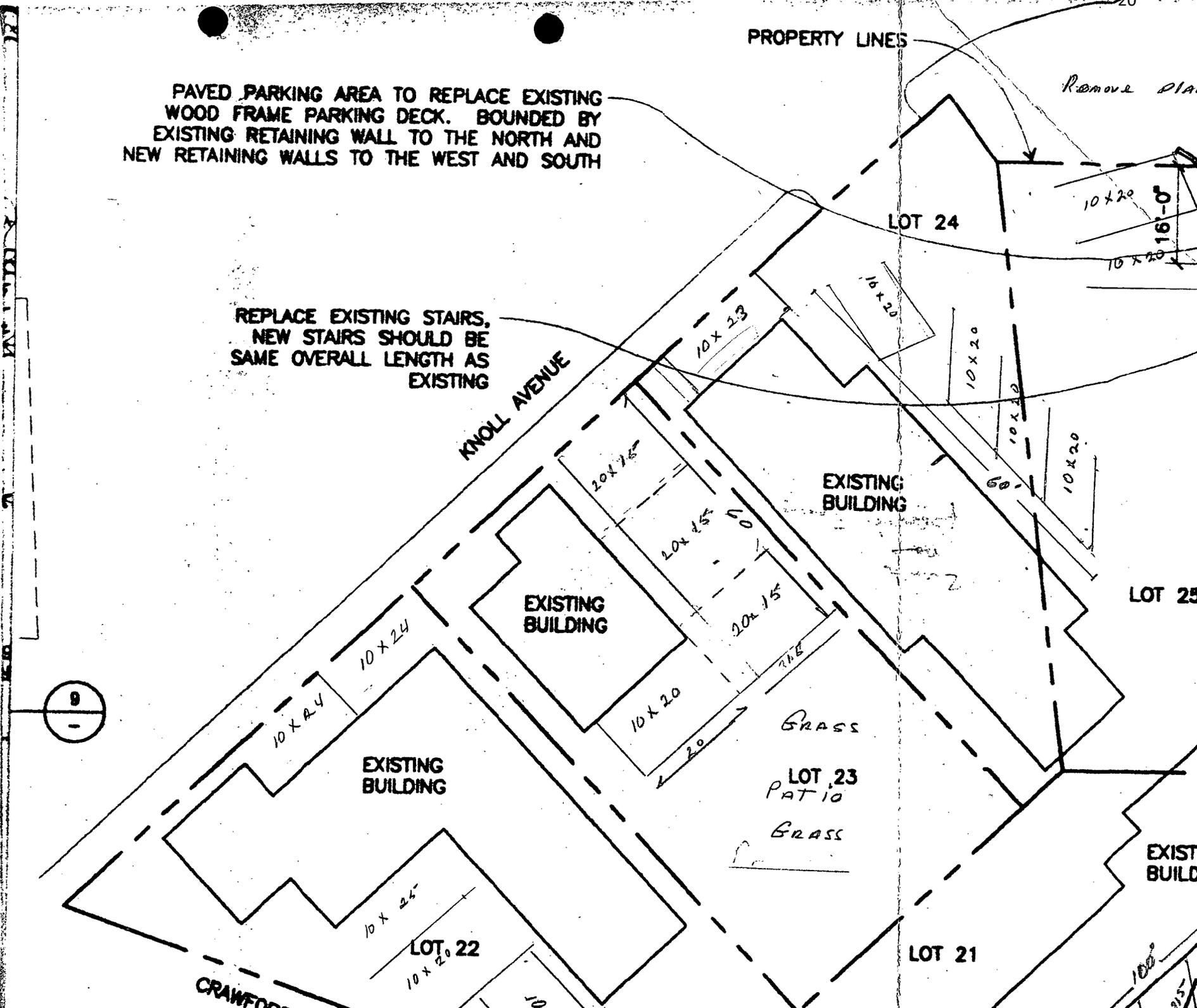
LOT 21

LOT 22

CRAWFORD

Parking Plan  
DR 99-14

Fig



**MONO COUNTY  
PLANNING DEPARTMENT**

P.O. Box 347  
MAMMOTH LAKES, CA 93546  
760-924-5450

P.O. BOX 8  
BRIDGEPORT, CA 93517  
760-932-5217

**PUBLIC NOTICE**

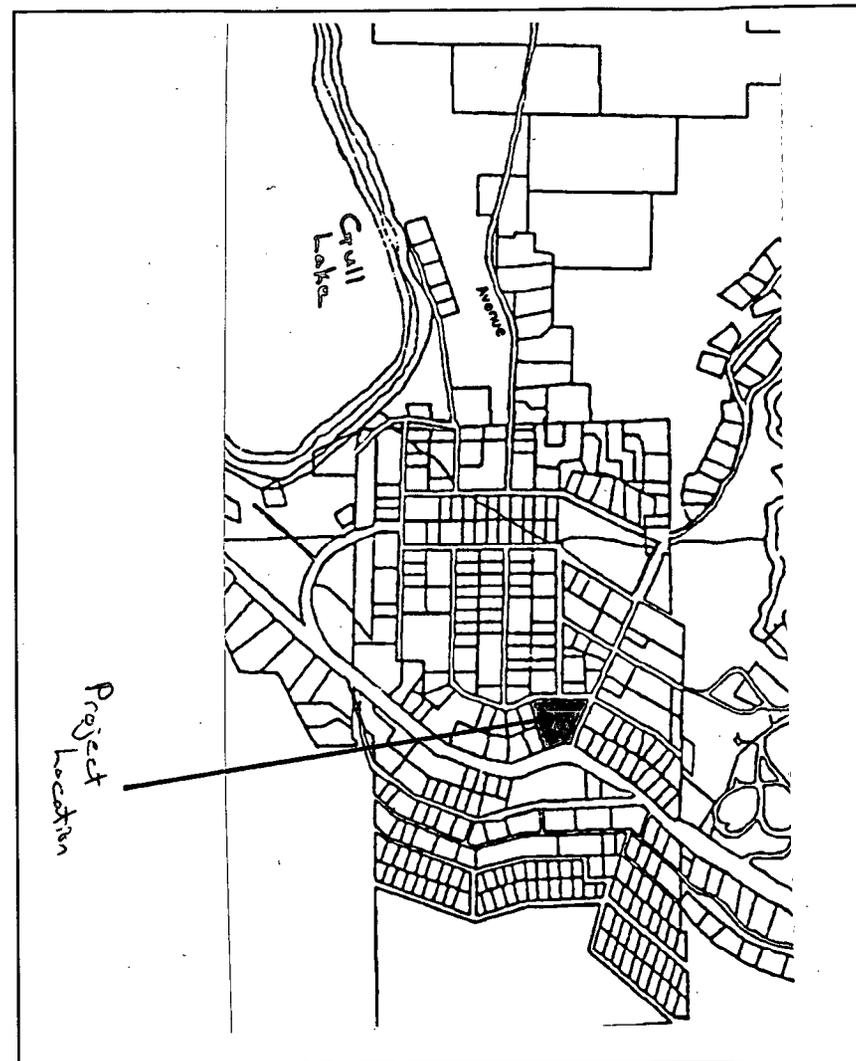
The Mono County Planning Department has received an application for the following project:

An application for Director Review 99-14 has been received for the replacement of an exterior deck and interior remodeling at the June Lake Villager Motel. The interior remodeling would add a managers unit to former office space and partition a larger motel room into two separate units. The proposed project is located at the intersection of Knoll Avenue and Boulder Drive. This project qualifies for a Class 1 Categorical Exemption (15301) under the California Environmental Quality Act.

Persons interested in the project are invited to submit comments by **September 13, 1999**. Comments should be directed to:

Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-5450  
ATTN. Gerry Le Francois

Comments received will be considered by the Planning Director when making a decision on the project. Persons wishing to receive notice regarding the decision rendered by the Director on this project must submit a written request during the review period. The Director Review permit shall become effective 15 days following the issuance of the director's decision.





## DIRECTOR REVIEW FINDINGS

Chapter 31, Processing-Director Review, Section 31.010, the Director may issue a Director Review permit after making certain findings; the Director has made the following findings concerning DR 15-004:

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 June Lake Villager Motel has been in existence since the 1920's. All improvements and proposed modifications will take place within the existing site footprint. The result will be improvements to the facility which result in compliance with building, planning and grading requirements, including other applicable local, state and federal codes and guidelines.

**PARKING:** Parking will comply with Commercial Lodging standards, MCGP Chapter 6, Section 06.100, and Table 06.010: Required Number of Parking Spaces. There are 25 existing units, and one manager unit. Two of the units are multi-room, requiring three additional parking spaces, and the manager unit requires an additional space. With two spaces for employees this totals 32 spaces required for existing units. Three additional spaces will be created by new retaining wall, allowing for new accessible space for Room 127 conversion to an accessible room. Therefore, there will be two parking spaces more than required by Mono County..

**LOT COVERAGE:** Project is subject to development standards for Maximum Lot Coverage for Commercial Land Use Designation (LUD). Area of Lot = 34,034 sf. Total lot coverage with improvements = 27,892 sf (82%). Allowable lot coverage of 75% = 25,462 sf. Project conditions require maintaining a maximum of 75% lot coverage.

**SIGNAGE:** Project proposes to relocate existing free-standing sign. Project conditions require compliance with Mono County sign standards contained in the Mono County General Plan, Chapter 07, Signs.

**BUILDING:** Project conditions require all work described on Page A-1.3 of Master Plan to obtain permits to comply with California Building Codes.

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

The parcel is located between Crawford Avenue, Knoll Avenue, and Highway 158 in the community of June Lake. A slight and insignificant increase in traffic is expected due to the addition of one motel room.

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:*

This project is an improvement to an existing use. Originally constructed in the 1920's, this facility will be brought into substantial compliance with current building codes for all

modifications proposed. The proposed project is not expected to impact adjoining property owners, if conducted in accordance with Mono County General Plan standards and the conditions of this Director Review permit.

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

As noted above, the General Plan Land Use Designation for this property is Commercial (C). According to the Mono County General Plan, “the ‘C’ designation is intended to provide for a wide range of uses and service for the resident and visitor including retail, business and professional uses and services in community areas, including commercial lodging and higher density housing, when found compatible with retail and service functions.”

5. *Improvements as indicated on the development plan/site plan are consistent with all adopted standards and policies as set forth in the General Plan, because:*

Parking has been permitted in accordance with Chapter 6, Section 06.020 (c). Adequate site area exists for the proposed use and related required parking. The project is consistent with the June Lake Area Plan’s intent for commercial development in June Lake.

The proposed development is also consistent with June Lake Community Plan policies contained in the Mono County General Plan Land Use Element, and June Lake Design Guidelines. The sections below from the Mono County General Plan support the development, improvement and retention of commercial services in the community of June Lake:

## **MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies**

### **Objective D**

*Provide for commercial development to serve both residents and visitors.*

*Policy 1: Concentrate commercial development within existing communities.*

*Policy 2: Commercial uses should be developed in a compact manner; commercial core areas should be established/retained in each community area, and revitalized where applicable.*

### **Objective H**

*Maintain and enhance the local economy.*

*Policy 5: Promote diversification and continued growth of the county's economic base.*

*Action 5.2: Support the retention and expansion of all viable retail trade, consumer, and business establishments.*

*Action 5.3: Promote the continued growth of compatible industry on sites designated for industry and commerce.*

*Action 5.4: Concentrate development in existing communities in order to facilitate community economic growth.*

## **MONO COUNTY LAND USE ELEMENT, June Lake 2010: June Lake Area Plan**

June Lake Area Plan, Community Development Element

### **Objective B**

*Promote well-planned and functional community development that retains June Lake's mountain community character and tourist-oriented economy.*

### **Objective C**

*Contain growth in and adjacent to existing developed areas, and retain open-space buffers around each area.*

*Policy 1: Encourage compatible development in existing and adjacent to neighborhood areas.*

*Action 1.1: Use the area specific land use maps, specific plans, the Plan Check and Design Review processes to guide development.*

*Action 1.2: Encourage compatible infill development in the Village and Down Canyon areas.*

### **Objective G**

*Meet the land needs of the commercial/industrial uses*

### **Objective I**

*Maintain the June Lake village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.*

## **JUNE LAKE COMMUNITY DESIGN GUIDELINES**

The proposed project is located in June Lake's commercial core. The June Lake Community Design Guidelines' goal is to retain its Village commercial core by promoting development with a broad range of uses, consistent quality of built form, pedestrian-scaled development, and discrete and with well-designed parking areas.

6. *The project is exempt from CEQA, because:*

Section 21080 (b) (1) of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority.

## **CONDITIONS OF APPROVAL**

DR15-004 Villager is issued with the following conditions:

1. All work shall conform to applicable Mono County Codes, and other applicable requirements including local, state and federal codes and guidelines.
2. Proposed modifications listed on the June Lake Villager Motel Master Plan sheet A1.3. shall comply with all Mono County Building Division permit requirements.

3. Any grading that would return an answer of "yes" on the Mono County Grading permit questionnaire shall require a grading permit.
4. All grading work may be done under one grading permit, with addendums for any additional work accepted in writing by Mono County Public Works. The fee for grading permits is based on hours worked, so as the work progresses, the county expenses will be monitored and the permittee will be charged for expenses over the initial deposit.
5. A licensed engineer will be required for design of retaining walls over 4 feet, slopes in excess of 2:1 or other significant grading issues as determined once submitted.
6. Project shall include 33 parking spaces as described in the Master Plan. Parking shall be either paved or pervious paving as described in the Master Plan, in order to maintain lot coverage within allowable 75%.
7. Project will require the equivalent of 4,860 square feet of pervious pavement at 50% pervious, to replace new or existing impervious to maintain 75% effective lot coverage. Pervious pavement material and its pervious rating shall be submitted to the Mono County Public Works Department for approval prior to use. If the pervious rating is different than the 50% assumption above, the square footage of pervious paving may need to be adjusted.
8. All signs shall be in conformance with the sign criteria outlined above and Chapter 07 of the Mono County General Plan. Maximum height of the relocated freestanding sign shall be 20 feet or the height of the associated building, whichever is less. Freestanding signs may occupy one square foot for every three lineal feet of street frontage, up to a maximum of 100 square feet. Freestanding signs shall be set back a minimum of 5 feet from the property line.
9. Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within one (1) year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
  - B. There is discontinuance for a continuous period of one (1) year, as determined by the Director, of the exercise of the rights granted.
  - C. No extension is granted as provided in Section 31.080.
10. Extension. If there is a failure to exercise the rights of the Director Review within one (1) year of the date of approval, the applicant may apply for an extension for an additional one (1) year. Any request for extension shall be filed at least sixty (60) days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

11. Revocation. The Planning Commission may revoke the rights granted by a Director Review and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the Commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

This Director Review permit shall become effective fifteen (15) days following the issuance of the Director's decision. This decision may be appealed within fifteen (15) days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission.

PREPARED BY: Cedar Barager, Assistant Planner

REVIEWED BY: Gerry Le Francois, Principal Planner

DATE OF DECISION: 9/2/16

SIGNED:   
 Scott Burns, Community Development Director

Attachment:

1. Master Plan submitted by applicant

LOT COVERAGE CALCULATIONS	
AREA TYPE	SQUARE FOOTAGE
ORIGINAL IMPERVIOUS AREA (SEE SHEET A-1.2)	25,482 S.F.
ROCK PILE (REMOVE AND PAVE)	213 S.F.
STEPS AND LANDING (AT RM127)	98 S.F.
DECK ADDITION (AT GRADE)	58 S.F.
PARKING AND WALL (BUILDING 5&6)	1,902 S.F.
PAD EXTENSION (RM118)	159 S.F.
TOTAL WITH PROPOSED IMPROVEMENTS	27,892 S.F.

**NOTES:**  
 1. AREA OF LOT = 34,034 S.F. TOTAL LOT COVERAGE WITH IMPROVEMENTS = 27,892 S.F. (82%).  
 2. ALLOWABLE LOT COVERAGE OF 75% = 25,482 S.F.  
 3. THEREFORE THIS PROJECT WILL REQUIRE 4,880 S.F. OF GRASS CRETE @ 50% PERVIOUS, TO REPLACE NEW OR EXISTING A/C OR CONCRETE TO MAINTAIN 75% LOT COVERAGE.

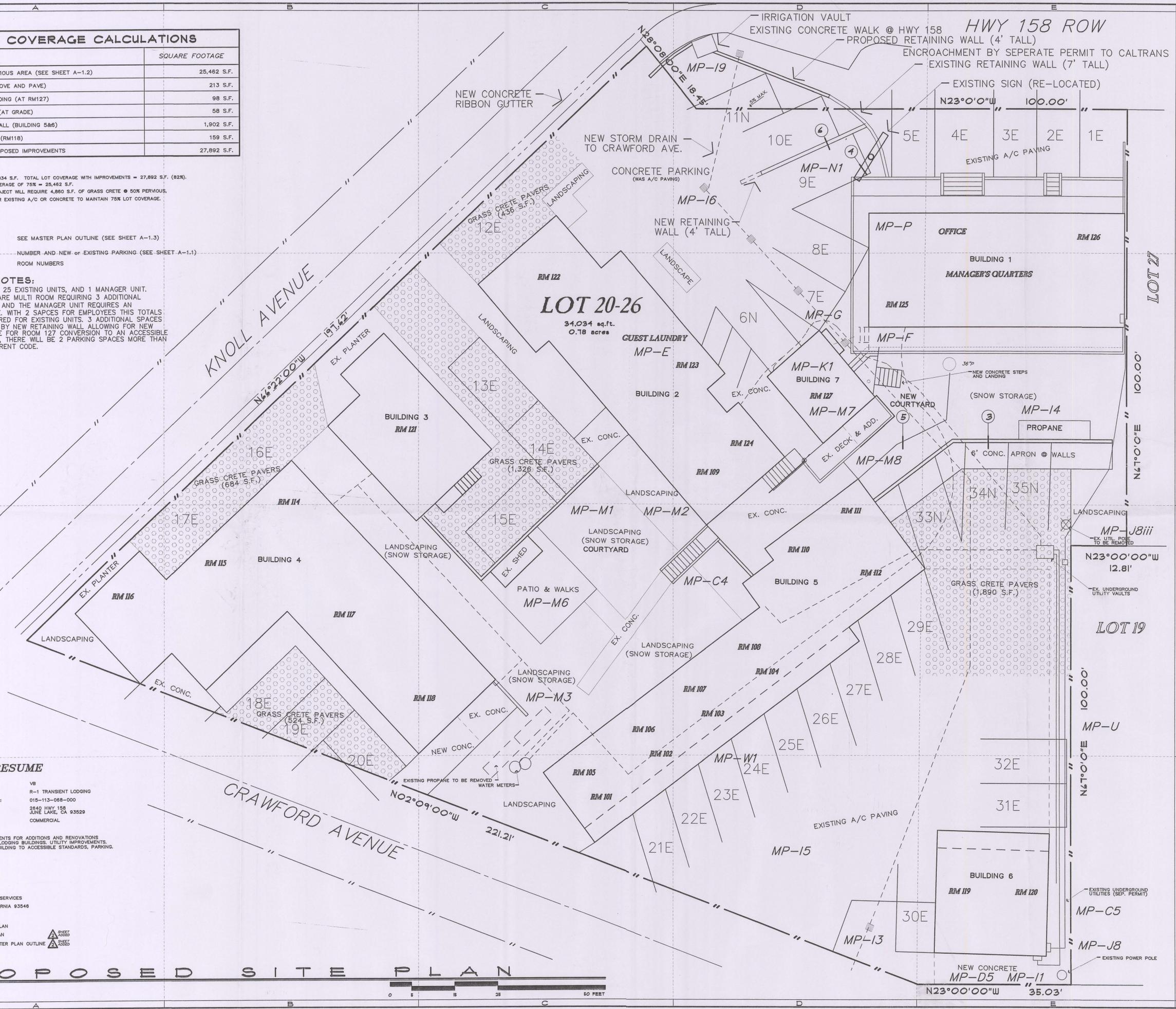
**NOTES:**  
 MP-XX SEE MASTER PLAN OUTLINE (SEE SHEET A-1.3)  
 XE or N NUMBER AND NEW or EXISTING PARKING (SEE SHEET A-1.1)  
 RM XXX ROOM NUMBERS

**PARKING NOTES:**  
 NOTE: THERE ARE 25 EXISTING UNITS, AND 1 MANAGER UNIT.  
 2 OF THE UNITS ARE MULTI ROOM REQUIRING 3 ADDITIONAL PARKING SPACES, AND THE MANAGER UNIT REQUIRES AN ADDITIONAL SPACE. WITH 2 SPACES FOR EMPLOYEES THIS TOTALS 32 SPACES REQUIRED FOR EXISTING UNITS. 3 ADDITIONAL SPACES WILL BE CREATED BY NEW RETAINING WALL ALLOWING FOR NEW ACCESSIBLE SPACE FOR ROOM 127 CONVERSION TO AN ACCESSIBLE ROOM. THEREFORE, THERE WILL BE 2 PARKING SPACES MORE THAN REQUIRED BY CURRENT CODE.

**PROJECT RESUME**

CONSTRUCTION TYPE: 1B  
 OCCUPANCY TYPES: R-1 TRANSIENT LODGING  
 ASSESSORS PARCEL NUMBER: 015-113-088-000  
 PROJECT ADDRESS: 2640 HWY 158, JUNE LAKE, CA 93529  
 ZONING DESIGNATION: COMMERCIAL  
 PROJECT DESCRIPTION: MASTER PLAN IMPROVEMENTS FOR ADDITIONS AND RENOVATIONS OF EXISTING TRANSIENT LODGING BUILDINGS, UTILITY IMPROVEMENTS, REMODEL OF EXISTING BUILDING TO ACCESSIBLE STANDARDS, PARKING.  
 LEGAL OWNER: VILLAGER LLC, 9855 PIONEER WAY, FALLON, NV 89408  
 DESIGNER: BRIAN JOHNSON, BRIAN JOHNSON DESIGN SERVICES, P.O. BOX 100, PMB 336, MAMMOTH LAKES, CALIFORNIA 93546, (760) 924-3039  
 SHEET INDEX:  
 A-1.1 PROPOSED SITE PLAN  
 A-1.2 ORIGINAL SITE PLAN  
 A-1.3 DETAILS AND MASTER PLAN OUTLINE

**PROPOSED SITE PLAN**  
 SCALE: 1" = 10'  
 0 5 10 20 50 FEET



REV	REVISION RECORD	BY	DATE
1	MASTER PLAN	BKJ	03/22/16
2	PLAN REVISED	BKJ	06/08/16

DATE OF PLOT: 6/8/2016 8:13 AM

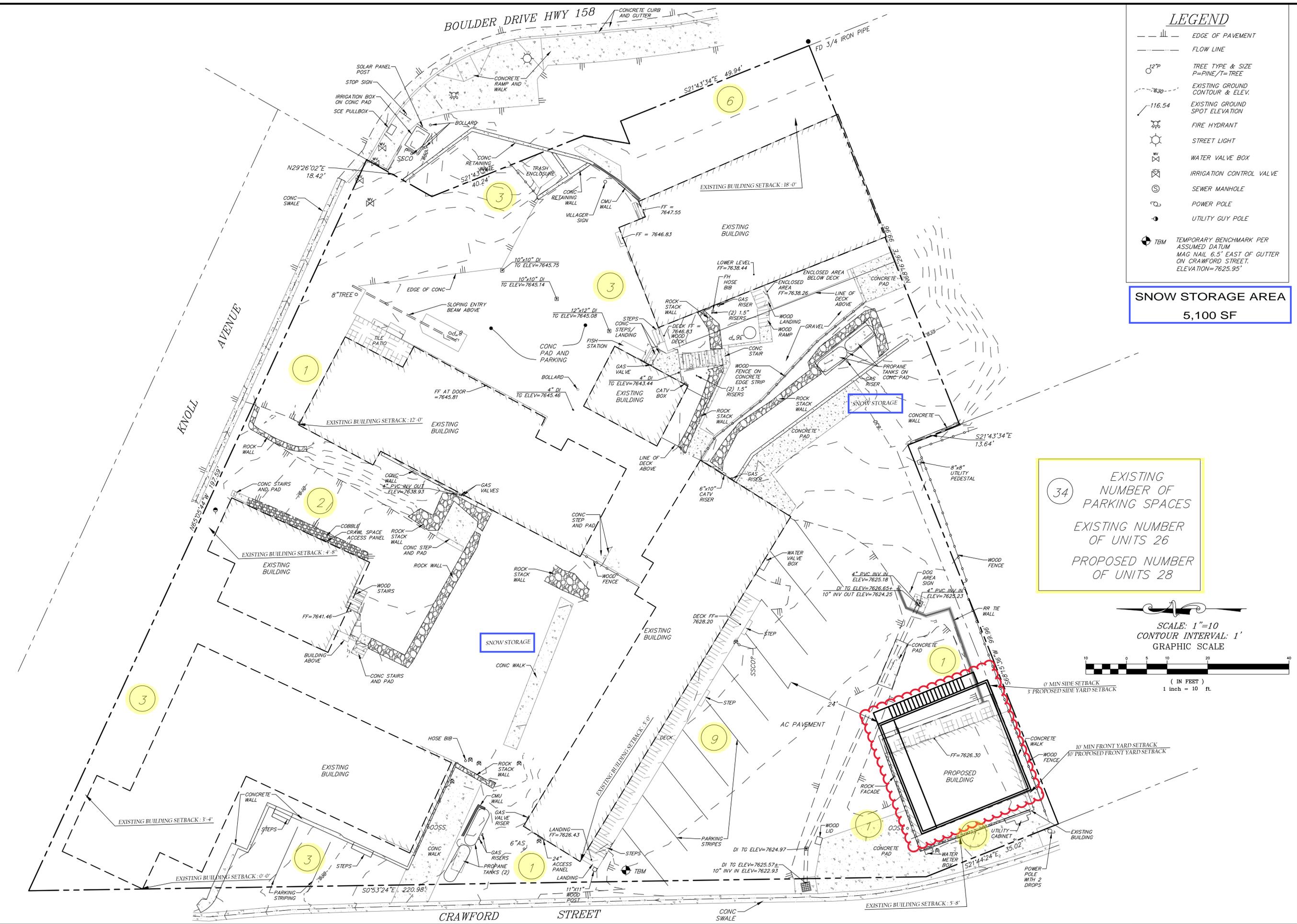
**WOODWARD ARCHITECTURE**  
 BRUCE P. WOODWARD ARCHITECT  
 VOICE: 760.934.1860  
 FAX: 760.924.3257  
 POST OFFICE BOX 3568  
 95 GRINDELWALD ROAD  
 MAMMOTH LAKES, CA 93546  
 e-mail: bruce@woodward-architecture.com

**JUNE LAKE MOTEL  
 VILLAGER MOTEL  
 MASTER PLAN**  
 2640 HIGHWAY 158  
 JUNE LAKE, CALIFORNIA

DO NOT SCALE DRAWING

PLAN NORTH TRUE NORTH

JUNE LAKE VILLAGER MOTEL MASTER PLAN  
 2640 HIGHWAY 158, JUNE LAKE, CALIFORNIA  
 PROPOSED SITE PLAN  
 FR31 NO. 14-C10 SCALE 1" = 10'  
 DWG. BY BKJ APPROVED BPP/WARE DATE CAD II  
 DRAWING FILE NAME: Vil-St.aec QTY NO. 1  
**SHEET NUMBER A-1.1**

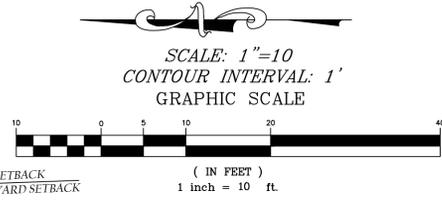


**LEGEND**

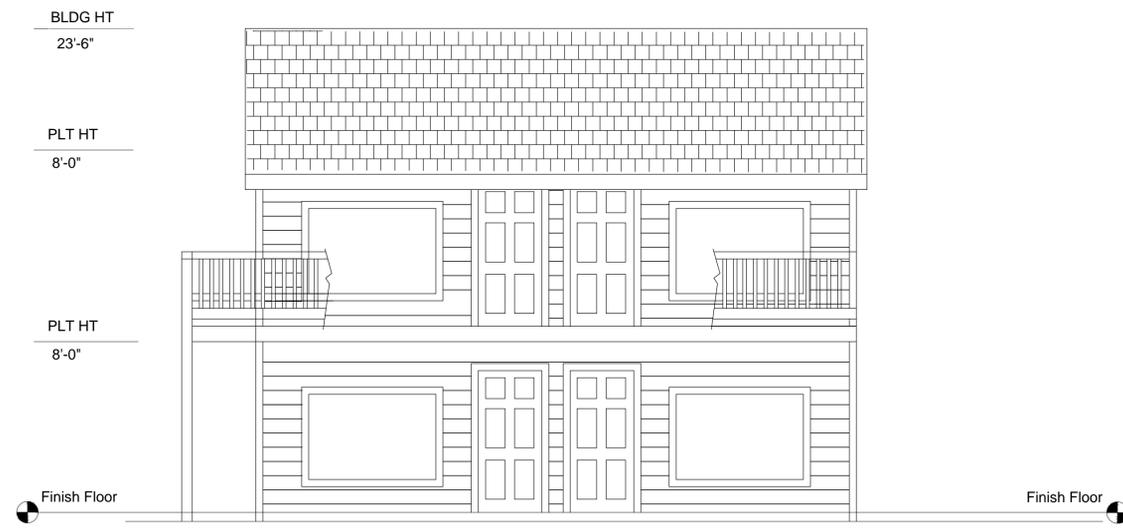
- EDGE OF PAVEMENT
- FLOW LINE
- TREE TYPE & SIZE  
P=PINE/T=TREE
- EXISTING GROUND CONTOUR & ELEV.
- EXISTING GROUND SPOT ELEVATION
- FIRE HYDRANT
- STREET LIGHT
- WATER VALVE BOX
- IRRIGATION CONTROL VALVE
- SEWER MANHOLE
- POWER POLE
- UTILITY GUY POLE
- TBM TEMPORARY BENCHMARK PER ASSUMED DATUM  
MAG NAIL 6.5' EAST OF GUTTER ON CRAWFORD STREET.  
ELEVATION=7625.95'

**SNOW STORAGE AREA**  
5,100 SF

**34** EXISTING NUMBER OF PARKING SPACES  
EXISTING NUMBER OF UNITS 26  
PROPOSED NUMBER OF UNITS 28

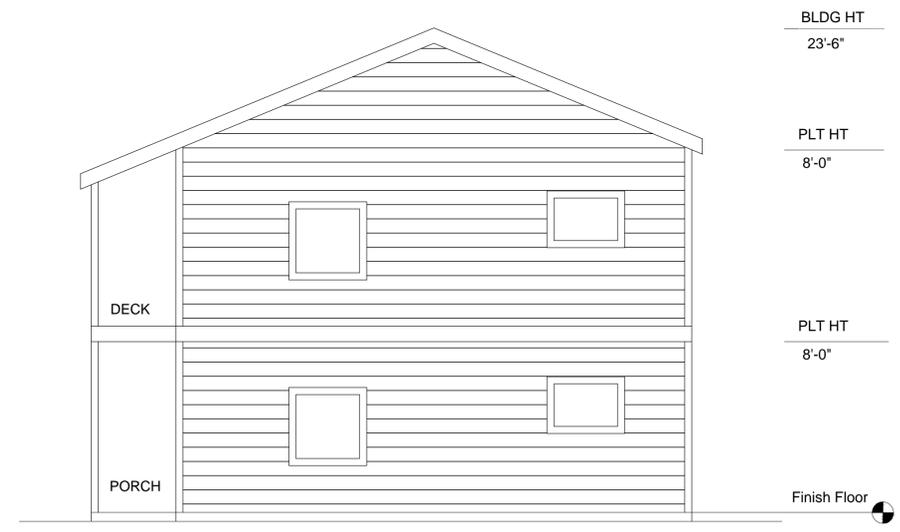


NO. REVISIONS: DATE: BY:	
<b>RMS GROUP</b> LAND DEVELOPMENT PLANNING AND DESIGN SERVICES BOB STRONG, PE rmsqad@earthlink.net 949.573.2135	
<b>CUP EXHIBIT</b> PROPOSED 4 UNIT MOTEL BUILDING 2640 HIGHWAY 158 JUNE LAKE, CA 93529	
SHEET TITLE:	
PROJECT:	
ADDRESS:	
DATE: 1-25-23	
DRAWING NO. A-2	



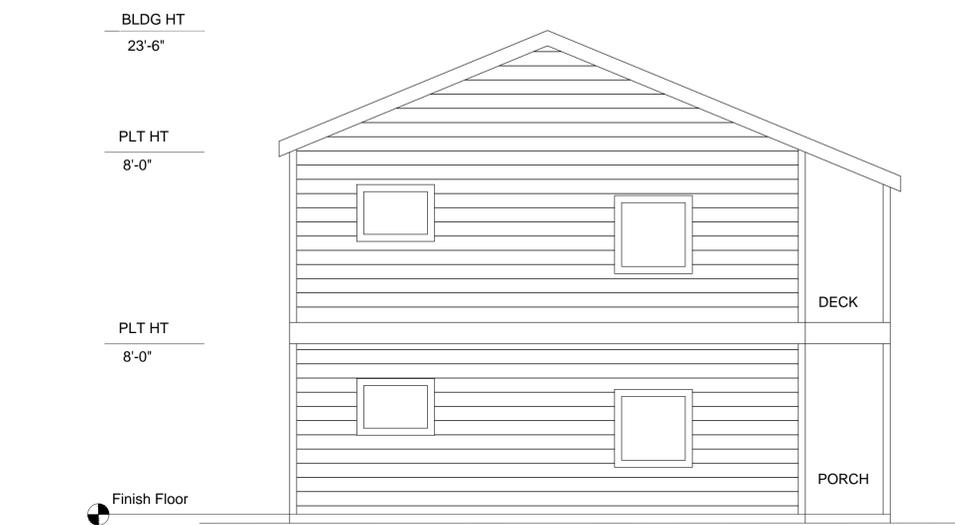
NORTH ELEVATION

SCALE  
1/4" = 1'-0"



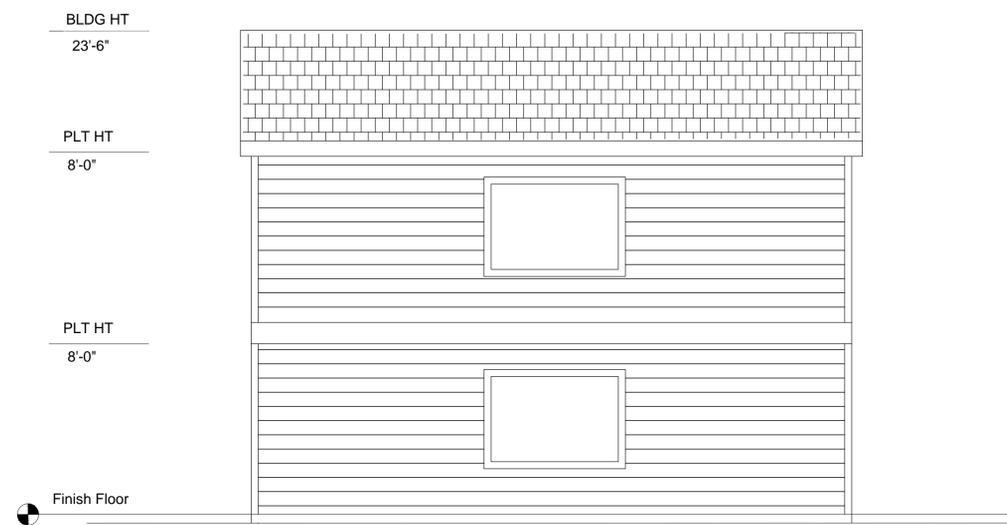
WEST ELEVATION

SCALE  
1/4" = 1'-0"



EAST ELEVATION

SCALE  
1/4" = 1'-0"



SOUTH ELEVATION

SCALE  
1/4" = 1'-0"

MATERIAL NOTES

MATERIALS AND COLORS TO MATCH  
EXISTING VILLAGER MOTEL

DATE:	BY:	BS
NO. REVISIONS:		

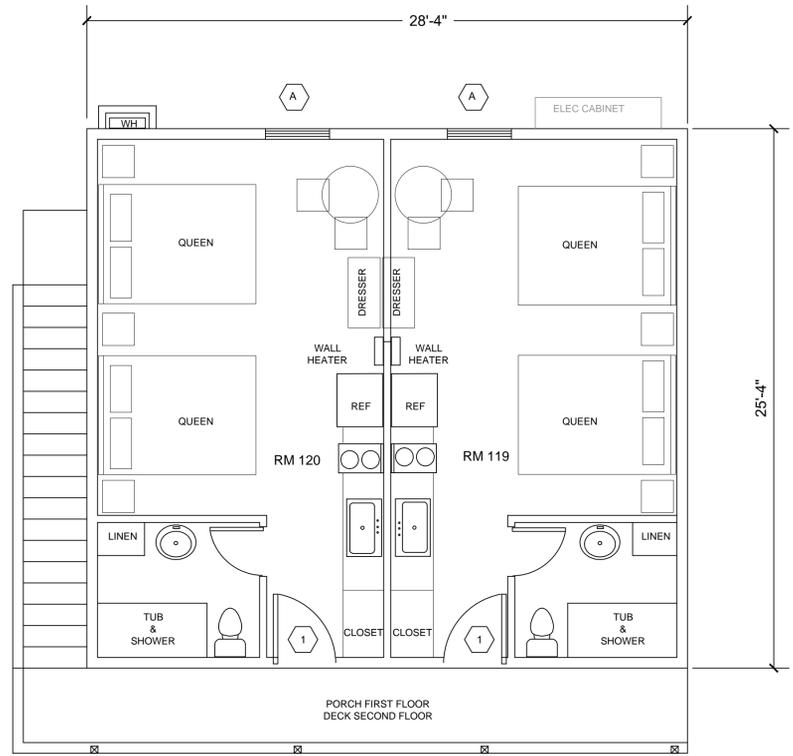


RMS GROUP  
 LAND DEVELOPMENT  
 PLANNING AND DESIGN SERVICES  
 BOB STRONG, PE  
 rmssqd@earthlink.net 949.573.2135

SHEET TITLE: ELEVATIONS  
 PROJECT: PROPOSED 4 UNIT MOTEL BUILDING  
 ADDRESS: 2640 HIGHWAY 158  
 JUNE LAKE, CA 93529

DATE: 10-6-22  
 DRAWING NO.:

A-4



PROPOSED FLOOR PLAN  
FIRST AND SECOND FLOOR

SCALE  
1/4" = 1'-0"

NO.	REVISIONS:

DATE:	BY:
	BS



**RMS GROUP**  
LAND DEVELOPMENT  
PLANNING AND DESIGN SERVICES  
BOB STRONG, PE  
rmssqed@earthlink.net  
949.573.2135

SHEET TITLE:	FLOOR PLAN
PROJECT:	PROPOSED 4 UNIT MOTEL BUILDING
ADDRESS:	2640 HIGHWAY 158 JUNE LAKE, CA 93529

DATE:	10-6-22
DRAWING NO.:	A-3

Site photographs of the existing structure taken from South Crawford Avenue.



South Crawford Avenue







WILL CALL  REGULAR 

**Marzano & Sons**  
 General Engineering Contractors, Inc.  
 P.O. Box 178  
 June Lake, CA 93529  
 Office: 760/648-7455 Fax: 760/648-7887

**SNOW REMOVAL CONTRACT**  
 2022-2023 Winter Season

Marzano & Sons agrees to contract with private property owner/renter or collective for snow removal on private property for vehicle parking purposes as defined by the property owner/renter under the following conditions:

Property owner/renter assumes the SOLE RESPONSIBILITY for VISIBLY marking any objects, appurtenant structures, walls, propane tanks, vehicles, stored items, water risers, water boxes, porches or other items of personal property which need to be protected from inadvertent damage due to the snow removal process and has notated any specific instructions to the snow removal operators on the back of this form. It is the SOLE RESPONSIBILITY of the property owner/renter to provide these markers in a constant VISIBLE condition so that plow operators can identify objects or boundaries. MARZANO & SONS IS NOT RESPONSIBLE FOR ANY DAMAGE THAT OCCURS DURING PLOWING TO UNMARKED STRUCTURES OR PROPERTY.

ADDENDUM:

DUE TO PREVIOUS YEARS LARGE SNOW PACK, MARZANO & SONS WILL BE IN NO WAY RESPONSIBLE FOR DAMAGE DONE TO PROPERTY COVERED BY SNOW WITH PLOWING.

Marzano & Sons agrees to exercise normal caution in its plowing process and will attempt to plow or push or deposit snow only where it appears safe to do so, so as to avoid undue damage. Snow storage areas MUST be marked on UPDATED plowing map, along with any personal property or structures.

Marzano & Sons neither implies or guarantees specific time of day that snow removal will occur.

Private property owner/renter assumes all damage/monetary risks to land and/or structures associated with the plowing or moving of snow on his property. Private property owner/renter acknowledges, also, that earth, ground, asphalt or concrete surfacing may be damaged and assumes all monetary risks associated with any resulting damage and agrees to hold harmless Marzano & Sons and their representatives for resulting damages.

Marzano & Sons agrees to bill the property owner/renter for private property snow removal costs and acknowledges that the indebtedness for services will be paid by the property owner/renter for all snow removal billings.

Private property owner/renter acknowledges that snow will not be removed on private property for any reason unless this contract is signed and dated for the current winter season.

Private property owner/renter acknowledges that snow removal is not guaranteed prior to December 1<sup>st</sup> as the heavy equipment used for snow removal may be involved in other contract work.

Invoices are billed on the 1<sup>st</sup> of each month for services rendered the previous month. **Payments not received by the last day of the month will result in services being cancelled.** An additional deposit will be required to resume services.

**\*\*Please use the back of this form to note specific instructions and/or diagrams regarding private property snow removal.**

  
 Stephanie Morgan, Secretary

Date 11/9/2022

Billing Information (Name & Address):

Anne Hyde  
9655 Pioneer Way  
Fullon, NV

Phone Number:

775 560 4933  
info@junelakevillage.com  
760 648 - 7712

Anne Hyde  
 (Print Name) Owner/Renter

Anne Hyde  
 (Signature) Owner/Renter

Property Physical Address:

2640 Highway 158  
June Lake, CA

Date Dec 14, 2022

Email Address: pioneerway9@gmail.com

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

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

February 1, 2023

To: The Sheet  
From: Michael Draper, Principal Planner  
Re: Legal Notice for **February 4th** edition

Invoice: Heidi Willson, 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 **February 16, 2023**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/85741674555> and by telephone at: 669-900-6833 (Meeting ID# is 857 4167 4555) and by telephone at 669-900-6833 (Meeting ID# 857 4167 4555) or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment and to consider the following: **9:05 am – Use Permit 22-012/The Villager Motel**. The project is located at 2640 Highway 158 (APN 015-113-068) and proposes to replace an existing commercial lodging structure with a similar structure. The existing structure is one story and contains two lodging units. The proposed structure will be two stories and contain four lodging units. The proposed structure will have a footprint approximately 20 square feet larger than the existing structure. It will be setback 10’ from South Crawford Avenue and 3’ from the south property boundary. Additional parking is provided on site, and a project condition will require a contract for snow removal. The property is 0.76 acers and designated Commercial. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), **by 8 am on Thursday, February 16, 2023**, or via the livecast meeting (technology permitting) at the time of the public hearing. 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 the 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)

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For additional information or questions, please contact the Mono County Planning Division:

Michael Draper, Planning Analyst  
P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)



Project site: 2640 Highway 158

Mono County Community Development Dept.  
PO Box 347  
Mammoth Lakes, CA 93546

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
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February 16, 2023

To: Mono County Planning Commission

From: Michael Draper, Principal Planner

Re: Use Permit 23-001 and Expanded Home Occupation Permit 23-001 / Sherer

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(e) and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 23-001 and Expanded Home Occupation Permit 23-001, subject to Conditions of Approval.

OR

4. Find that the required findings cannot be made as contained in the project staff report; and
5. A) Deny the Expanded Home Occupation Permit, or B) Deny Use Permit 23-001 in its entirety, including both the increased height of the accessory unit and the Expanded Home Occupation permit. Staff may request a recess to draft findings based on Planning Commission direction.

### PROJECT SETTING

The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014). The property is approximately 0.95 acres and designated Estate Residential (ER). Neighboring parcels to the north, northwest, and west are developed with single-family residences. The properties to the northeast, east, southeast, south and southwest are undeveloped. All surrounding parcels are designated ER, and range in size from approximately 0.8 acres to 3 acres. Construction projects are subject to review by the Wheeler Crest Design Review Committee (WCDRC), established by the Board of Supervisors by Ordinance 91-07. All building permit applications are routed to the WCDRC prior to permit issuance.

Improvement records from the County's Office of the Assessor found a residence was first constructed on the parcel in 1977. In 1994, two parcels were merged, creating the property boundaries existing today. Beginning in 2015, the current property owners/applicants applied for building permits for the property; the first was a demolition permit followed by a permit to

complete a remodel. Then in 2020 a permit was issued to replace and enlarge a deck, followed by a permit in 2021 to construct a detached garage. These permits have not passed a final inspection by a County Building Inspector to close the projects.

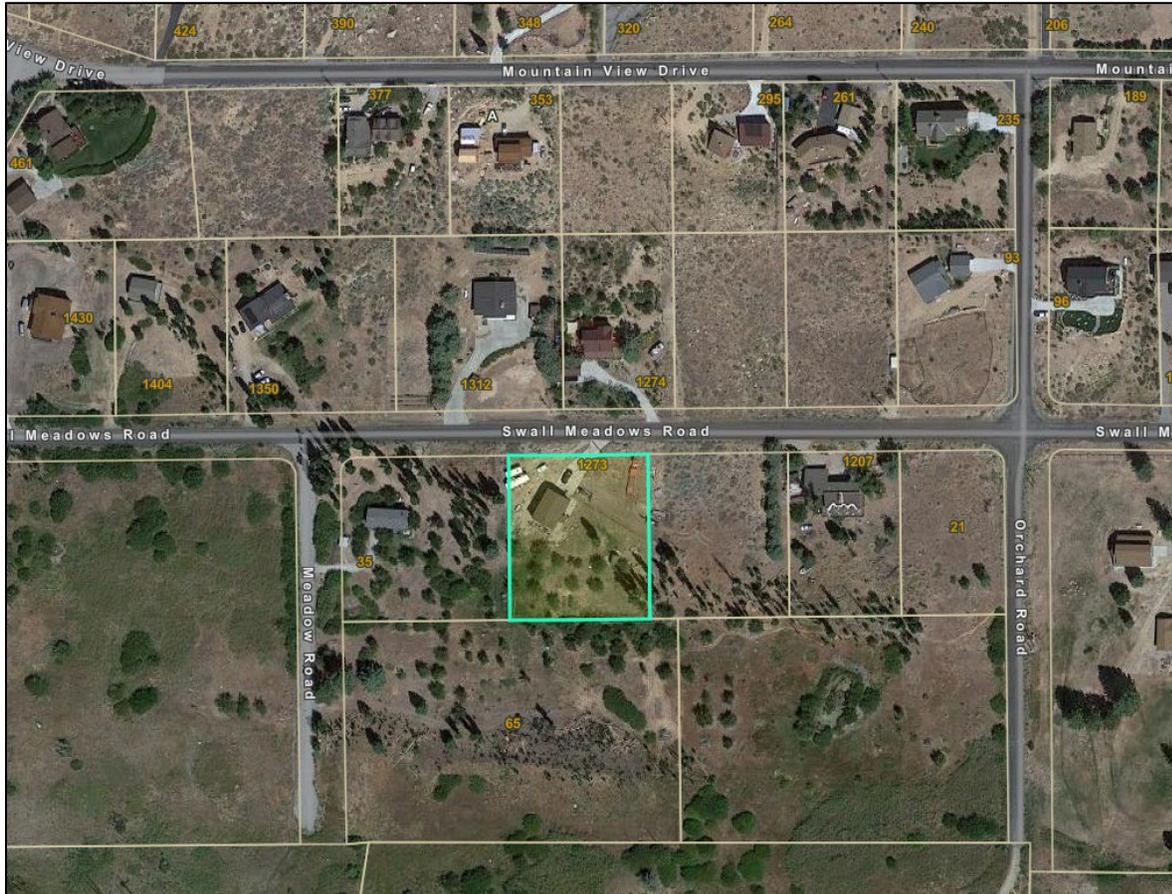


Figure 1. Project location.

## PROJECT DESCRIPTION

The property owners/applicants are requesting a Use Permit to exceed the maximum height of 20' for accessory buildings per Mono County General Plan (MCGP) Land Use Element (LUE) Table 04.010, and to conduct an Expanded Home Occupation. The accessory building is a 1,200 square foot (sf) prefabricated kit garage with a proposed height of just under 30' from the finished foundation to roof peak. The garage is prefabricated and constructed on site, therefore the height cannot be lowered without redesigning the structure. A building permit was issued for this structure on 11/12/2021. Community concerns raised during construction caused staff to revisit the approval, and it was discovered that a use permit should have been required to approve a structure height greater than 20'. County Counsel advised staff to require a use permit application to correct the situation.

The property contains a primary residential dwelling, with a foundation up to 2.2' above finished grade and 4'3" above "natural grade". Due to the downslope of the lot, the rear and south portion of the garage footprint needed to be raised approximately one to six feet to provide a level foundation (see Figure 2, and Attachment 1). Per the site plan provided, the foundation will be at

an elevation of 982.2'. Natural grade slopes down to site plan elevation of approximately 977' at the rear of the structure, therefore earth needed to be raised to create a mound for the foundation. "Height of building" means the vertical distance from grade to the topmost point of the building, excluding certain minor appurtenances (see Section 04.110 A and B). All height shall be calculated from the natural or finished grade, whichever is more restrictive (MCGP 02.580)

Per Mono County General Plan (MCGP) Table 04.010, Building Height Requirements, accessory buildings are limited to 20', except as may be permitted by a Use Permit. However, MCGP 04.110.B allows for accessory buildings in any residential designation to exceed a maximum height of 20 feet when permitted by the Director. Due to public controversy raised by this project, the application has been elevated to a Use Permit per MCGP 31.010.

The applicants run a small business, Eastside Iron, that specializes in emergency response for wildfire suppression, natural disasters, forest restoration, and fuel break construction. The business holds contracts with CalFire, Caltrans, and the U.S. Forest Service for emergency response, and a contract with the U.S. Forest Service Region 5 for forest restoration projects in addition to contracts with the Bureau of Land Management and a local fire district for fire fuel break construction. The business is seasonal and most maintenance work is done in the field when the equipment is working, or at the business property in Inyo County. Equipment is in storage typically for six or more months per year, depending on the fire season and forestry jobs.

The Expanded Home Occupation permit requested by the applicants is to use the accessory building/garage to store equipment used by their business, and to perform basic or minor repair work such as welding and minor hydraulic repairs. Nothing related to the business will be stored outside of the garage. Business equipment is primarily stored off site at a property in Inyo County, however the owners would like to bring pieces of equipment to their Mono County property. Work on equipment will be fully contained within the garage except for transport of equipment on and off the site. Equipment includes an excavator (John Deere 225D), bulldozer (Case 1650M), water truck (Peterbilt 386), two semi-trucks (CAT and Peterbilt models), two lowboy trailers (Cozad and SPCN models), a travel trailer, and an enclosed trailer. The excavator and bulldozer are transported by one of the semi-trucks on a lowboy trailer. The water truck is mobile. After unloading equipment, the semi-truck and trailer will be transported back to the business's offsite storage location the same day. No heavy equipment will be stored outside of the accessory building/garage.

All onloading and offloading of equipment will take place on the property, not within the County's right-of-way. A second encroachment for a driveway to the garage is proposed for approval by the Public Works Department. The applicants estimate that in 2022, if the project were permitted, travel to and from the property with a piece of equipment would have taken place 15 times.

The business will not use any toxic materials that would not normally be found in a typical garage. Tools and items associated with repair work are all personally owned by the applicant, including a wire feed welder. Use of the welder will be conducted in an enclosed, safe manner for the duration necessary to make the repair.

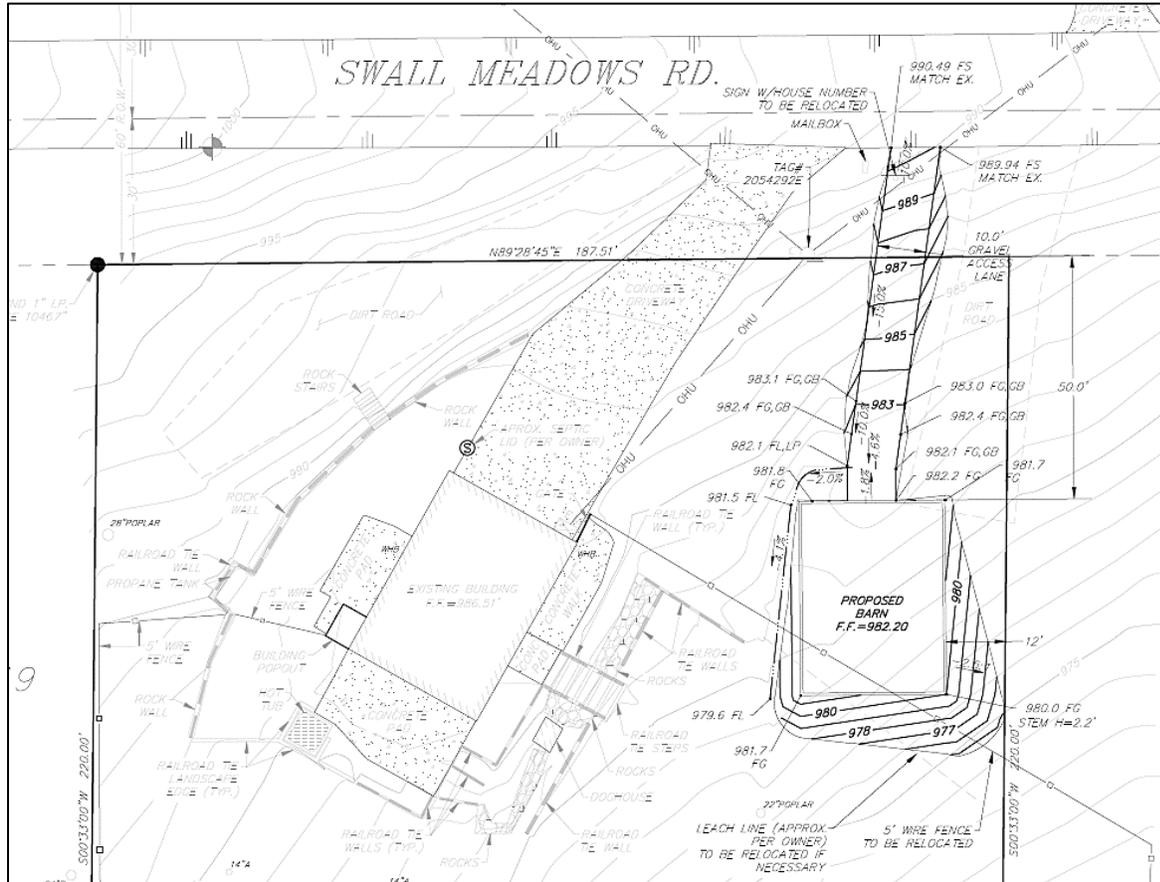


Figure 2. Project site plan.

## DISCUSSION

The Community Development Department (CDD) Code Compliance Division received a complaint against the property regarding improper storage of heavy equipment, and heavy equipment use on the property. Code compliance staff conducted a site inspection and found no heavy equipment on the site. Staff provided the owners with instruction on how to apply for a business license and construct a garage to legitimize their operation. In March 2021, the applicant applied for a minor building permit to install the proposed garage on their property, which was granted in Nov. 2021. No indication of the business use was provided. The application was routed to, and approved by, the Wheeler Crest Design Review Committee, who required modifications prior to approval.

Permit inspections began in October 2022, and in December 2022, the CDD received a complaint regarding the structure's height. Upon further inspection, staff found the structure's height exceeded the General Plan design standard of 20' for accessory structures. Heights greater than 20' may be approved through a use permit per Table 04.010. To come into compliance, the applicant applied for the use permit allowing the increased height. Separate from the garage's height, the applicant expressed the desire to use the garage for purposes related to their existing business and therefore is also applying for an Expanded Home Occupation Permit concurrently with this Use Permit.

## GENERAL PLAN CONSISTENCY

The property is 0.95 acres and contains a single-family dwelling, well house, shed, and driveway. The primary use of the property is the residential dwelling, consistent with ER permitted uses. The parcel is less than the minimum parcel size for the ER designation (one acre). The accessory structure/garage, and existing house meet the development standards of ER for setbacks and lot coverage. The ER designation allows for 40% lot coverage. The existing residence, garage, well house, shed and all impervious surfaces total approximately 5,874 sf, or 14% of the lot.

MCGP Table 04.120 lists the minimum yards for ER parcels less than one acre as 50' in the front, 10' on the side, and 10' in the rear. The garage is setback 50' from the front, 12' from the side, and quite a distance from the rear yard, meeting the required setbacks.

MCGP LUE Section 04.110, Building Height, sets forth the following:

*A. All buildings and structures hereinafter designed or erected, or existing buildings that may be reconstructed, altered, moved or enlarged, shall have a height no greater than 35 feet from grade measured from any point of the building. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive. See Figure 11.*

*B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.*

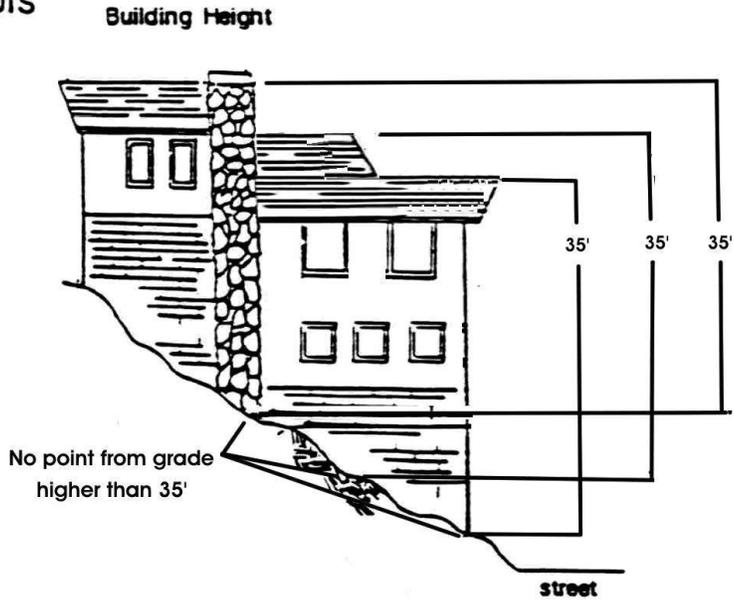
*1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics. Accessory Dwelling Units shall be subject to the same standards as the primary unit.*

The lowest point of natural grade for the garage is an elevation of approximately 977' (see Figure 2 above). The finished foundation elevation is approximately 982.2', or a difference of approximately 4'3" from "natural" grade. The height of the proposed garage is 29'3". If the height is calculated from the elevation of 977', then the final structure height is 29'3" + 4'3" = 33'6". Calculating the height in this manner may or may not be the intention of Section 04.110.A. and is based on an interpretation that the original grade constitutes the "natural" grade. In a typical building permit plan check, the original grade is not normally determined in order to calculate height, but rather the grade represented in the plan set is used. The concept of a "natural" grade makes more sense when evaluating a structure on a steep slope, such as is depicted in Figure 3 below (which is adopted in the MCGP LUE as Figure 11). If the finished grade is used, which is 2.2' (or 2'3") lower than the finished foundation elevation as described under the Project Description, then the height of the proposed structure is 29'3" + 2'3" = 31'6". Regardless, whether the finished grade or original/natural grade is used to calculate the height, the proposed structure exceeds the 20' permitted outright for accessory structures, triggering a use permit for approval, and complies with the 35' height limit for residential structures. By obtaining a use permit, the proposed structure will be compliant with General Plan standards for height. Further, the proposed

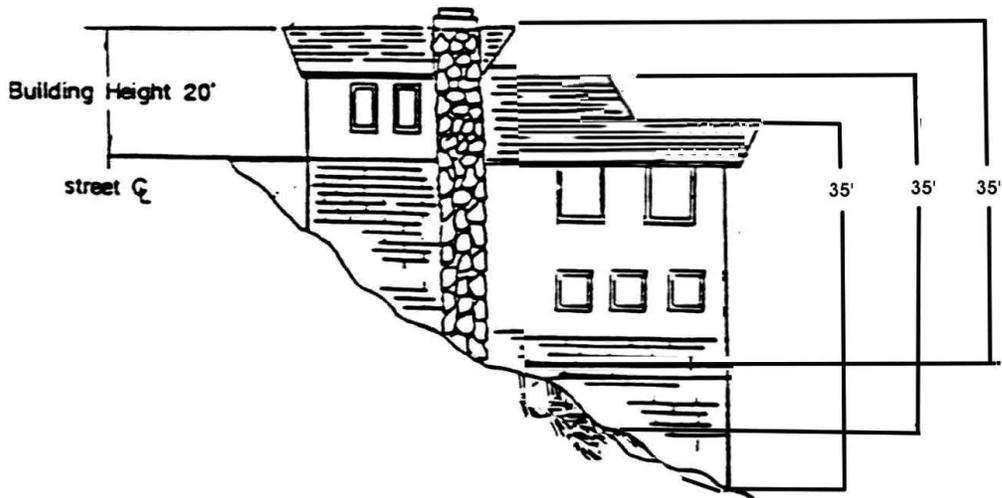
structure will be similar in height to the existing residence and the Wheeler Crest Design Review Committee approved the design after requiring changes.

Figure 3.

**A. UP-SLOPING LOTS**



**B. DOWN-SLOPING LOTS**



Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the home occupation standards, listed in Section 04.290 of the MCGP. A Home Occupation must be clearly incidental and secondary to the residential use of the parcel, and must be carried on within on-site structure by inhabitants of the parcel. Modifications to the home occupation criteria may be permitted with an Expanded Home Occupation Permit, approved by the Planning Commission at a public hearing. The Wheeler Crest Area Plan, Action 24.A.3.b, states “general commercial uses are not desired within the residential area, and shall be prohibited.” The proposed project is an accessory commercial use (by definition of Home Occupation), and therefore not a general commercial use.

This application requires the Expanded Home Occupation Permit because it conflicts with Home Occupation Permit criteria (MCGP 04.290) D, E, and G. The business may produce evidence of its existence in the external appearance of the structure, and may create noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood; the business may generate vehicular traffic; and the business will involve equipment other than that customarily used in dwellings.

### **PUBLIC NOTICING**

Public notice was published in the February 4, 2023 edition of The Sheet newspaper, and mailed to property owners within 300’ of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch.46. See Attachment 3. Draft conditions of approval were reviewed by the Land Development Technical Advisory Committee (LDTAC) on February 6, 2023.

### **COMMENTS RECEIVED**

The project was accepted for processing at the January 18, 2023, LDTAC Special meeting. At that time seven total comment letters were received from five total unique commenters. Several comments have been received in response to the public hearing notice and will be addressed during the staff presentation at the Planning Commission meeting.

### **CEQA COMPLIANCE**

This project is categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303(d).

#### *15303 Class 3. New Construction or Conversion of Small Structures*

*Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:*

*(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

This project new construction of an accessory structure (garage), it is categorically exempt from CEQA.

## USE PERMIT FINDINGS

MCGP LUE - Section 32.010, Required Findings:

Use permits may be granted by the Planning Commission only when all the following findings can be made in the affirmative:

### Accessory structure height.

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 MCGP allows for accessory structures to exceed 20' in height. All residential structures are limited to a maximum height of 35' unless setbacks are increased, in which case one additional foot of height may be added for each foot the setback is increased. The proposed structure is approximately 35'9" tall as measured from natural grade and the minimum setback of 10' has been increased to 12', allowing an additional 2' of height to a maximum of 37'. The proposed structure complies with height standards. All other applicable development standards of the ER designation are complied with. The building permit application was reviewed and approved by the Wheeler Crest Design Review Committee on March 19, 2021. The accessory structure, a garage, is incidental to the main use of the property as a residential property. The proposed garage is ancillary to the primary dwelling.

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:*

Swall Meadow Road is adequate to accommodate the proposed expanded height of the garage. The parcel is down-sloping from the road, which mitigates the additional height and reduces the visual impact from the road.

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

The height of the garage will not be detrimental to the public welfare or injurious to property or improvements in the area. The garage will be similar to a barn, but less than the maximum 40' height of a barn, which is permissible without a planning permit. The topography of the area is down-sloping from street level, and therefore the garage is set lower than the street, mitigating the height.

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

The height of an accessory structure in a residential designation may exceed 20' when permitted by a Use permit. The proposed height of the accessory structure, 35'9", will be less than the maximum height allowed for residential development (35', to a maximum of 45' provided that required side and rear yards are increase one foot in

width for each foot of height over 35’). The property contains a primary use consistent with the designation.

### **EXPANDED HOME OCCUPATION FINDINGS (04.290)**

An Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

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

The proposed use is permissible by the General Plan, per Section 04.290, Home Occupation regulations. The proposed expanded home occupation is incidental to the main residential use and therefore not considered a general commercial use.

The project meets the Wheeler Crest Policy Objective 24.D. “ensure adequate public services (e.g., fire protection) and infrastructure (e.g., water supply, sewage treatment, utilities) for the area” by providing a fire protection business to retain equipment in the vicinity.

#### **Alternative**

The project conflicts with Countywide Policy 1.A.5, “Avoid the juxtaposition of incompatible land uses.” The proposed Expanded Home Occupation can be considered inconsistent with the surrounding ER land uses.

The project conflicts with Wheeler Crest Issues/Opportunities/Constraints #1, “the main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately-owned parcels. The focus of development is to be single-family residential development. The proposed Expanded Home Occupation can be considered inconsistent with the surrounding single-family residential development.

The project conflicts with Wheeler Crest Policies, including:

**Objective 24.A.** Prevent incompatible or conflicting uses within the Wheeler Crest community.

**Action 24.A.1.d.** Consider, and mitigate, the cumulative impact of any new development prior to project approval.

**Policy 24.A.3.** Retain the rural residential character of the entire study area.

*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 permissible by the General Plan, per Section 04.290, Home Occupation regulations. The intent of the ER land use designation is *to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.* Limited maintenance of heavy

equipment is an ancillary rural use and, in particular, this operation supports fire mitigation efforts. Many areas of the county have properties that store or use large vehicles up to loaders for various uses onsite.

***Alternative:***

The proposed Expanded Home Occupation is not compatible with the intent of the Estate Residential designation because it involves the transportation of heavy machinery.

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

The proposed Expanded Home Occupation is capable of meeting standards and requirements of the ER designation. The property contains a primary use (single-family residence), and the proposal is ancillary to the residential use of the property. Development standards including height, setbacks and lot coverage are met.

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

The use will be entirely indoors with the exception of transporting heavy equipment via a semi-truck and lowboy trailer. The use is conditioned such that impacts of noise are mitigate to protect the general welfare of the community. The use is not more obnoxious than uses listed within the designation, such as clearing of snow with a large loader for a single-family residence (an outright permitted use) or large recreational vehicles (RVs) that may be using a mobile home park (subject to use permit).

***Alternatively:***

Transporting heavy machinery by semi-truck and trailer creates significantly more noise and traffic than any uses under the ER land use designation, which will be more obnoxious than to the general welfare of residents in this residential area.

This staff report was reviewed by the Community Development Director.

**Attachments**

Attachment 1 – Site Plan, design components, and site photographs.

Attachment 2 – Expanded Home Occupation statement.

Attachment 3 – Combined Mailer

Attachment 4 – Comments

# MONO COUNTY

## Planning Commission

### NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** UP 23-001                      **APPLICANT:** Lindsey and Chris Sherer  
**EXPANDED HOME OCCUPATION PERMIT:** EHO 23-001

**ASSESSOR PARCEL NUMBER:** 064-140-014

**PROJECT TITLE:** Use Permit 23-001 and Expanded Home Occupation Permit 23-001/Sherer

**PROJECT LOCATION:** 1273 Swall Meadows Road

#### 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.

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission the Planning Commission decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

**DATE OF DECISION/USE PERMIT APPROVAL:** February 16, 2023

**EFFECTIVE DATE USE PERMIT:** February 26, 2023

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:** February 16, 2023

**CC:**            X Applicant  
                  X Public Works  
                  X Building  
                  X Compliance

## **CONDITIONS OF APPROVAL**

Use Permit 23-001 & Expanded Home Occupation Permit 23-001 /Sherer

### **Expanded Home Occupation**

- 1) The Expanded Home Occupation is limited in scope as to the statement provided by the applicant, contained in Attachment 2 of this report.
- 2) Delivery of equipment to the site, and pick-up of equipment from the site, in relation to the Expanded Home Occupation shall only occur during day light hours.
- 3) The Expanded Home Occupation shall comply with Mono County Code Chapter 10.16, Noise Regulation. Daytime noise level may not exceed 55 dBA between 7:00 am – 9:59 pm, and nighttime noise level may not exceed 50 dBA between 10:00 pm – 6:59 am.
- 4) The Expanded Home Occupation use shall take place entirely within the garage, with the exception of transporting equipment in and out of the garage.
- 5) The Expanded Home Occupation shall be carried on by members of the family occupying the dwelling, with no other persons employed;
- 6) The general public shall not be invited onto the site to take part in the Expanded Home Occupation.
- 7) The County's right-of-way on Swall Meadows Road shall be kept clear and free from any components of the Expanded Home Occupation.
- 8) No steel-tracked equipment shall be loaded, unloaded or operate within the County's right-of-way.

### **Conditions for both projects.**

- 9) The property owner shall maintain defensible space around all structures on the property.
- 10) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 11) Project is required to comply with any requirements of the Wheeler Crest Fire Protection District.
- 12) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 13) 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.
- 14) Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.7)

- 15) Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
- A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
  - C. No extension is granted as provided in Section 31.080.
- 16) Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
- 17) Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.





Lindsey & Chris Sherer  
1273 Swall Meadows Rd  
Design Proposals/Pallet.

Rock siding 4ft up from the bottom around entire building. This rock siding matches the surrounding rock walls on our property. We would also apply this to the main house so they match.



French Country Villa® - Verona

Color scheme and rock siding similar to the below two pictures. Brown roof, black trim, cream walls. The cream colored walls will be the same color as the cream trim on our house.

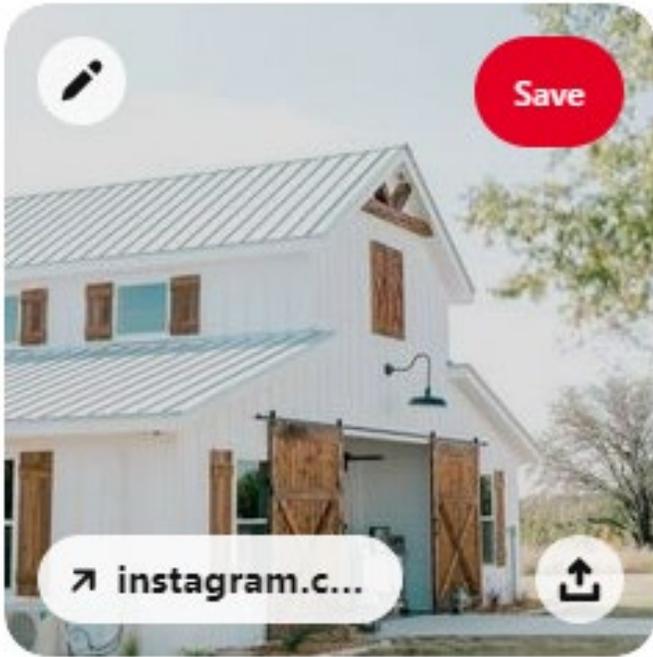




Shape of building and the rock siding will be similar to below.



Cedar shutters and hayloft door over garage door similar to the below picture. These shutters would also match what is on our house. The light over the garage door would also be similar to the below picture, which is what is over each garage door on our house now.



Below is the garage door we ordered from Martin Garage Doors in the Walnut Wood Grain color. The design matches the garage doors on the main house and the color will match the cedar shutters.

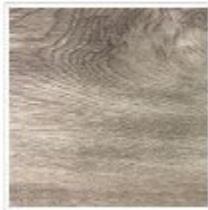
Steel Wood Grain (10)



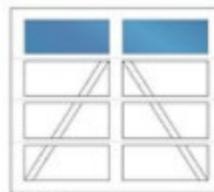
ASH



WALNUT



WEATHERED  
GREY



112A









## Michael Draper

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**From:** Lindsey Sherer <lindsey.sherer@yahoo.com>  
**Sent:** Friday, January 6, 2023 3:09 PM  
**To:** Michael Draper  
**Cc:** Wendy Sugimura  
**Subject:** 1273 Swall Meadows Rd, Bishop, CA - Expanded Home Occupation Permit

### [EXTERNAL EMAIL]

Hi Michael,

I would like to apply for an Expanded Home Occupation Permit simultaneously with my Use Permit. The Expanded Home Occupation Permit would be for Eastside Iron Co. ("Business") of which I am a co-owner. Please see the below details in support of this request:

- 1.) The Business is based Inyo County.
- 2.) We are a Certified Owned Small Business, a Certified Woman owned Business, and both CA and Federally Certified Veteran owned business.
- 3.) All Business equipment is stored in Inyo County.
- 4.) The Business specializes in:
  - a. Emergency response for wildfire suppression and other natural disasters.
  - b. Forest restoration and fuel break construction.
- 5.) Eastside Iron is the only company of its kind in Inyo and Mono Counties. The Business has contracts with CalFire, CalTrans, and the USFS for emergency response and holds the USFS Region 5 BPA contract for forest restoration projects. We also have contracts with BLM and a local fire district for fire fuel break construction starting in 2023. In addition, we are in discussions with Wheeler Crest Fire Department for it to contract our equipment to use on standby for red flag scenarios.
- 6.) Eastside Iron is currently in the process of bidding on projects with the White Bark Institute, National Forest Foundation and the USFS to perform work on the Donut Project in Mono County and other similar projects on the Inyo National Forest.

The nature of the Business dictates that primary operations occur entirely offsite. In a nutshell, the Business is providing equipment and operators to third party agencies to support fire suppression, disaster mitigation, and forest restoration; use of heavy equipment in this capacity will not occur on the property.

To support operations, from time to time, we would like to be able to bring a piece of our equipment into the garage located on our property to perform basic or minor repair work that cannot be done outside such as welding and minor hydraulic repairs. If this happens, the repair work would be fully contained within the garage. The garage is the only building onsite associated with the Business and where any such repair work would be performed. This scenario would be strictly limited to minor repairs as we do not have the capability or tools necessary to perform any complex or major repairs. If any piece of equipment needs major repairs, it is sent to Peterbilt in Bakersfield, CASE & John Deere in Fresno or Reno, or other major repair shops located outside of Inyo and Mono Counties.

Below are further details:

- All of the tools at our residence are personally owned and will be fully contained within the garage.
- No Business equipment will be stored on our property.
- Customers or pedestrians will not be visiting the property.
- We will not be storing or working with any hazardous materials.
- My husband is the only employee of the company that will perform the work onsite and occupies the residence.
- The Business would produce little to no evidence of its existence in the external appearance of the dwelling or premises. The only building associated with operations is the garage, which will be fully enclosed, with no associated signage. All minor repair work will be performed within the four walls of the garage with the door closed. The only potential evidence of business operations would be the sound of back-up monitor alarms while loading or unloading the equipment, which is a safety mechanism required by law. This can be done exceptionally quick and would be similar to that of the trash trucks, large delivery trucks, propane companies etc., all of which are in Swall Meadows on a daily basis at any given time. The number of times this would occur each year would also be extremely minimal as it is not anticipated that repairs would occur with any frequency. **The primary intended use of the space is personal use.**

Please let me know if there is anything else I can provide. This Business is a vital part of our community and has helped fill voids and gaps in crucial services. Per the article [HERE](#) in the Mammoth Times, these types of services are of utmost importance to Mono County and the Inyo National Forest.

Thank you,

Lindsey

**From:** [Lindsey Sherer](#)  
**To:** [Michael Draper](#)  
**Subject:** Re: Exp. Home Occ  
**Date:** Friday, January 27, 2023 12:58:24 PM

---

**[EXTERNAL EMAIL]**

Hi Michael,

We won't be storing anything on our property. If we need to work on something, it would be dropped off and put inside the garage and then the transport vehicle would be taken back to our offsite storage location same day.

If our garage was built last year and we had this Expanded Home Occupation Permit in place, we would have traveled to and from the property with a piece of equipment less than 15 times. Our business is seasonal and most of the maintenance work is done in the field when the equipment is working or at our storage site in-between assignments. Our equipment sits in storage for 6+ months per year depending on fire season and forestry jobs. For example, our equipment has been in storage since Sept. 17, 2022. Does that answer it? The list below is what we currently have:

Excavator - John Deer 225D  
Bulldozer - Case 1650M  
Water Truck - Peterbilt 386  
Semi Truck - CAT  
Semi Truck - Peterbilt  
Low Boy Trailer - Cozad  
Low Boy Trailer - SPCN  
Travel Trailer  
Enclosed Trailer

Thanks, Lindsey

On Thursday, January 26, 2023 at 05:05:03 PM PST, Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)> wrote:

Hi Lindsey,

Could you provide a list of vehicles that would be stored on the property a part of the Expanded Home Occupation application, and how vehicles would be transported to/from the site?

I'd just like to confirm my notes taken at the LDTAC meeting. I have equipment being an excavator (John Deer 225D), bulldozer (Case 1650M), and water truck (Peterbilt 386). The excavator and bulldozer are transported by a semi-truck with a low-deck trailer. All onloading and offloading of equipment will take place on the property, not within the County's right-of-way.

Thanks!

Michael Draper

## MONO COUNTY PLANNING COMMISSION

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

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

February 1, 2023

To: The Sheet  
From: Michael Draper, Principal Planner  
Re: Legal Notice for **February 4th** edition

Invoice: Heidi Willson, 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 **February 16, 2023**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/85741674555> and by telephone at: 669-900-6833 (Meeting ID# is 857 4167 4555) and by telephone at 669-900-6833 (Meeting ID# 817 2846 9252) or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment and to consider the following: **9:30 am – Use Permit 23-001/Sherer**. The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014) and proposes an accessory structure/garage greater than 20’ in height, and an Expanded Home Occupation. The proposed accessory structure/garage will have a height less than 30’. The Expanded Home Occupation will allow the applicants to complete maintenance work on heavy equipment related to the applicants’ existing business, Eastside Iron Co. All work will be completed within the accessory structure/garage. Heavy equipment will not be used at the project site, other than for the purpose of moving equipment into and out of the accessory structure. The property is designated Estate Residential and is 0.95 acres. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), by **8 am on Thursday, February 16, 2023**, or via the livecast meeting (technology permitting) at the time of the public hearing. 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 the 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)

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For additional information or questions, please contact the Mono County Planning Division:

Michael Draper, Planning Analyst  
P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)



**Project site: 1273 Swall Meadows Road**

Mono County Community Development Dept.  
PO Box 347  
Mammoth Lakes, CA 93546

## Attachment 4: Public Comments

**Heidi Willson**

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**From:** Terry Lee <terryleed150@gmail.com>  
**Sent:** Tuesday, February 7, 2023 5:35 PM  
**To:** CDD Comments  
**Subject:** Project site: 1273 Swall Meadows Road

[You don't often get email from terryleed150@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

[EXTERNAL EMAIL]

I live at 1312 Swall Meadows Road, directly across the road from the Project site. I bought my property in 1998 and have lived here full-time ever since then. I have absolutely no opposition to the garage structure that is the subject of this comment and I fully support the efforts of the Sherers to complete and have the full use of it.

When the Sherers bought the property, it was in sad shape. They totally gutted the house and did a complete remodel. The property has been cleaned up and landscaped. They put in a pond that is a ready source of water for fighting wildfires here in Swall Meadows. I am certain that these improvements have raised the property values of neighboring properties.

Chris Sherer is one of those bulldozer operators who cuts fire lines around forest fires not only to save the forests but also to protect homes and other structures that may be threatened as well as the people who live there. During the forest fire season he is often gone for weeks at a time.

The Sherers have always been considerate and helpful neighbors, just the kind of people that I am grateful live here.

I strongly urge the County approve the completion of their garage structure.

Please feel free to contact me if you have any questions at (760) 387-0045 or (760) 920-0090.

**Heidi Willson**

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**From:** Karen Marshall <shootingstarranch44@gmail.com>  
**Sent:** Wednesday, February 8, 2023 3:19 PM  
**To:** CDD Comments  
**Subject:** Regarding Use Permit 23-001/Sherer

You don't often get email from shootingstarranch44@gmail.com. [Learn why this is important](#)

**[EXTERNAL EMAIL]**

To: Mono County Planning Commission

I live directly across the street from the Sherer family at 1274 Swall Meadows Road and would like to tell the Commission that I have no issues with the building of a garage on the Sherer property or the issuing of an Expanded Home Occupation permit. The Sherers came to me perhaps a year and a half ago to discuss their plans with me, as their new garage would fall within my view. We sat on my front porch to imagine the impact it might have on my overall view, which I thought would be (and turns out to be) quite minimal. They told me how they were planning to make the garage blend into the property with rock trim and tree plantings and that it would be a cream color with shutters and lighting to match their house, not an ugly utility building. They were so excited about improving their property. I think it was admirable of them to even consider my feelings! I believe that a property owner should be allowed to do what they want on their property as long as it meets code. The Sherers have been working on this project for several years, going through all the required steps and were well underway with construction when complaints were brought up that stopped their project mid build. This is a shame and should be rectified by the Planning Division. If my opinion matters, even though this really shouldn't be about opinions at this point in the process, I restate that I have no issues with the building or permit in question. Please contact me should you need further information from me.

Respectfully submitted via email as public comment, as I am unable to attend the Public Hearing.

Karen Marshall  
760-878-8981

**ELDON D. SHIFFMAN**  
93 Orchard Rd  
Swall Meadows, CA 93514  
760 8788293  
edshiffman11@gmail.com

February 6, 2023

VIA EMAIL

Planning Commission Secretary  
Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546

**Re: Use Permit 23-001/Sherer**

Dear Planning Commission,

My wife and I support the building project referenced above based on the following facts.

1. There are several other tall barn like buildings already in "upper Swall" including Wilsons old barn building across from my home as well as the fire station on Willow Rd. At the top of the development is a home with a three story enclosed turret structure. I have heard no objections to any of these buildings.
2. The barn under construction is across the street from my property, one lot up. It is not objectionable to us and the proposed color scheme and rock work will blend in well with the area. From our view looking up at it, the roofline of the structure and the home are about equal in height. The remodel efforts to the home to date have changed a poorly maintained, mouse invested house into an attractive residence that has improved the neighborhood.
3. The primary importance we support the project is the aspect of the extreme fire hazard that exists in the community. I first became involved in the fire service in 1980 and have spent 13 years on the Wheeler Crest Fire Department. We live under the constant threat of a fire coming into the community as in the Round Fire that consumed 39 homes in 2015 and the Rock Fire that came up to the north end of the community the following year. The quicker personnel and equipment can respond to the fire scene, the more likely the fire can be contained and homes saved. The presence of this structure housing equipment in the neighborhood is a benefit to all of the residents.

As the influx of new part time residents to the community increases over time, there is the associated changes in attitudes and values. A healthy community needs full time residents who are willing to live and work in the community and raise a family here, not just pop in from time to time, complain about things they want to change, and leave again for months at a time. I encourage the people objecting to this building to participate more in the community, join the fire department or fire safe council, maybe help people who need help when we get five feet of snow in a week. There are few experiences like being surrounded by flames threatening homes in a community or retrieving people from car wrecks on the grade at two AM in a snow storm to change your focus on what is really important. From our standpoint, the applicant can keep his equipment in the structure full time. That will help him respond to fires more quickly and efficiently.

Sincerely,

Eldon D. Shiffman

Memorandum Opposing UP23-001/Sherer, Application for an Expanded Home Occupation Permit

**I. Introduction.**

We live at 788 Mountain View Dr. in Swall Meadows. We object to UP23-001/Sherer, Application for an Expanded Home Occupation permit (the “Application”) because it does not comply with the Wheeler Crest Area Plan (the “Area Plan”).

The Area Plan must be considered in the evaluation of the Application. We are very concerned that if the Application is approved a precedent will be set that the Area Plan can be disregarded when an Expanded Home Occupation permit is requested in Swall Meadows. If the Area Plan does not require rejection of the Application an explanation should be given.

In this memorandum the first section summarizes the points we are making. Then there are two sections that support specific points.

**II. Summary**

-- Neither the Application nor any Mono County planning document associated with the Application mentions the Area Plan. Area Plan requirements are completely omitted from discussion of the Application.

-- The Area Plan is part of the Mono County General Plan (the “General Plan”). The Area Plan explicitly prohibits commercial uses within the residential area of Swall Meadows. The Application is for activities associated with a business, therefore it is for a commercial use. (See Section III below.)

-- Home occupations, even if they are for commercial uses, are permitted in all county designations as long as they comply with the home-occupation standards at all times. However, the Application is for an Expanded Home Occupation permit; such permits allow activities that do not meet the home-occupation standards. The proposed use for an Expanded Home Occupation permit is required to be consistent with the applicable area plan. (See Section IV below.)

-- Because the use proposed by the Application is commercial, it is not consistent with the Area Plan, and the Application must be rejected.

-- If the Application is approved it will set a precedent: permitting commercial uses that are prohibited by the Area Plan. What will be the criteria for future commercial uses that are prohibited by the Area Plan?

-- In the documents for the Application, the Planning Division of the Mono County Community Development Department, which is processing and evaluating the Application, includes a document that we assume it has written titled “Conditions of Approval Use Permit 23-001/Sherer.” The ninth condition of approval states “9) Future development shall meet

requirements of the Mono County General Plan, Mono County Code, and project conditions.” (Emphasis added.) There is no definition or description of “future developments.” What does it mean?

-- The ninth condition of approval, allowing “future developments,” is completely open-ended as long as the “future developments” comply with the General Plan, Mono County Code, and project conditions. These are requirements that should be applied to all applications for expanded home occupation permits. If “future developments” have to comply with the General Plan, why doesn’t the Application have to comply? The Area Plan is part of the General Plan; why isn’t it applied to the Application?

-- Our conclusion is that the Application violates the Area Plan because it proposes a commercial use of Swall Meadows property that the Area Plan prohibits. This commercial use is not otherwise permitted under the General Plan. Therefore, the Application must be rejected.

### **III. The Area Plan is part of the General Plan, and it prohibits commercial uses of property within the residential area of Swall Meadows.**

-- The Area Plan is found in the General Plan under Section 11, Land Use Element; Chapter III, Policies; Planning Area Land Use Policies, Wheeler Crest.

-- The primary objective of the Area Plan is stated in its introduction, Goal 24: **“Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.”**

-- According to Action 24.A.3.b of the Area Plan: “General commercial uses are not desired within the residential area, and shall be prohibited. Bed-and-breakfast establishments shall be exempt from this provision, as detailed in Action 3.1.” (Emphasis added.)

### **IV. The Area Plan applies to this Application.**

-- According to Section 04.290 of the General Plan Land Use Element, “Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home-occupation standards.” There are 11 standards; they significantly restrict use of the home occupation permit. Thus, it is possible to have a home occupation permit in Mono County without having to comply with local restrictions as long as all of the home-occupation standards are observed.

-- In order to modify any of the home-occupation restrictions, an Expanded Home Occupation permit is required.

-- The Application is for an Expanded Home Occupation permit.

-- Mono County’s business license application package includes the Mono County Community Development Department Compliance Division Review of Mono County Business License Application for compliance with Mono County General Plan Land Use Element. This memorandum includes Section 04.290, then provides:

“Please note the following:

“Expanded Home Occupation permit may be granted by the Planning Commission when all of the following findings can be made in the affirmative: (Emphasis added.)

“1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans; (Emphasis added.)

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

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

“4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses within the designation.”

Pete Peterson and Amy Motroni  
788 Mountain View Dr.  
Swall Meadows

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

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

Liberty Utilities  
933 Eloise Avenue  
South Lake Tahoe, CA 96150

To Liberty Utilities Executive Management:

The Mono County Planning Commission (the “Planning Commission”) is alarmed by consistent reports from local residents in the Antelope Valley (Walker and Coleville, CA) that Liberty Utilities (“Liberty”) is uncooperative in meeting the requirements of the Mono County General Plan. By this letter, we request a response from Liberty on the issues described below.

The Mono County General Plan Land Use Element requires the undergrounding of power lines servicing individual homes and structures because of significant fire risk and aesthetic impacts to the rural landscape throughout the County. Section 04.070 requires that “[d]istribution lines and service laterals to development shall be underground.” Chapter 11 of the Land Use Element, Section 11.010.D., further requires that all power lines be undergrounded unless a Director Review permit or a Use Permit specifically allows for installation of overhead lines, with a number of required findings. The relevant portions of Chapter 11 are attached to this letter for reference.

The Planning Commission has heard a steady litany from property owners claiming that Liberty 1) is unresponsive to their requests to underground power lines to new residential homes, 2) tells the resident undergrounding is not an option, or 3) proposes noncompliant overhead lines to the property owner. Three retroactive requests for improperly installed overhead lines were heard by the Planning Commission in the last year, with hundreds of thousands of dollars of fines accruing in one case.

To provide another example, one resident has been trying to work with Liberty to underground two power poles and the overhead lines to their home since March 18, 2021, as required by their approved use permit. Liberty initially responded to the resident and provided two forms to complete around the end of March 2021. However, after the resident submitted the requested forms in early April 2021, the resident heard nothing until they emailed Liberty in August 2021. The resident was given assurances from Liberty that the undergrounding would occur. The resident again received no update until after they reached out to Liberty again in February and March of 2022. The resident was promised engineering paperwork by August 2022 that still, as of the date of this letter, has not arrived. The resident reached out to Liberty multiple times again in July, October, December, and January. The resident was repeatedly reassured that Liberty was working on their paperwork but were given no updates. The resident is approaching a full two years of fruitless attempts to work with Liberty on a small undergrounding project to a single-family home. The poor customer service and inability of Liberty to comply with the

DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Jora Fogg

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

County's General Plan requirement is causing considerable angst and stress to the resident, who is attempting to comply in good faith and ultimately bears the burden of Liberty's noncompliance.

The failure of Liberty to abide by Mono County's General Plan requirements and permit conditions at the request of residents is unacceptable and must change. Liberty is the only power company servicing the communities of Walker and Coleville. The residents are forced to spend time, energy, and money attempting to compel Liberty to comply with the law.

Wildfire risk remains a significant concern for Mono County and the reduction of risk through our General Plan development regulations remains a priority. Mono County is unwilling to modify its policies to accommodate the high-risk preferences for overhead power lines that Liberty appears to have. As you are no doubt aware, the Mountain View Fire, less than three years ago, devastated the community of Walker. The fact that residents seeking to develop their homes or property are still unable to work with Liberty to underground power lines following the fire is a tragedy in its own right.

The Planning Commission requests a written response from Liberty within 30 days of receipt of this letter. Please respond to Wendy Sugimura, Community Development Director, at PO Box 347, Mammoth Lakes, CA 93546, or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov).

Sincerely,

Patricia Robertson, Chair

CC: Mono County Board of Supervisors  
California Public Utilities Commission

Attachments: Chapter 11 of the Mono County General Plan Land Use Element

## DEVELOPMENT STANDARDS

### CHAPTER 11 – UTILITIES

#### Sections:

- 11.010      Placement of Utility Infrastructure.**  
**11.020      Alternative Energy Systems.**

#### **11.010      Placement of Utility Infrastructure.**

A. Exemption for Regulated Public Utilities.

The provisions of this section shall not apply to distribution and transmission lines owned and operated as part of the statewide electrical network regulated by the California Public Utilities Commission (PUC). The authority for this exemption is set forth in the California Constitution, Article XII, Section 8, which vests exclusive regulatory authority over the distribution and transmission lines of these utilities in the California Public Utilities Commission. However, the County shall work with the PUC and applicant to cooperatively meet the standards set forth in Section F.

B. Uses Permitted.

Underground facilities for the distribution of gas, water, sewer, telephone, television, communications and electricity shall be allowed in all designations.

C. Definitions.

For the purposes of this section, the following definitions shall apply:

**"Individual development"** means an individual development project, such as a single-family residence and/or Accessory Dwelling Unit, a garage, a single commercial use, one apartment building, or similar uses. It does not mean a subdivision, land division, condominium development, or development of more than one detached unit at the same time.

**"Overhead utility lines"** means utility distribution lines and service laterals that are installed above ground, either overhead, in an above-ground conduit, or in some other manner.

**"Subdivision"** means the division of any unit or units of improved or unimproved land as further defined in Section 02.1520 and the Mono County Subdivision Ordinance.

**"Utility"** means gas, water, sewer, telephone, television, communications and electricity.

**"Wireline"** is a general term that is used to describe a connection to the Internet that is provided via hardwire, as in the case of DSL, cable, or fiber-based technologies.

D. Utility Distribution Lines to Individual Development.

Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible.

In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) shall make at least one of the following findings in addition to the required Director Review or Use Permit findings, and shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:

1. The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:
  - a. In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.
  - b. Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.
  - c. Are there other potential alignments that would have less visual impact?
  - d. Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.

The Director or the Commission may consider additional information pertaining to the visual character of the area that is deemed relevant to the application.

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:
  - a. Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;
  - b. Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, above-ground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);
  - c. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;
  - d. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;
  - e. Are there other potential alignments that would avoid potential environmental impacts?; and

- f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area that is deemed relevant to the application.

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:

- a. Is the cost of the line to be installed excessive?
- b. Will the installation of underground utilities require trenching under a stream bed?
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.

4. The exclusive purpose of the overhead line is to serve an agricultural operation.

For the purposes of this section, agricultural operations are defined as use of the land for the production of food and fiber, including the growing of crops and grazing of livestock. Above-ground utility lines may be permitted for agricultural uses such as pumps and similar uses.

- a. Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

E. Utility Distribution Lines for Subdivisions.

Utility distribution lines for all subdivisions and land divisions shall be installed underground, unless a specific hardship can be demonstrated (see #3 above). If a specific hardship can be demonstrated, overhead installation may be allowed subject to approval of a variance (see Ch. 33, Variance Processing).

Subdivisions may be required to underground the feeder distribution line to the subdivision. An assessment district, or a similar mechanism, may be established for this purpose as a condition of the tract map approval.

F. Utility Distribution Lines for All Other Communication Infrastructure

All other types of utility distribution lines shall be installed underground, unless the applicant has obtained a Director Review Permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application. Projects located in the County right of way shall also require an encroachment permit from the Public Works Department.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible. If

overhead installation is necessary, all of the criteria in Section 11.010D 1-4 shall be evaluated to provide justification, at least one finding must be made, and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. In addition, the following requirements shall be applied:

1. Within Scenic Highway corridors, a variance (see Ch. 33, Variance Processing) and/or deviation authorization from the California PUC is required prior to approval of overhead construction; and
2. In County rights of way other than Scenic Highway corridors, a use permit must be obtained prior to allowing overhead construction.

G. Use Permit.

Other utility (municipal, private, and if applicable, public utilities not regulated by the PUC) distribution lines, transmission lines and corridors, towers, electrical substations, repeater stations, pumping stations, and uses accessory thereto, including microwave facilities, may be allowed in all districts subject to first securing a use permit, in the manner specified in Chapter 32, Use Permit Processing.

H. Exceptions.

In the event that any regulations of the Public Utilities Commission or any other agency of the state with jurisdiction over utilities conflicts with the provisions of land use designations and the land development regulations, the regulations of the state shall apply, to the extent that the same are conflicting.

I. Locational Requirements.

Whether or not a utility is subject to any permitting requirements as delineated in subsections A to G, above, all new utility distribution lines, transmission lines, corridors, rights of way, towers, electrical substations, repeater stations, pumping stations, cell/communication towers and uses accessory thereto, including microwave facilities, shall comply with the policies of this General Plan and applicable area or specific plans.

J. Cellular and Wireless Towers

Towers erected for the purposes of providing communications through wireless or cellular technologies are permitted in all land use designations subject to a use permit. These towers shall exhibit substantial compliance with the following, unless such substantial compliance would result in an effective prohibition of the provision of wireless communication facilities, or in unreasonable discrimination against a provider of wireless communication facilities, as defined in the Telecommunications Act of 1996, or in non-compliance with any other applicable federal laws:<sup>12</sup>

1. Visual mitigations strategies included in the Mono County Design Guidelines;
2. Cellular and wireless towers shall bond for the reclamation of the site in the event that the infrastructure has not been utilized for a period of three years. Infrastructure shall be removed within one year of abandonment;
3. Towers shall be sited only when there is an identified service provider who has proved a need for the facility;
4. Facilities shall be co-located to minimize the number of towers, and new sites shall include capacity for additional providers to utilize the facility;

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<sup>12</sup> E.g., Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

### BROWN ACT TELECONFERENCE RULES (AFTER AB 361)

*Applies when a member of the legislative body participates from a location that is not the prime meeting location (staff or the public may participate remotely without complying with these rules)*

Traditional Requirements for Teleconference Participation (pre-COVID)		AB 2449 alternative Requirements (from March 1, 2023, to January 1, 2024 – revised rules apply from January 1, 2024, to January 1, 2026)
Agenda must list all teleconference locations	1	N/A (but see 4, 5, 9 below for other agenda requirements)
Agenda must be posted at all teleconference locations	2	N/A
Public must be able to access and provide public comment from all teleconference locations	3	N/A
Each teleconference location must be accessible to individuals with disabilities	4	Must have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. How to request this procedure must be listed on the agenda
At least a quorum of the board (3 members) must participate from a location that is within the jurisdiction	5	At least a quorum of the board (3 members) must participate in person from a singular physical location clearly identified on the agenda and open to the public
Votes must be taken by rollcall	6	Same
Must comply with all other Brown Act requirements and conduct meetings in a manner that protects the constitutional rights of persons appearing before the board	7	Same
	8	Either: use a two-way audiovisual platform; or Use a two-way telephonic service and a live webcasting of the meeting. Board Members must have video.
	9	All notices of meeting must provide instructions for how to participate remotely
	10	In the event of a disruption, no further action may be taken
	11	Members participating remotely must comply with one of the following: <b>Just Cause Exception</b> <ul style="list-style-type: none"> <li>• Notify the board at earliest opportunity of need to participate remotely</li> <li>• Describe “just cause*” for remote participation (*defined in the statute)</li> <li>• Can only do this for 2 meetings each calendar year, or</li> </ul> <b>Emergency Exception</b> <ul style="list-style-type: none"> <li>• Notify the board of an emergency* and the board must take action to approve the request (*defined in statute)</li> <li>• Provide a general description of the emergency circumstances</li> <li>• Request must be remade for each meeting (i.e., no standing requests)</li> <li>• Disclose whether any person 18 or older is present with them during the meeting</li> <li>• May be used for no longer than 3 consecutive months or more than 20% of regular meetings of the board</li> </ul>

# TELECONFERENCE OPTIONS UNDER THE BROWN ACT 2023

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**Mono County Counsel**

# WHAT WE'LL COVER

1. Traditional Brown Act teleconference rules
2. Modified AB 361 rules, which apply during periods of proclaimed emergency where public health officials recommend/require social distancing
3. AB 2449 hybrid rules, which will come into play when emergency proclamation terminates





# INTRODUCTION

Traditional teleconference rules (in effect long before COVID) allow for remote participation by members of legislative bodies, requiring that public access be provided at all remote locations.

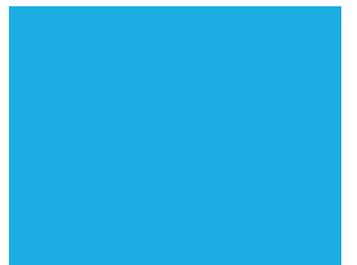
COVID-19 caused California to modify its traditional rules for teleconference meeting participation by board members – remote locations do not need to be publicized or open to the public. (AB 361)

Those modified rules will not be available after the COVID emergency proclamation terminates, but the legislature has taken some of the key concepts, made them more burdensome and confusing, and left a narrow window for remote participation without public access to the remote location. (AB 2449)

# 1. TRADITIONAL TELECONFERENCE RULES UNDER THE BROWN ACT

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Public access to teleconference locations



# TRADITIONAL BROWN ACT RULES

## What do the “traditional” rules require?

Teleconference location(s) must be listed on the agenda

Teleconference locations must be open to the public and accessible to individuals with disabilities

Meeting agendas must be posted at all teleconference locations

At least a quorum (3 of 5 members) of the legislative body must participate from a location that is within the jurisdictional boundaries of the agency

**Takeaway:**  
**If you’re going to participate remotely, you are going to invite and welcome the public to join you!**

# 2. MODIFIED TELECONFERENCE RULES UNDER AB 361

During COVID, the public was not invited to participate from teleconference locations



# AB 361

What's different about the AB 361 rules?	
Teleconference location(s) do <u>not</u> need to be listed on the agenda	<p><b>Takeaway:</b>  <b>In a declared public health emergency - where health officials are recommending or requiring social distancing - public access to teleconference locations is <u>not</u> required!</b></p> <p>(These rules remain on the books until January 1, 2024, but if there's no declared public health emergency, they cannot be used.)</p>
Teleconference locations do <u>not</u> need to be open to the public	
Agendas do <u>not</u> need to be posted at the teleconference location	
There is no requirement that at least a quorum of the members (3 of 5 members) be physically present within the jurisdiction during a meeting	

# 3. NEW TELECONFERENCE RULES UNDER AB 2449

Hybrid rules after the emergency proclamation  
ends



TELECONFERENCE OPTIONS IN 2023



# AB 2449 RULES

## What's different (and the same) about the AB 2449 rules?

Teleconference location(s) do not need to be listed on the agenda

Teleconference locations do not need to be open to the public

Agendas do not need to be posted at the teleconference location

**SO FAR, JUST LIKE AB 361, BUT . . .  
USE OF THESE RULES IS EXTREMELY  
LIMITED (SEE NEXT SLIDE)**

# HOW AB 2449 DIFFERS FROM AB 361

## AB 2449'S LIMITATIONS

At least a quorum of the board (3 of 5 members) must participate in person from a singular physical location clearly identified on the agenda and open to the public.

Members participating remotely must meet/comply with one of the following:

**Just cause exception:**

Notify the board at earliest opportunity of need to participate remotely

Describe "just cause\*" for remote participation (\*defined in the statute)

Can only do this for 2 meetings each calendar year, OR

**Emergency exception:**

Notify the board of an emergency and the board must take action to approve the request

Provide a general description of the emergency circumstances

Request must be remade for each meeting (i.e., no standing requests)

Disclose whether any person aged 18 or older is present with them during the meeting

Participation must be both audio and visual

May be used for no longer than 3 consecutive months or more than 20% of regular meetings of the board.

**Compare to traditional rules:**

- quorum of members need to be within the jurisdiction (but not in a singular physical location)
- no just cause or emergency is required under old rules

**Takeaway:**

New rules may only be used in specific, narrow circumstances

# WHAT CONSTITUTES “JUST CAUSE”?

# JUST CAUSE UNDER AB 2449

Caregiver needs	Contagious illness	Disability	County-related travel	PROCESS
The member must care for a child, parent, grandparent, grandchild, sibling, spouse or domestic partner	A contagious illness prevents the member from attending in person	The member has a need related to a physical or mental disability that is not otherwise accommodated under the Brown Act	The member is traveling on official business of the legislative body or another state or local agency	Remember! The member must notify the board at the earliest opportunity of the need to participate remotely for just cause  <b>Limit of 2x per calendar year!</b>

# WHAT ARE “EMERGENCY CIRCUMSTANCES”?

**“A physical or family medical emergency that prevents a member from attending in person.”**





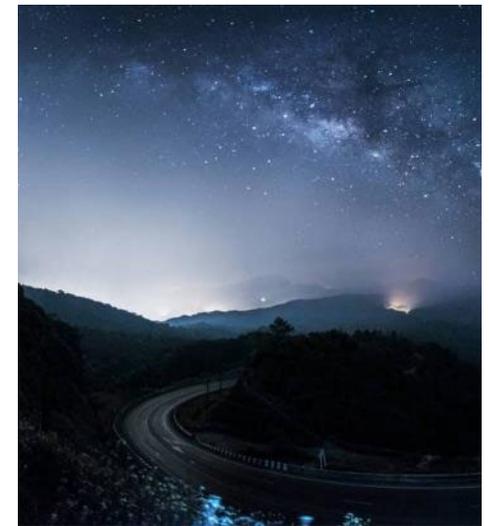
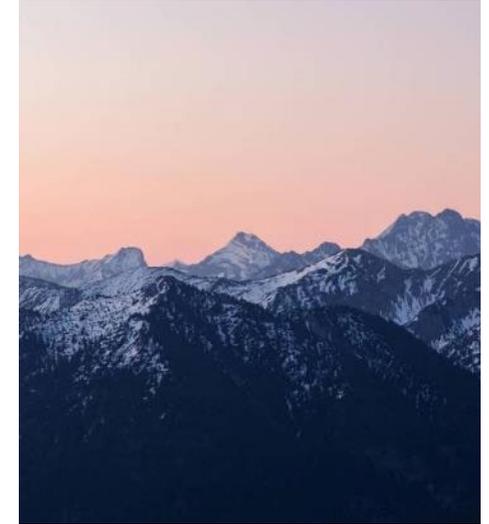
## Process for emergency circumstances

1. At the earliest possible opportunity, the member requests that the legislative body allow them to participate remotely due to emergency circumstances.
2. The member provides the legislative body with a general description of the reason for the emergency (without disclosing medical diagnosis, information or disability).
3. The legislative body takes action on the request. It must either be on the agenda or qualify to be added as an urgency item.
4. If any other person (over age 18) is present in the remote location, the member must disclose their presence and the nature of their relationship to the member.

# SUMMARY

Remember, the traditional Brown Act teleconference rules are still in effect.

The new AB 2449 rules may only be used if there is an emergency or “just cause” and only if certain procedures are followed.





QUESTIONS? |

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**From:** lynn or mark <lynnimarkl@hotmail.com>  
**Sent:** Tuesday, January 31, 2023 10:29 AM  
**To:** Wendy Sugimura <wsugimura@mono.ca.gov>  
**Subject:** Letter for Planning Commission, please forward.

**[EXTERNAL EMAIL]**

Hello Wendy,

I hope all is well with you in the new year.

You are listed on the county webpage as the contact for the planning commission. Can you please forward this note to the commissioners.

Thanks and take care,

Mark L

Dear Mono County Planning Commissioners and Supervisor Peters,

Last week, following the significant rain and snow storms that hit our region, there was a small wildfire in Inyo County - the first of the season. This is apparently another example of a fire that was caused by a downed power line. This problem won't go away by ignoring it; how many more fires are required before some meaningful action is taken to address the issue and get our power lines tucked safely underground?

Sincerely,

Mark Langner