

MONO COUNTY PLANNING COMMISSION

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

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

SPECIAL MEETING AGENDA

March 16, 2023 – 9:00 a.m.

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

Authorization for teleconference participation in today's meeting by members of the Planning Commission under the modified Brown Act procedures of AB 361, based on Governor Newsom's March 1, 2023, Proclamation of Emergency resulting from severe storms and a finding that in-person participation would result in an imminent risk to the health and safety of meeting attendees. This authorization may last through April 12, 2023, provided the above conditions remain in effect.

Pursuant to subdivision (1)(B)(2) of Government Code 54953, find that: (1) on March 1, 2023, Governor Newsom proclaimed a state of emergency in Mono and twelve other California Counties due to the effects of severe winter storms; and (2) as a result of the conditions underlying the emergency declaration, the holding of an in-person meeting of the Board of Supervisors presents an imminent risk to the health and safety of attendees who would need to drive on icy and/or unplowed roads in poor driving conditions with low visibility to reach the in-person location.

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/87566653293>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: 875 6665 3293
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: 875 6665 3293

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.

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

2. Viewing the Live Stream

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

https://monocounty.granicus.com/MediaPlayer.php?publish_id=23749484-05e8-403e-af5e-98e3e52381f7

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ADOPT RESOLUTION 23-02 TO CONTINUE BROWN ACT REMOTE MEETINGS RULES UNDER AB361. (pg. 1)

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

4. APPOINTMENT OF A NEW CHAIR AND VICE CHAIR

5. MEETING MINUTES

A. Review and adopt minutes of February 16, 2023, meeting. (pg. 4)

B. Review and adopt minutes of February 16, 2023, AB361 meeting. (pg. 8)

6. 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. **Applicant has requested a continuation to April 20 at 9:00 am.** *Staff: Laura Stark (pg. 9)*

B. **UP 23-002/ Sierra Wave. [9:10 am]** The project proposes to utilize the June Lake Village Central Business Parking District standards for a parcel located at 2616 Highway 158 in June Lake (APN: 015-075-005-000) to reduce the parking requirements by three spaces and to utilize an off-site snow storage plan to maintain adequate space for the proposed on-site parking plan. The parcel is 0.11 acre in size and is designated Commercial (C). The surrounding parcels are all designated as Commercial. *Staff: Laura Stark (pg. 10)*

C. **PLANNING APPEAL/ Herrick. [9:30 am] 110411 US 395, Coleville (APN 002-060-044-000).** The property is designated Rural Resort (RU) and has an existing restaurant. Storage of an unoccupied RV overnight on a property is permitted when customarily incidental to any permitted use, such as an overnight use like a residential unit or hotel. This property does not have an overnight use, and therefore overnight storage of a vacant RV was determined not to be permitted. The Planning Commission can affirm, affirm in part, or reverse the determination. *Staff: Wendy Sugimura (pg. 29)*

7. WORKSHOP

8. REPORTS

A. **Director** (pg. 47)

B. Commissioners

9. INFORMATIONAL

10. ADJOURN to April 20, 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.

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.

County Counsel
Stacey Simon

Assistant County Counsel
Anne L. Frievault

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Planning Commission

From: Stacey Simon

Date: March 16, 2023

Re: Authorization for Teleconference Participation in Planning Commission Meetings due Winter Storm emergency

Severe winter storms have been impacting Mono County since early January of 2023. The most recent round of such storms caused avalanches and road closures and resulted in communities within the County being cut off from supplies, mail, medicine and other essentials. The roads that have remained open (or which open periodically) can be narrow, icy and dangerous. Non-essential traffic during snowfall and snow clearing activities interferes with the work of road crews tasked with keeping those roads safe and open for emergency services.

As a result of the above-described (and similar) conditions, on February 28, 2023, the Mono County Director of Emergency Management proclaimed a state of emergency in Mono County. This is the second such declaration since January. The February 28 declaration was ratified and extended by the Board of Supervisors. On March 1, 2023, Governor Newsom also proclaimed a state of emergency related to severe weather conditions throughout the state. That proclamation included Mono County as an affected area.

As the Commission will recall, in 2021, AB 361 amended the Brown Act to allow local legislative bodies to meet under modified teleconferencing rules through January 1, 2024, if the meeting occurred during a proclaimed state of emergency and the legislative body found one of the following to be true:

(A) State or local officials have imposed or recommended measures to promote social distancing; or

(B) The meeting is held for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

(C) The legislative body has already determined pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The Commission utilized subdivision (A) above during the COVID emergency and up and until the County's and Governor's emergency proclamations terminated on February 28, 2023.

Due to the severe winter conditions, the Commission may wish to again utilize the teleconferencing procedures made available by AB 361 for the newly-proclaimed storm emergencies. To do so, the Commission would need to make one of the findings listed in subdivisions (B) or (C) described above. For the first such occasion, subdivision (B) is the most appropriate and is included as the recommended finding on your agenda.

If the Commission makes the recommended finding, then Commission would be authorized to join agendized meetings of the Planning Commission from remote locations today, and for a period of 30 days hereafter, without those locations having to be noticed on the agenda or opened to the public. Moreover, the requirement that at least a quorum of the Commission be present within the County, or at a singular physical location would be waived. As a result, clerk staff would not need to manage and maintain multiple meeting locations to accommodate Planning Commissioners inability to safely travel to an in-person meeting location.

Adoption of the proposed findings *does not require* that Planning Commissioners utilize the modified teleconference rules of AB 361 to meet remotely, but merely *authorizes* them to do so. Accordingly, a Planning Commissioner who is able to safely travel to an in-person meeting location is free to do so.

If you have any questions regarding this item prior to your meeting, please email me at ssimon@mono.ca.gov.

RESOLUTION 23-02
OF THE PLANNING COMMISSION AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE
PERIOD OF MARCH 16, THROUGH APRIL 15, PURSUANT TO AB 361

WHEREAS, on March 1, 2023, Governor Newsom issued a Proclamation of State of Emergency in Mono County, among other locations, in response the severe storms; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, providing that a legislative body subject to the Brown Act may continue to meet under modified teleconferencing rules if the meeting occurs during a proclaimed state of emergency; and

WHEREAS, the holding of an in-person meeting presents an imminent risk to the health and safety of attendees who would need to drive on icy and or unplowed roads in poor driving conditions with low visibility to reach the in-person location; and

WHEREAS, the Planning Commission (the “Legislative Body”) deems it necessary to invoke the provisions of AB 361 related to teleconferencing.

NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES that:

SECTION ONE: The recitals set forth above are true and correct and are adopted as findings of the Legislative Body.

SECTION TWO: The Legislative Body has considered the circumstances of the State of Emergency.

PASSED, APPROVED and **ADOPTED** this 16 day of March 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

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Draft Minutes

February 16, 2023 – 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; Louis Molina, Environmental Health; Emily Fox, Counsel

PUBLIC: Alisa Adriani, Amu, Anne, Bryan Butler, David Cooke, David Parker, Eldon, Gavin, Greta Mettauer, Heidi Rose, Jim, Lindsay Sherer, Marcia Weiland, Mark, Melacurt, Pam Padgett, Ramona Delmas, Robert Paull, Tomasini

1. **CALL TO ORDER** – Meeting called to order at 9:08 am.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
 - No public comments
3. **MEETING MINUTES**
 - A. Review and adopt minutes of December 15, 2022, AB 361 meeting.
 - B. Review and adopt minutes of December 15, 2022, special meeting.

Motion: Approve the minutes from the AB361 and special meetings on December 15, 2022.

Bush motion; Lizza second.

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

Motion passed 5-0.

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 acers and designated Commercial. *Staff: Michael Draper*
 - Draper gave a presentation and answered questions from the Commission.
 - **Public hearing opened at 10:08 am.**
 - No public comment
 - **Public hearing continued until March 16th at 9 am.**

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

Commission Deliberation:

- Concerns were discussed regarding the parking spots along Knolls Avenue that may impede the roadway and the snow removal plan that was presented did not discuss the location where snow would be stored.
- Request to see additional parking plan documents.
- Discussion regarding the ability of nonconforming parking spaces be considered a parking space?
- Staff clarified that Chapter 6/Parking Management plan of the General plan would allow for 8x16 spaces which cover the current size of the parking spots. A condition can be added to mark the Knolls Avenue parking spots to be "Compact Only" and require striping. This UP could also be carried to a future meeting and require the applicant to create a parking management plan before coming back to the Commission.

Motion: To continue the public hearing till March 16th at 9am to review a complete parking plan and receive more details on the snow removal plan.

Robertson motion; Lagomarsini second.

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

Motion passed 5-0.

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*

- Draper gave a presentation and answered questions from the Commission.
- **Public hearing opened at 11:18 am.**
- Applicant Lindsay Sherer gave a brief presentation regarding the garage and intent behind the home occupation and answered questions from the Commission.
- Comments made in opposition by Alisa Adriani, Amy, Daniel Bacon, Blythe Ousterman, Bryan Butler expressed their concerns regarding the height, loss of views, equipment transportation, noise, smell, and the overall appearances of the garage.
- Concerns was raised by David Cooke regarding cost burden on local taxpayers if the project is not approved and the potential of a lawsuit as the county issued the permit in error.
- Comments made in support of the project by Tomasini and Eldon.
- Applicant Sherer responded to questions brought up during the public comment and make a few final comments.
- **Public Comment closed at 12:10 pm.**

Commission Deliberation regarding Use Permit 23-001 for increased height of an accessory structure:

- Concerns were made regarding the noise caused by the equipment, design of the garage, location of the garage on the parcel, size of equipment coming onto the property.
- The garage is permissible under General Plan regulations and consistent with the other buildings and garages in the neighborhood and its appropriate.

Motion: Find that the **Use Permit 23-001** qualifies as a Categorical Exemption under CEQA 15303e instruct the staff to file a notice of exemption; making the required findings for the use permit contained in the staff report and approve Use Permit 23-001 subject to the conditions of approval.

Lizza motion; Bush second.

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

Motion passed 5-0.

Commission Deliberation regarding the Expanded Home Occupation Permit 23-001:

- Concerns raised with approving the permit are noise from the equipment, diminishing the character of the neighborhood due to an 18-wheeler delivering the equipment/vehicles, narrow roadways, does not fit the area plan.
- If the expanded home occupation permit was approved, it would put more restrictions what the homeowners could do with the property as they would have to comply with the conditions of approval.

Motion: Approve the Expanded Home Occupation Permit 23-001 and find that the project qualifies as a categorical exemption under CEQA, make the required findings as contained in the staff report and approve the Expanded Home Occupation Permit.

Robertson motion; Bush second.

Roll-call vote:

Ayes: Bush, Robertson.

Nays: Lizza, Fogg, Lagomarsini.

Motion failed 2-3.

Motion: Deny the expanded home occupation permit because Finding 2 could not be made as the expanded home occupation permit is not compatible with the intent of the estate residential designation because it involves the transportation of heavy machinery.

Fogg motion; Lagomarsini second.

Roll-call vote:

Ayes: Fogg, Lagomarsini.

Nays: Robertson, Bush, Lizza.

Motion failed 2-3.

Motion: Find that the Expanded Home Occupation Permit 23-001 qualifies as a Categorical Exemption under CEQA 15303E and instruct the staff to file a notice of exemption; **denying** the expanded home occupation 23-001 using the alternative findings for 1,2,4 contained in the staff report.

Lizza motion; Lagomarsini second.

Roll-call vote:

Ayes: Lizza, Fogg, Lagomarsini.

Nays: Bush, Robertson.

Motion passed 3-2.

***Commissioner Bush left the meeting at 12:37 pm.**

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*

Commission consensus to add a request for Liberty Utilities staff with the authority to make decisions to attend a future Planning Commission meeting for a discussion.

Motion: Approve the letter as modified recommending the Board of Supervisors send to Liberty Utilities.

Robertson motion; Lagomarsini second.

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

Motion passed 4-0 with one absent.

6. WORKSHOP

- A.** Brown Act requirements and returning to in-person meetings. *Staff: Emily Fox*
- Fox gave an overview of the Brown act requirements and answers questions from the Commission.

7. REPORTS

A. Director

B. Commissioners

- Commissioner Fogg will be unable to attend the March meeting.

8. INFORMATIONAL

- A.** Letter to the Planning Commission from Mark Langner

9. ADJOURN at 1:28 pm to March 16, 2023.

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AB361 Draft Minutes

COMMISSIONERS: 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: Alisa Adriani, Amu, Anne, Bryan Butler, David Cooke, David Parker, Eldon, Gavin, Greta Mettauer, Heidi Rose, Jim, Lindsay Sherer, Marcia Weiland, Mark, Melacurt, Pam Padgett, Ramona Delmas, Robert Paull, Tomasini

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE-** Meeting called to order at 9:05 and the commission lead the pledge of allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.

No public comment
3. **CONSIDER ADOPTION OF RESOLUTION 23-01 AB 361 TO CONTINUE DIGITAL MEETINGS.**
Motion: Adopt Resolution 23-01 to continue digital meetings.
Lizza motion; Fogg second.
Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.
Motion passed 5-0.
4. **ADJOURN at 9:08 am** to February 16, 2023.

DISTRICT #1
COMMISSIONER
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March 16, 2023

To: The Mono County Planning Commission

From: Wendy Sugimura, Director

Re: Use Permit 22-012/The Villager Motel

RECOMMENDATION

Continue the public hearing to April 20, 2023, at 9:00 am.

DISCUSSION

This proposed project was discussed at a public hearing before the Planning Commission on February 16, 2023. The Planning Commission raised several questions and concerns related to parking, and requested staff contact the applicant, who was not present, to provide additional information.

The applicant has been working to provide information responsive to the Planning Commission's discussion and was targeting the April 20 meeting due to the expected absence of one Commissioner. When plans changed and it was known all Commissioners would be present at this meeting, not enough time was available to finalize the materials. As a result, the applicant continues to request a continuation of this project to the April 20 meeting.

Please contact Wendy Sugimura at 760-924-1814 or wsugimura@mono.ca.gov with any questions.

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March 16, 2023

To: Mono County Planning Commission

From: Laura Stark, Community Development Analyst

Re: Use Permit 23-002/Sierra Wave Parking Reduction & Off-Site Snow Storage

RECOMMENDATION:

It is the recommendation that the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline §15301 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the staff report; and
3. Approve Use Permit 23-002 subject to Conditions of Approval.

PROJECT DESCRIPTION

The proposal is for a parking reduction plan on a 0.11-acre parcel located in the June Lake Central Business District at 2616 State Route (SR) 158, (APN 015-075-005-000), and for off-site snow storage on a nearby parcel (APN 015-075-117-000). Both parcels are designated Commercial (C). The surrounding parcels are all designated Commercial. On the applicant's property, the portion of the building fronting SR 158 contains the retail business, Sierra Wave. Two long-term rental residences are located in the rear portion of the building and are situated adjacent to the neighboring L-shaped parcel which contains a bar & cafe, accessory buildings and a parking lot (see Figure 1).



Figure 1 – Subject property outlined in green.

The application proposes a parking management plan pursuant to the Mono County General Plan (MCGP) Land Use Element (LUE) §6.090 Central Business Parking District standards, and off-site snow storage on APN 015-075-017-000 (see Figure 2) as may be allowed through the use

permit process per MCGP LUE §4.300. The parking management plan reduces the number of spaces by three, adds a bicycle rack for four, and authorizes two parking spaces with alternative dimensions of 8' x 16'.

The property has an existing, non-conforming snow storage area and the proposed use would further reduce the snow storage area because the two outdoor parking spots are currently being used for snow storage.



Figure 2 – Subject property outlined in green; proposed off-site snow storage parcel outlined in yellow.

GENERAL PLAN CONSISTENCY

The property currently is required to have eight parking spaces per MCGP LUE §6.090; five of which were approved for off-site parking spaces per Director Review (DR) 01-12 (see Attachment 1). The applicant no longer owns the property where the off-site parking was located under DR01-12 and proposes to offer on-site parking by creating additional bike parking and utilizing an off-site snow storage plan to provide and maintain the required parking spaces.

The off-site snow storage plan would be conducted by the applicant using the applicant's existing snow removal equipment, a CASE 1840 Uniloder. Snow would be removed to a nearby undeveloped parcel (APN 015-075-117-000) which is owned by the applicant. The applicant leases several parcels in the same area to Caltrans for snow storage and Caltrans has confirmed that an encroachment permit is not required for the applicant's proposed project.

GENERAL PLAN STANDARDS

MCGP LUE §6.090 requires parking as follows:

Table 1 - Parking Requirement (from TABLE 06.010: REQUIRED NUMBER OF PARKING SPACES)				Required
General Retail, Services & Offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.	800sq ft / 200		4
Guest Parking for Multifamily	One space for each six units, no fewer than two. Only required for 3+ units.	2 MF		0
Residential Unit	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.	2 Residences x 2 spaces		4
Total Required Parking Spaces				8

MCGP LUE §6.090 designates portions of the June Lake Village as a Central Business Parking District. The purpose of these districts is to balance off-street parking requirements with existing community context and character and to provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses. The project is located within the June Lake Village Central Business Parking District and therefore the required parking can be reduced as noted in Table 2 (below).

Table 2 - Proposed Parking Reduction Plan per June Lake Village Central Business Parking District standards				
06.090 Central Business Parking Districts.		Calculation		Required
A. Minimum Off-Street Requirements	Within the June Lake and Lee Vining central business parking districts, 60% of minimum off-street parking requirements for non-overnight commercial uses in accordance with Table 06.010 shall be required. Note: Fractional parts from 0.51 to 0.99 shall be rounded to the next higher number when calculating required spaces. II-242 (per MCGP LUE Table 6.010)	4 Non-Overnight Commercial Spaces x 60%=	2.4*	2
C. Alternative Parking Allowed Subject to Director Review or Use Permit	A maximum of one required off-street parking space may be substituted for four bicycle parking spaces	4 Bicycle Parking Spaces		-1
Residential Unit with Overnight Parking	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.*	2 Residences x 2		4
Total Required Parking Spaces				5

*Required overnight parking spaces are not eligible for parking reduction.

There are three existing covered parking spaces on the property and the applicant has proposed a location for two additional parking spaces to meet the required five parking spaces (see Figure 3 & 6). Currently there is a small shed and an old vehicle obstructing the uncovered spaces and the snow has not been fully removed from the uncovered spaces. The applicant is proposing to remove the shed and vehicle, and to plow the spaces to appropriately maintain the required dimensions (see Figure 4 & 5).



Figure 3 (above) – Subject property and neighboring properties. Proposed uncovered parking spaces lined in yellow.

Figure 4 (left) – Driveway and proposed parking area from SR 158.

The applicant shall survey their property lines to ensure the parking spaces do not encroach on neighboring property.

During a site visit with County staff on February 21, 2023, the applicant demonstrated how the snow could be removed to provide the uncovered parking spaces and explained that the existing vehicle and small shed currently obstructing the uncovered spots can be moved in the spring (see Figure 5).

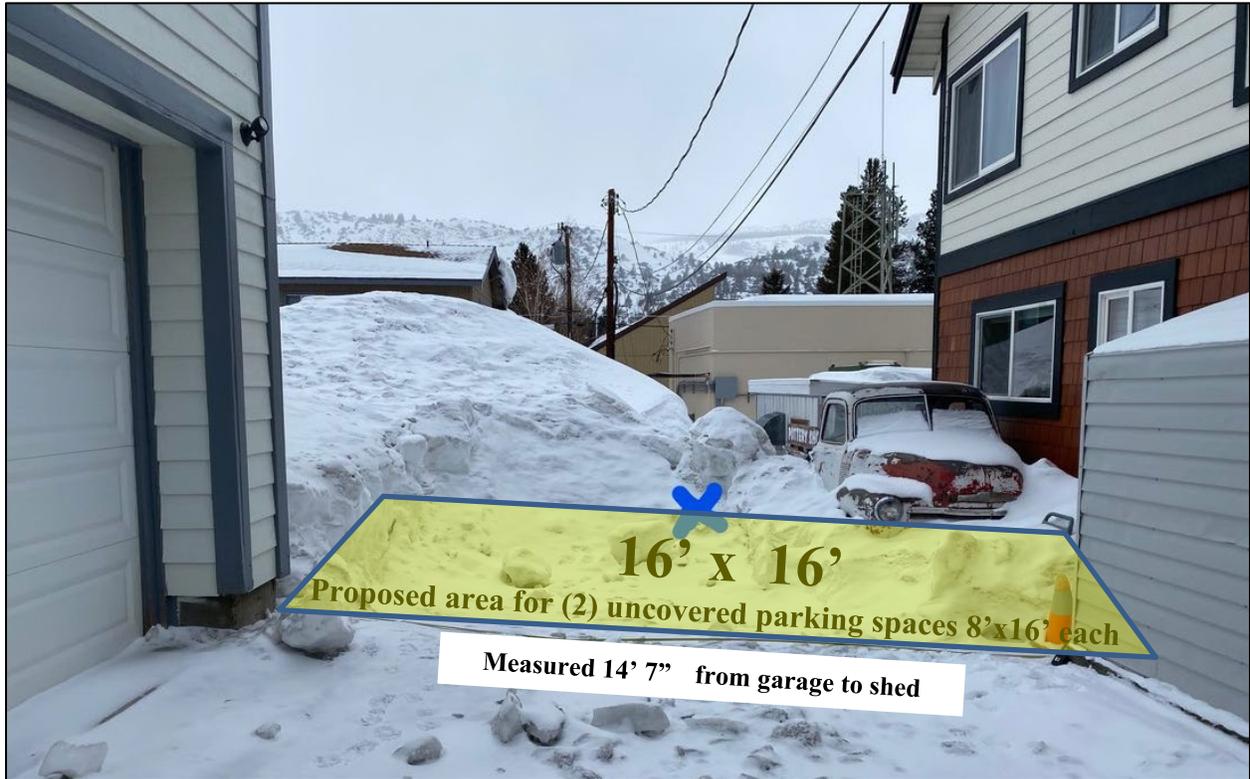


Figure 5 – Proposed uncovered parking area

Once the snow, shed, and old vehicle are removed, adequate space should exist to maintain and utilize the two parking places previously established under DR 01-12. Year-round access to the two uncovered parking spaces onsite would be required to establish the minimum amount of on-site parking required under MCGP LUE §6.090.

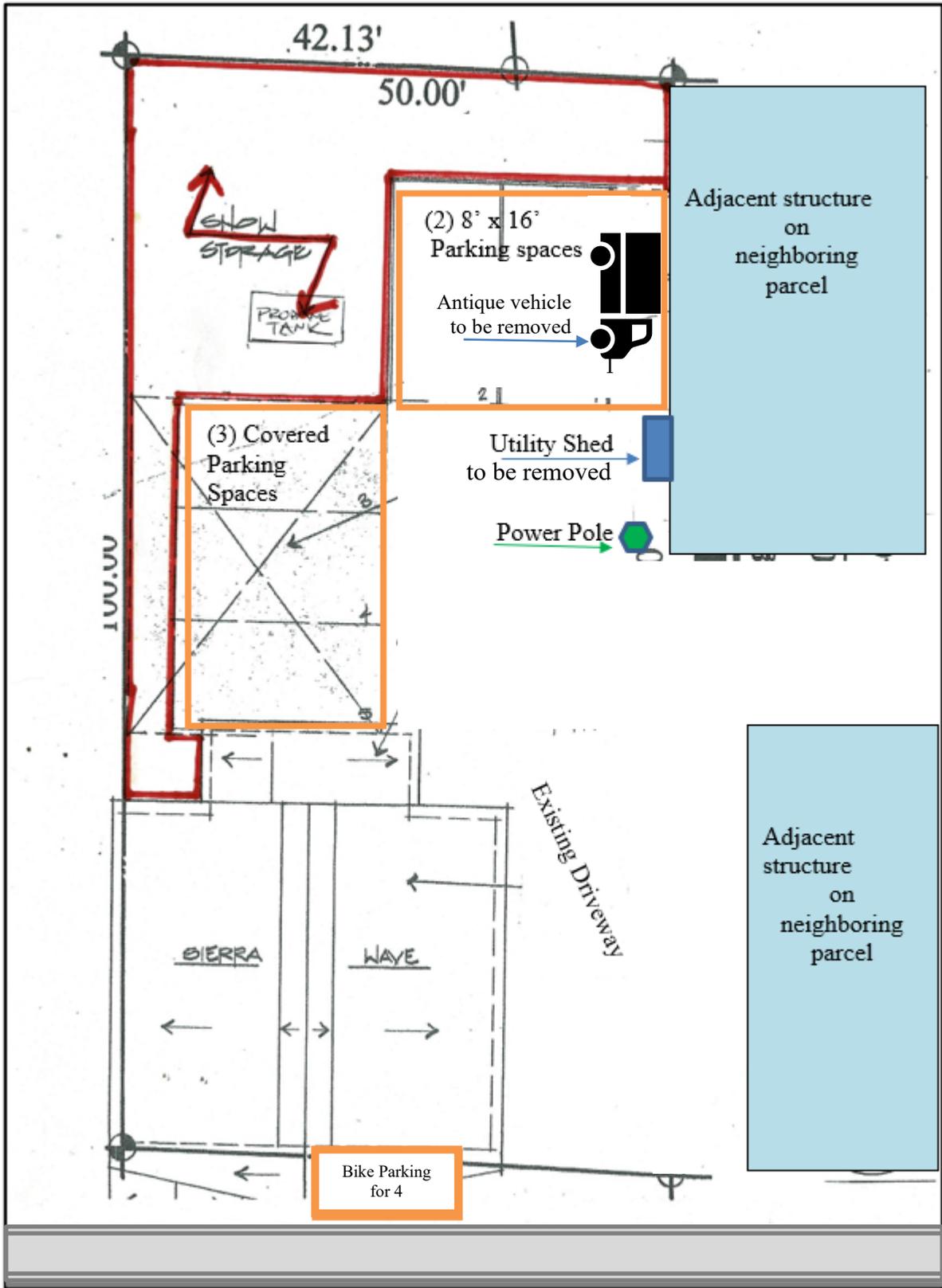


Figure 6 – Site Plan

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The project went to LDTAC on January 18, 2023, for application acceptance and returned to LDTAC for approval of conditions on March 6, 2023.

PUBLIC NOTICING AND COMMENTS

The project was noticed in the February 25, 2023, edition of The Sheet; mailers noticing the project were sent to properties within 300 feet of the subject property on February 25, 2023. No public comment was received as of the drafting of this staff report.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of *CEQA Guideline §15301 - EXISTING FACILITIES. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.*

The project qualifies for this CEQA exemption because there is no new construction and no expansion of uses.

USE PERMIT FINDINGS

Per Chapter 32 of the Mono County General Plan Land Use Element, Use Permits may be granted by the Planning Commission only when **all** of the following findings can be made in the affirmative:

- 1. All applicable provisions of the Land Use Designations and Land Development Regulations 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.***

Finding 1 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts as analyzed in Table 2. The applicant shall survey their property lines to confirm the parking spots do not encroach on neighboring properties. The applicant proposes an off-site snow storage solution utilizing snow removal equipment and a nearby property, both owned by the applicant, to meet snow storage requirements and prevent exacerbating the existing nonconforming use after parking is added.

- 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.***

Finding 2 may be made because the project is an existing use and therefore will not change the quantity and kind of traffic generated by the addition of two new on-site parking spaces and off-site snow storage. The property is accessed by State Route 158, a Caltrans maintained highway adequate to carry the quantity and traffic generated by the existing commercial and residential land uses. Public Works advised that the proposed snow removal plan would be similar to the work completed by Caltrans on nearby properties and approved the use of the property for snow storage. Caltrans also acknowledged the use in

an email and noted no encroachment permit is required at this time for the snow storage parcel.

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.*

Finding 3 may be made because 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 it is an adjustment to an existing parking management plan in compliance with MCGP LUE §6.090 and it is an existing use with no new construction. Off-site snow storage also occurs on nearby parcels.

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

Finding 4 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts; and:

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.

Action 13.E.1.a. Allow higher densities and provide for mixed uses in areas suitable for commercial and retail development.

And:

GP LUE §34.020 Alterations to nonconforming uses, buildings and structures: The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions. 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.

Finding A may be made because the proposed off-site snow storage improves the existing nonconforming snow storage issue by providing a location for removing snow from the property. The snow removal to an off-site location addresses both nonconforming snow storage onsite and the loss of additional snow storage due to the two outdoor parking spaces.

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.

The alteration of the nonconforming use is not substantially detrimental because it improves public safety and reduces the potential for adverse impacts to adjacent properties by removing snow to another lot.

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

The alteration does not propose any new construction or change any existing uses and therefore does not increase the intensity of the use-category 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 application has been referred to the Planning Commission for consideration.

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

ATTACHMENTS

1. DR01-12
2. Public Notice

CONDITIONS OF APPROVAL
Use Permit 23-002 /Sierra Wave

- 1) The uncovered parking spaces must meet minimum dimensions of 8' wide by 16' long at all times of the year and snow must be removed from these parking spaces to provide for the parking of vehicles.
- 2) Vehicles parked in the uncovered parking spaces shall not block turning movements into the garage parking spaces.
- 3) The property lines bordering APN 015-075-004 and APN 015-075-026 must be surveyed to verify the parking spaces are entirely located on APN 015-075-005 by July 31, 2023.
- 4) The project shall comply with any Caltrans requirements.
- 5) A Covenant shall be required per MCGP LUE §48.040 and the record owner of APN 015-075-004 and APN 015-075-026 shall execute said covenant running with the land in a form approved by the County Counsel, which shall contain the requirements imposed for snow removal and the permitted snow storage on the nearby property and it shall be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.
- 6) Project shall comply with all Mono County requirements including, but not limited to, Building Division, Public Works, and Environmental Health requirements.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

- 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 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
COMMUNITY DEVELOPMENT DEPARTMENT

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April 22, 2001

NOTICE OF DECISION DIRECTOR REVIEW 01-12, LOGUE

APPLICANT: John & Candice Logue
SUBJECT PROPERTY: 15-075-04, 05 and 27
PROPOSAL: Apartment and shared parking arrangement

Pursuant to Mono County General Plan, Land Use Element, Chapter 31, (Director Review Processing), and based upon the following findings, you are hereby notified that Director's Review 01-12 has been:

- Granted as requested.
- Granted subject to the attached Conditions of Approval.
- Denied.

BACKGROUND

Director Review 01-12 would allow shared parking on Sierra Inn site for Ernies, Ernies Too, Sierra Wave, Sierra Inn and three apartments.

The uses are on three parcels on the north/west side of Highway 158 near the beginning of the June Lake Village. All three parcels (APNs 15-075-04,05 and 27) are owned by John and Candice Logue (See Attachment "B").

Assessors Parcel 15-075-05 currently has Sierra Wave, a retail store, and one apartment on site. The owners wish to develop a second employee's apartment on the same site. With the addition of the second apartment unit, eight parking spaces would be required, however, only five spaces would be available on-site. Except for the Sierra Wave uses, all the other uses listed above share the Sierra Inn site for parking as a pre-existing use. Adding uses proposed for the Sierra Wave site to the shared parking on the Sierra Inn site requires all the uses to be analyzed under current Mono County code parking requirements.

The proposed use includes adding five new parking spaces on the Sierra Inn parcel. A storage structure on the north side of the property will be removed and four parking spaces installed in its location. Currently, a driveway on the northeast side accesses the Sierra Inn. This driveway is not on the Sierra Inn site and will be closed for access, which will provide room for one more parking space (See Exhibit "A").

06.100 Joint use.

Joint use of parking facilities on the same site may be allowed under the following conditions:

- A. When there is no conflict at time of use;
- B. When there is sufficient parking for all uses at any particular time.

Chapter 6, parking space requirements, section 06.100, Joint use, allows for joint use of parking spaces providing there is no conflict at the time of use. For instance, the four retail uses under this shared parking proposal requires 14 parking spaces. However, these retail uses close at 6 pm each evening. Under a joint use proposal, this frees up 14 spaces after 6 pm for another use. The bar at the Sierra Inn opens at 6 pm. Because the bar opens after the retail shops close, it can use the 14 parking spaces for its use. As noted on Attachment "A", 43 parking spaces are needed in the day (when retail is open) and 44 spaces during the evening (when retail is closed and the bar is open).

Uses proposed for shared parking on the Sierra Inn parcel:

Restaurant/Bar uses:
 Sierra Inn Rest. --- ---63 Seats
 Sierra Inn Bar -----43 seats
 (night use only after 6PM)
 Deck, Sierra Inn ----- 20 seats
 (Nine seats from inside would need to be removed from use when the outside deck is open with 20 seats)

Retail Uses:
 Ernies Too -----542 Sq. Ft.
 Ernies -----825 Sq. Ft.
 Sierra Wave -----800 Sq. Ft.
 Pottery shop -----600 Sq. Ft.
 (Note, the four above uses are day use only to 6 PM)

Residential Uses:
 1 Apartment above pottery shop
 1 Apartment at Sierra Wave
 1 Additional apartment proposed on the Sierra Wave site.

Sierra Inn has 43 parking spaces, Sierra Wave has 5 parking spaces, Total Spaces: 48 Spaces. With the greatest number of uses at one time, 51 parking spaces would be needed. When the outside deck is used, nine seats will be taken out of use in the restaurant, which equals a need for 48 spaces.

The greatest number of parking spaces needed at one time is number of spaces required. 48 parking spaces is the total number of spaces after adding the new 5 spaces. 51 spaces is the greatest number of spaces needed at one time (bar, deck, restaurant, apartments). The proposed use is 3 parking spaces short. The Sierra Inn would need to remove 9 seats from use in the restaurant when the deck is open, which reduces the greatest need at one time to 48 spaces.

The addition of the five parking spaces is planned for completion by the fall of 2002. The new apartment on the Sierra Wave site may be completed by next spring. There may be a period of time when all the uses referenced are open but the applicant has not completed adding the five new spaces.

There would be a total of 43 parking spaces without the five new spaces.

When the bar is open during the evening 44 parking spaces would be required without the use of the outside deck. The applicant would need to remove three inside seats during the evening (3 seats equals 1 parking space).

When the deck and bar are open, 51 parking spaces would be required. The applicant would need to remove from use 24 seats (8 parking spaces) to accommodate all the uses at one time during the evening hours.

Chapter 6, Parking Space Requirements, section 06.090 B, requires the developer to record a covenant against the property when offsite parking is to be provided:

06.090 Off-site.

- A. When parking is to be provided off the regularly subdivided lot on which the structure or uses or portions thereof are located, the owner or lessee of record shall furnish satisfactory evidence to the Director that he owns or has available sufficient property to provide the minimum parking required by this chapter.
- B. When parking is to be provided on property other than that being developed or used, there shall have been recorded in the Office of the County Recorder, prior to the issuance of any permit to construct, erect, add to or alter, a covenant executed by the owners of the property for the benefit of the County in a form approved by the County Counsel to the effect that the owners shall continue to maintain such parking so long as such structure, improvement or use exists. Such covenant shall also recite that the title to and right to use the lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the structure is to be erected or the use maintained and shall warrant that such lots are not and will not be made subject to any other covenant or contract for such use without the prior written consent of the County.

In the event the owners of such structure should thereafter provide parking space equal in area and under the same conditions as to ownership upon the lot or lots other than the premises made subservient in a prior such covenant, the County will, upon written application, accompanied by a filing of a similar covenant, release such original subservient premises from such prior covenant.

The proponent will need to provide such covenant to the Community Development Department. The Covenant should include all relevant information such as; names, parking arraignment, numbers, times and final map produced by Design Dimensions.

Snow storage. Snow storage is based on Resolution 80-91. 41 to 60 parking spaces requires 55% percent storage area. Smaller areas require up to 70%. The Sierra Inn is pre-existing use and snow storage does not come into play except for the new apartment at Sierra Wave. Snow storage will be provided behind the new apartment at Sierra Wave in excess of storage space requirements of 70%.

Handicapped parking. Handicapped parking (two spaces) will be provided on the Sierra Inn site and meets applicable required standards.

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 01-04

1. All applicable provisions of the Mono County General Plan Land Use Element 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 parking requirements of Chapter 6 are met under the shared parking requirements of the Land Use Element.

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 use is preexisting fronting onto Highway 158, which is designed to accommodate the use and traffic.

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 use is appropriate for the area, which already includes approved parking and access. This includes upgrading the appearance and access for ADA, therefore, in conformance with current standards and will be an asset to the area. In addition, providing additional employee housing on-site will reduce driving needs and assist in the goals of the general plan for more housing.

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

The General Plan text promotes employee housing and the type of uses planned for the site.

5. Improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Use Element because;

All aspects of code are in conformance with proposed addition of the employee housing and required parking.

6. The project is exempt from CEQA, because;

The project qualifies as a Class 3, 15303 Categorical Exemption for new construction or conversion of small structures.

CONDITIONS OF APPROVAL

See attached conditions of approval.

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: Greg Newbry, Senior Planner

DATE OF DECISION: _____

SIGNED: _____
Scott Burns, Planning Director

MONO COUNTY PLANNING COMMISSION

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February 28, 2023

To: The Sheet

From: Laura Stark

Re: Legal Notice for the March 4 edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **March 16, 2023**. The meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/87566653293> or in-person at the Board Chambers, 2nd floor, County Courthouse, Bridgeport, CA, 93517 or via Teleconference Location at the Lundy Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546 where members of the public shall have the right to observe and offer public comment, to consider the following: **9:10 am - Proposal for a parking reduction plan and off-site snow storage plan for a property in June Lake**. The property is located at 2616 Highway 158 (APN: 015-075-005-000) and is designated Commercial; the property includes a retail business and two long-term rentals. The project proposes a parking management plan with alternative parking standards and the removal of snow with storage off site on a nearby undeveloped property on Highway 158 (APN: 015-075-017-000). The parking management plan reduces the required number of spaces by three and authorizes two parking spaces with alternative dimensions of 8'x16'. Off-site snow storage is proposed to maintain access to the required parking spaces. No new construction is proposed. Pursuant to the California Environmental Quality Assessment (CEQA), the project qualifies as a Categorical Exemption under Guidelines §15301 – Existing Facilities, which consists of the operation and maintenance of existing structures involving negligible or no expansion of existing or former use. 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 online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, March 16, 2023, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov. 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 of the Planning Commission at, or prior to, the public hearing.

###

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<https://monocounty.zoom.us/j/87566653293>
Webinar ID: 875 6665 3293

Members of the public shall have the right to observe and offer public comment, to consider the following: **9:10 am – Use Permit 23-002/Proposal for a parking reduction plan and off-site snow storage plan for a property in June Lake**. The property is located at 2616 Highway 158 (APN: 015-075-005-000) and is designated Commercial; the property includes a retail business and two long-term rentals.

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Figure 1 - Subject property outlined in green; proposed off-site snow storage outlined in blue.

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March 16, 2023

To: The Mono County Planning Commission

From: Wendy Sugimura, Director
Nick Criss, Code Compliance Officer

Re: Appeal of the Planning Division's determination regarding storage of a vacant RV on a property with a restaurant

RECOMMENDATION

1. Consider the appeal and either affirm, affirm in part, or reverse the Planning Division's determination that a vacant RV cannot be stored on APN 002-060-044, making appropriate findings and providing any other desired direction to staff.

A draft resolution (Attachment 1) containing the required findings is provided should the Commission affirm the Planning Division's determination. If the Commission's intention is to grant the appeal and reverse the Planning Division's decision, staff recommends that the Commission move to tentatively grant the appeal and direct staff to return with written findings within 30 days.

FISCAL IMPACT

If the appeal is upheld and the Planning Division's determination is overturned, citation fines will have ceased accruing on January 6, 2023, when the Planning Division was notified that the RV is no longer occupied.

APPEAL PROCESS

Mono County General Plan Land Use Element Chapter 47, Appeals, allows for an appeal of any determination by the Planning Division provided that written notice is submitted within 10 calendar days following the determination. The Planning Commission may affirm, affirm in part, or reverse staff's determination that is the subject of appeal, provided that an appeal is not to be granted when the relief sought should be granted through a variance or amendment. Chapter 47 specifies that appeals are de novo, meaning the Commission is not limited to a review of the record and may hear the matter over again (as if for the first time).

The Planning Division determination was emailed to the appellant on January 12, 2023. The appeal form was received on January 20, 2023 (Attachment 2). Per §47.030, the hearing for the appeal must be agendized for consideration within 60 days of the date the appeal was filed (March 21, 2023).

BACKGROUND

The subject property, 10041 US 395 (APN 002-060-044-000), has a land use designation of Rural Resort (RU) with an existing restaurant (the Coachwhip Café) on the site. Adjacent parcels are designated Rural Resort (RU), which contains the Meadowcliff Lodge; Rural Residential (RR), which consists of agricultural/ranching fields; and

Agriculture (AG) to the east of US 395, consisting of ranching agricultural operations. A KOA campground/recreational vehicle (RV) park is situated to the north. See Figure 1.

Figure 1. Vicinity and Adjacent Land Uses Map



Previously, the RV park/campground, Meadowcliff Lodge, and restaurant had been under single ownership, and then the parcels were sold separately with Meadowcliff Lodge and the RV park under one owner and the restaurant under other owners. The restaurant property does not contain a residential unit, and so the owners were living in an RV.

In August 2022, Code Compliance issued a Notice of Violation (NOV; Attachment 3) to inform the owners, Lianne Herrick and Nikolas Athanasiou, that living in an RV is not legally permitted. Voluntary compliance by removing the RV from the property was requested. The property owners were informed they could bring the RV back and live in it if they submitted a building permit for a dwelling unit and received a Director Review permit to live in

the RV during construction. The property owners contacted CAO Bob Lawton and Supervisor John Peters to discuss the case and suggest alternatives, which resulted in many follow up conversations and delay. The Board of Supervisors were eventually apprised of the matter and had an opportunity to direct staff to suspend other priorities and instead pursue a policy solution to allow residential use of RVs, and declined to do for this specific case. The outcome was that this matter would be processed according to typical code enforcement procedures under the existing regulations. The Board also directed staff to continue long-term plans for a policy discussion of RV use as residences which, it was recognized, would not be resolved within a timeframe applicable to this enforcement case. Staff continued to try to explain to the property owners why various proposed solutions were not viable. Staff also called or investigated several RV parks where the RV could potentially be placed during the development of a building permit application.

During this time, the County released the accessory dwelling unit (ADU) prescriptive designs, which can also be used as primary dwelling units with the appropriate modifications. The property owners represented they could complete and submit a building permit application in two to three weeks using the prescriptive designs. With that in mind, Director Wendy Sugimura sent the property owners an email on Nov. 10, 2022 (Attachment 4), providing two potential RV parks that could take their RV and advising that the timeframe for compliance was long past, but that they would be given an additional two weeks until Nov. 28, 2022, to remove the RV. The email also provided links to the ADU prescriptive designs, building permit application, and Director Review permit application. No response was received, and on Dec. 2, 2022, an administrative citation was sent via certified mail.

On December 6, 2022, the Board of Supervisors held a workshop to discuss allowing RVs to be used as residences (video available at https://monocounty.zoom.us/rec/play/wrniWHlceSCpRZgKp_7-V1xZYP0Z1DFKE1gEeMh252Sv5mflrX3BC87_e-kkOErKWUPuwSAGh1VQ3P.WbKWK1jJHUrgeAuF). As recommended by the staff report, the Board received the presentation and provided preferences on the policy issue, and directed staff to conduct public outreach by taking the policy conversation to the Regional Planning Advisory Committees (RPACs) and Planning Commission, and return to the Board with a presentation at a future meeting. No policy options were agendaized for action and no specific direction was given regarding this particular case. Given winter storms, the required conversion to in-person meetings, and then ensuing staffing considerations, this outreach has not yet occurred.

The administrative citation was not picked up by the property owners and therefore Code Compliance contacted them via email on January 5, 2023. The property owners claimed they did not receive notice of the certified mail to be picked up, but Community Development has the tracking information and returned letter marked "unclaimed" by the post office. No alternative address was submitted by the property owners. The property owners submitted an appeal of the citation in January 2023, which was deemed untimely by the Clerk's office and therefore not accepted.

At the same time, on January 6, 2023, the Community Development Department received an email from the property owner stating that the RV is no longer lived in and is only being stored vacant on the property. On January 9, 2023, the property owners advised they could not meet the 2-3 week timeline to submit a building permit, without providing a new timeline.

The Planning Division considered the assertion that storing the vacant RV on this commercial property with a restaurant use is permitted, and determined it is not. Although this issue has a controversial history and complex set of facts, **the only matter before the Planning Commission is the Planning Division's determination that the vacant RV cannot be stored on the property.** The administrative citation is subject to a different set of procedures under different authorities.

PLANNING DIVISION DETERMINATION

The Mono County General Plan (MCGP) Land Use Element (LUE) uses permissive zoning, meaning “any use that is not enumerated or listed in the land use designation is presumed to be prohibited, except for those instances provided for in Section 01.040.B. Interpretation” (MCGP LUE §01.040).” The interpretation section states that ambiguities of any regulation shall be resolved by the Planning Commission. The storage of RVs is not listed as an outright permitted use in any land use designation and is therefore presumed to be prohibited or subject to a planning permit, such as a use permit for an RV park, as a primary use. However, most land use designations, including RU, list “accessory buildings and uses” which allows for “...uses customarily incidental to any of the permitted uses...”

Around 2000, the Community Development Department had extensive discussions on development standards and regulations related to the use and storage of RVs on private property. The current regulations are the result of that work, and since that time the storage of unoccupied vehicles overnight, including RVs, has been considered an accessory use customarily incidental to an overnight permitted use, such as a residential unit or hotel. Therefore, storage of unoccupied RVs are permitted on properties with main uses that allow overnight occupation.

No overnight or residential use exists on this property; the restaurant, the Coachwhip Café, is not an overnight use. Therefore, overnight storage of a vacant RV is not customarily incidental to any existing permitted use on the property and was determined not to be permitted.

BASIS FOR APPEAL

The appeal form submitted by the property owner (Attachment 2) lists the following reasons for the appeal; staff responses are included:

All fines accrued from 12/2/2022-1/5/2023 – letter of citation was not received.

- *Response: The fines and citation are subject to a separate process and authority, and are not before the Planning Commission today.*

RV has been vacant as requested.

- *Response: The Notice of Violation required the RV to be removed from the property, not vacated.*

RV has not been moved due to winter storms and road closures. There was no knowledge the citation had been served.

- *Response: The NOV was issued in August 2022, and the email sent on November 10, 2022, (Attachment 4) provided a revised deadline of Nov. 28, 2022. All dates preceded the heavy winter storms in December. Significant breaks between storm cycles also occurred intermittently in January and February during which time US 395 north and south was open in Mono County.*

Letter of citation was not received. RV has been vacant to avoid citation, storage of RV was not understood to be issue. RV will be moved upon safe road conditions.

- *Response: The Community Development Department did not receive any communication from the property owners between the November 28, 2022, deadline and the January 5, 2023, email notification of the citation. None of the documentation provided to the property owners indicated vacating the RV and storing it unoccupied was an acceptable solution. The citation and fees are subject to a separate process and authority, and are not before the Planning Commission today.*

ENVIRONMENTAL REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This project qualifies as an exemption under CEQA Guidelines Section 15270 – Projects Which Are Disapproved. CEQA does not apply to projects which a public agency rejects or disapproves. In this case, the storage of an unoccupied RV on a parcel without an overnight use is being rejected, and CEQA does not apply.

PUBLIC NOTICING

The Public Hearing for the appeal was published in The Sheet on March 4, 2023 (Attachment 5).

PUBLIC COMMENT

No public comments have been received on the proposal at the time this report was drafted.

APPEAL DECISION

The appeal body may render its decision at the conclusion of the hearing or at any time within 30 days.

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 Board of Supervisors, 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.

ATTACHMENTS

1. Resolution denying the appeal and upholding the Planning Division's determination
2. Appeal Form
3. Notice of Violation
4. Email from Director Sugimura dated November 10, 2022
5. Public Hearing notice



RESOLUTION R23-__

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION DENYING THE APPEAL OF THE PLANNING DIVISION’S DETERMINATION THAT STORAGE OF AN UNOCCUPIED RECREATIONAL VEHICLE (RV) IS NOT PERMITTED ON APN 002-060-044-000

WHEREAS, the property owner of 10041 US 395, Coleville, CA, Assessor’s Parcel Number (APN) 002-060-044-000), with a land use designation of Rural Resort (RU), was issued a Notice of Violation in August 2022 for illegally living in an RV, and was directed to remove the RV from the property; and

WHEREAS, the subject property has a land use designation of Rural Resort (RU) and an existing restaurant (the Coachwhip Café); and

WHEREAS, all use and development of private land within the unincorporated area of Mono County shall fully comply with any and all applicable requirements of the Mono County General Plan, which incorporates the Mono County Code by this reference as though fully set forth, as the same may be amended from time to time, and any applicable area or specific plans, which are also incorporated by this reference; and

WHEREAS, planning and land use maps are contained and set forth in the Mono County General Plan and applicable area or specific plans, all of which are incorporated herein by this reference, as the same may be amended from time to time, including but not limited to the general plan's countywide land use maps and community land use designation maps; and

WHEREAS, the Mono County General Plan (MCGP) Land Use Element (LUE) uses permissive zoning, meaning “any use that is not enumerated or listed in the land use designation is presumed to be prohibited, except for those instances provided for in section 01.040.B. Interpretation” (MCGP LUE §01.040); and

WHEREAS, the storage of unoccupied RVs is not listed as an outright permitted use in any land use designation and is therefore presumed to be prohibited or subject to a planning permit, such as a use permit for an RV park, as a primary use; and

WHEREAS, in the early 2000’s, the Community Development Department had extensive public discussions on development standards and regulations related to the use and storage of RVs on private property, which resulted in the current regulations, and since that time the storage of unoccupied vehicles overnight, including RVs, has been considered an accessory use customarily incidental to an overnight permitted use, such as a residential unit or hotel; and

WHEREAS, No overnight or residential use exists on the subject property; the restaurant, the Coachwhip Café, is not an overnight use; and

WHEREAS, the Planning Division determination was made on January 12, 2023, and the appeal form was filed by the property owner on January 20, 2023; and

Mono County Community Development Department

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

Planning Division

PO Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

APPEAL APPLICATION

*** In order to be valid,
appeal must be filed within
10 days of action date.

APPLICATION # _____	FEE \$ _____
DATE RECEIVED <u>1/20/23</u>	RECEIVED BY <u>WS</u>
RECEIPT # _____	CHECK # _____ (NO CASH)

APPELLANT Liane J. Herrick

ADDRESS 110411 US HWY 395 **CITY/STATE/ZIP** Coleville, CA 96107

TELEPHONE (607) 283-9573 **E-MAIL** liane@coachwhipcafe.com

APPLICATION # BEING APPEALED Complaint # 2022/022

DATE OF ACTION 12.2.2022 **DATE OF APPEAL** 1.12.2023

NATURE OF APPEAL: Describe what is being appealed. If it is a condition of approval, attach a copy of the project conditions and indicate which conditions are being appealed.

All fines accrued from 12.2.2022 - 1.5.2023 - letter of citation was not recieved. RV has been vacant as requested. RV has not been moved due to winter storms and road closures. There was no knowledge citation had been served.

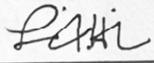
REASON FOR APPEAL: Describe why the decision is being appealed.

letter of citation was not recieved. RV has been vacant to avoid citation, storage of RV was not understood to be issue. RV will be moved upon safe road conditions.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Deposit for project processing: See Development Fee Schedule. Project Applicants are responsible costs incurred above deposit amount.

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: legal owner(s) of the subject property, corporate officer(s) empowered to sign for the corporation or authorized legal agent, or other interested party.


Signature

Signature

1.20.2023
Date

**Mono County
Community Development Department**

Compliance Division

PO Box 8 / Bridgeport, CA 93517 / 760.932.5424, fax 924.1801 / dhug@mono.ca.gov

August 19, 2022

Liane J. Etal Herrick
Po Box 974
Lone Pine CA 93545

NOTICE OF VIOLATION

Complaint No. 2022/022 – regarding violation(s) of the Mono County General Plan, and the Mono County Code – Mono County Assessor’s Parcel No 002-060-044-000

To: Liane J. Etal Herrick,

The Mono County Compliance Division has received a complaint regarding RV or travel trailer use/camping on subject property located on 110411 Hwy 395, Coleville CA. A visual site inspection was performed on August 8, 2022, and based on this inspection, the following violations were observed and do exist on your property – Assessor Parcel No. 002-060-044-000

Violation No. 1 – Mono County General Plan Section 04.020 – Uses Permitted

B. Buildings, structures and land **shall be used**, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the land use designation in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law.

Your property is designated Rural Resort (RU) within the Mono County General Plan Land Use Element. The use of recreational vehicles as dwelling units or as primary dwelling for tenants is not a permitted use unless a Conditional Use Permit has been approved for use as an RV Park. The lot size minimum for an RV park is 2 acres, so the parcel cannot meet the standards of the General Plan for this use. Thereby, your property is in violation of Mono County General Plan § 04.020.

Violation No. 2 – Mono County Code Section 7.20.020 Nuisance Prohibition.

No person shall commit, create or contribute to the creation of a public nuisance in the county, nor shall anyone allow a condition constituting a public nuisance to exist on property in the county that is within their ownership or control. Mono County Code Section 7.20.010 D.1 defines a “Public Nuisance” as any violation of any provision of the Mono County Code, the Mono County General Plan, any county area or specific plan, airport land use plan, any variation or subpart of the foregoing, or any other land-use planning document duly approved by the board of supervisors or the planning commission. Mono County Code Section 7.20.010 D.4 defines a

“Public Nuisance” as any violation of state law, including but not limited to the State Housing Law (commencing with Section 17910 of the California Health & Safety Code).

Violations 1 and 2 are determined to be a “Public Nuisance” and is a violation of the Mono County Code Section 7.20.020.

You are hereby ordered to abate the above-mentioned code violations and comply with the following directives:

Directive No. 1- On or before **September 19, 2022**, remove any RVs or trailers being used as dwelling units on site.

As per Mono County Code Sections 1.12.010, 1.12.020 and 1.12.030, failure to comply with a County Regulation may result in the issuance of an Administrative Citation (fines & penalties).

Administrative Fines amount to **\$100.00** per day for each violation of a County Regulation, applicable for each of the first five days of noncompliance. After the initial five-day period, the fine will then be **\$500.00** per day for each violation for each day thereafter.

If you have any questions, please do not hesitate to call me at (760) 932-5424 M-F.

Thank you for your attention to this matter, and I look forward to your voluntary compliance with the Mono County codes.

Sincerely,


Derrick Hug, Code Analyst
Mono County Compliance Division

CC:

File 2022/022

Wendy Sugimura, CDD Director

John Peters, District 4 Supervisor

Via:

Certified Mail/Return Receipt Requested

Liane J. Etal Herrick

Po Box 974

Lone Pine CA 93545

From: [Wendy Sugimura](#)
To: [Liane Herrick](#)
Subject: RE: Discussion summary Complaint 2022/022
Date: Thursday, November 10, 2022 4:51:00 PM

Lianne,

As we discussed by phone, a Temporary Emergency Dwelling (TED) unit is intended to assist people who have been displaced by losing their homes in the Mountain View Fire and does not apply to your situation. The Board was not interested in expanding the applicability of TEDs beyond Mountain View Fire survivors. The policy solution to allow for an RV onsite in support of employee housing for a business is under development with a minimum three-month timeline due to noticing requirements after staff receives direction from the Board. The Board is scheduled to provide direction to staff potentially in early December. This timeline does not provide a potential solution for your immediate code enforcement situation.

I understand that you have no desire to live in an RV park, it's not your living location of choice, and it's inconvenient. Assuming you follow through with the building plans for a permanent unit onsite and the Director Review permit application for an RV onsite during construction, living in an RV park should only be a short, temporary situation. I would expect that your dog can stay with you, coming to the café when you're working and then you would be with him when in the RV park, which seems like a perfectly reasonable situation. (I also have an unruly rescue dog, understand that situation, and know that it can be handled.) And again, it would be a temporary situation until your building permit and Director Review permit for your property are issued. It's also possible you may need to move RV parks at some point, which is not unreasonable given RVs are vehicles and therefore mobile.

My office called the following two RV parks, and both said they can provide for month-long stays:

- Carson Valley Inn Resort (800-321-6983): Month-long stays need to be arranged with the manager, who will be in on Nov. 11. The RV must be newer than 2000.
- Silver City RV Resort (800-997-6393): Call to make arrangements.

The Board of Supervisors discussed whether to make an exception in this case, allow for a TED, or otherwise craft an emergency solution, and directed staff to instead handle this enforcement case according to current regulations. Far more than the typical time frame has already been provided for compliance, but in acknowledgement of the discussion that ensued and created some uncertainty, another two weeks can be granted for you to move your RV offsite. Given you may wish to discuss the situation further, let's say the two-week timeline starts on Monday, November 14, giving you until Monday, November 28. I recommend you continue to pursue development of your building permit application with the 2-3 week goal in mind that you stated in your email below.

For your convenience, I've provided links to the various applications you may need:

- Prescriptive Design application checklist – please be aware that a sprinkler system will be required for use as a primary unit:
https://monocounty.ca.gov/sites/default/files/fileattachments/building_division/page/32534/adu_submittal_checklist_and_development_standards.pdf

- Director Review permit application (please submit with the building permit application, not before, with the \$495 fee): <https://monocounty.ca.gov/planning/page/director-review>
- Building permit application (for a stick-built unit, not a prescriptive design unit): https://monocounty.ca.gov/sites/default/files/fileattachments/building_division/page/9797/building_permit_for_new_construction_2022.pdf

If you have any questions regarding the building permit process and for an estimate of fees, please contact Michael Jones, our building permit technician, at 760-924-1823 or mjjones@mono.ca.gov. For questions about the Director Review permit application, please contact April Sall at 760-932-5423 or asall@mono.ca.gov.

I'm sorry I can't give you better news. I know you're hoping someone will tell you that your RV doesn't have to be moved, and there isn't a provision in the Mono County codes that allows for that solution at this time. You've told me you are committed to coming into compliance and this is the way to do it – move the RV, develop plans for a living unit, and then build the living unit. During construction of the unit, a permit can be issued to allow you to live in the RV onsite. The more quickly we can get you to building permit issuance, the sooner you can move your RV back to the property.

Thank you,

Wendy Sugimura

Community Development Director
(760) 924-1814

From: Liane Herrick <liane@coachwhipcafe.com>
Sent: Wednesday, November 9, 2022 2:54 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: Discussion summary Complaint 2022/022

[EXTERNAL EMAIL]

Hi Wendy,

Per your request here is the list of RV parks I have called and the timeline for our building application:

Topaz Lodge

Nightly

7 day limit, no monthly rentals, no long term stays

Spoke to Jennifer, General Store handles all RV space rentals

Walker Sporting Goods

No sites available

Spoke Carey

Topaz TP

Closed 10/9 for the Season

Creekside Mobile Home Park

No RV sites, manufactured homes only

Topaz Lake MHP

Closed 10/9 for the Season

These are from the list you provided me in an email on 9/12. These locations are either closed for the season, mobile home parks with manufactured homes or there are no spaces available. Topaz Lodge does not offer long term stays, 7 days maximum stay.

Building Application Timeline

We are working with Triad/holmes Associates to have the survey completed within the next two weeks. I can provide a firm date once I get confirmation.

Prior to the approval of the ADU plans we were working with Architect Craig Tapley of Designs Dimensions out of Mammoth Lakes on designs plans. He will draft the sprinkler layout for us.

We have two contractors in mind for this project. We believe that we can have the building application submitted in a 2-3 week period, all requirements for the application can be completed while waiting for the survey to be done. Once that is completed we will have all the necessary documentation per the ADU county checklist to submit the application.

While I wish I could promise the application sooner, please understand that we were working with county officials to tackle this complaint from other angles and find a solution that satisfied all parties.

We were in the midst of attempting to gain compliance through other avenues when the ADU plans became available. This was an unexpected, yet a pleasant surprise as we were not expecting them to be ready until December, and initially we were told by Nick that we would not be granted an extension to get the necessary permits. Therefore, we abandoned our attempts to fast-track our architectural plans and began to pursue other avenues in an attempt to maintain our current housing location.

As hindsight is 20/20, it would have been best to continue working on the housing permit, but at the time the ADU plans were not yet available and your department would not accept our request for an extension to gain the necessary building permit through traditional means. Now, the ADU plans are available and we have developed relationships with contractors, etc. for our original project we can quickly turn this around with your approval!

I also, want to continue to advocate for a TED. You acknowledge in the minutes from the Planning

Commission on January 20, 2022 that Mono County is in a housing crisis, although declaring a state of emergency would be of no benefit, so I believe you understand the challenges associated with our situation. The TED is designed to help in a variety of circumstances. The application for the TED does not require that we be victims of the Mountain View Fire, it's a tool that was used to help facilitate the process for those victims, but should for all intents and purposes be available to us, based on the nonexistent housing options here. It is designed to allow for a temporary dwelling!

We have been honest and forthcoming about our intentions to build a home on our land. As I mentioned, Bob Lawton came to visit us twice to understand the situation. We personally walked him through our property of 1.65 acres and showed him where the home would be built. You could allow us to apply for a TED with a limited timeframe while we get the necessary information together for the building application.

As I have mentioned, and proved, there are no local RV sites available. With all these options, our willingness to work with you, the onset of Winter, current economic climate, financial duress, and undue stress that this would cause us I implore you to please assist us in finding a safe, fair, and reasonable solution.

I'd also like to follow up on this memo below, I found this information while continuing to look for solutions for us. If these measures have been approved then this is the solution! We are Rural Resort (RU).

https://monocounty.ca.gov/sites/default/files/fileattachments/planning_commission/meeting/32102/planning_commission_packet_02.17.2022.pdf

January 20, 2022

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Wendy Sugimura, Community Development Director

Re: Housing programs and policies workshop

Tiny Homes and RVs as Living Units

Recreational Vehicles (RVs) or trailers, from a planning perspective, are defined as any unit that is not on a permanent foundation and may include traditional wheeled recreational vehicles or tiny homes. These units are licensed under the California Department of Motor Vehicles (DMV) and the California Building Code (CBC) does not apply; therefore, the County has no health and safety jurisdiction over the standard of construction. Tiny homes on a permanent foundation are permittable under the CBC with a building permit. RVs may only be used as a permanent residence in Rural Resort (RU) and Rural Mobile Home (RMH) land use designations through a Use Permit.

A maximum of one RV-type unit may be permitted without triggering state requirements. Two or more units requires permitting through the State Department of Housing and Community Development (HCD) as an RV or mobile home park. This policy discussion is therefore limited to the addition of one RV-type unit per parcel.

Aesthetics may be controversial for all RV placements and may be heightened in certain neighborhoods. If any of these policy items are undertaken, the Board could provide direction that design guidelines, such as exterior colors or materials, full-enclosure skirting, roof pitch, etc., be required.

- *Permit one RV-type unit per parcel on certain land use designations in support of an onsite business or housing complex.*

To provide workforce housing for a business or housing complex located on the same site on either a temporary (180 days) or long-term basis, one RV-type unit may be permitted in non-residential land use designations, which may include Commercial (C), Commercial Lodging (CL), Mixed Use (MU), Multifamily residential (MFR), and Resource Management (RM). By only allowing one RV as a residence per parcel, the proposal would avoid jurisdictional authority by the California Department of Housing and Community Development (HCD) and is likely to qualify as a CEQA exemption.

Recommended Priority: High (pending CEQA)

- **Expediency:** Moderate – could be included in the next annual General Plan update
- **Amount of work created:** Moderate to low unless controversial – development of design standards and outreach would be conducted through regular Regional Planning Advisory Committee (RPAC) meetings
- **Yield:** Likely high (5+) based on recently denied requests and compliance cases, and relatively quick once policy is adopted
- **Board Support:** High

Thank you again for your time and the opportunity to continue to communicate the challenges we are facing.

Please let me know if you need any further information. I'd like to find a solution that is fair and suitable to both parties, I'm not advocating for special treatment. There are several options available that we can work together on.

Thank you,

Liane

Liane J. Herrick
Executive Chef & Owner
Coachwhip Cafe
(760)616-4772
liane@coachwhipcafe.com
www.coachwhipcafe.com

On Nov 7, 2022, at 6:05 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

Lianne,

My update to Nick after you and I talked crossed in the ether, so he wasn't aware I've asked you to provide me with information about the RV parks you've called and a timeline to submit a building permit application. When I see that information (by Wed.), next steps will then be determined. For now, Nick's email below is on hold.

Thanks,
Wendy

Get [Outlook for Android](#)

From: Nick Criss <ncriss@mono.ca.gov>

Sent: Monday, November 7, 2022 5:10:47 PM

To: liane@coachwhipcafe.com <liane@coachwhipcafe.com>

Cc: Derrick Hug <dhug@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>

Subject: Discussion summary Complaint 2022/022

Good afternoon Liane,

I wanted to summarize our conversation from earlier today concerning your RV violation at Coachwhip Café. Mono County's position is that the property needs to be brought into compliance by removing the RV until you have been issued a valid building permit and the accompanying Director Review permit for the temporary use of an RV during construction. As we discussed, this is the only viable option the Community Development Department sees going forward. As it stands, your continued use of the RV has well passed the compliance date of 9/19/22. The Board of Supervisors directive was for the Compliance Division to proceed with the enforcement process. I explained the next step in this process will be to issue an administrative citation and this will be done if the RV isn't removed by next Monday 9/14/22. If you have any additional questions please do not hesitate to contact me or my associate Derrick Hug.

Sincerely,

Nick Criss
County of Mono
Compliance Officer
760-924-1826

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

February 27, 2023

To: The Sheet

From: Wendy Sugimura

Re: Legal Notice for the March 11 edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **March 16, 2023**. The meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/87566653293> or in-person at the Board Chambers, 2nd floor, County Courthouse, Bridgeport, CA, 93517 or via Teleconference Location at the Lundy Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546 where members of the public shall have the right to observe and offer public comment, to consider the following: **9:30 am – Appeal of a Planning Division determination that storage of a vacant recreational vehicle (RV) is not permitted at 110411 US 395, Coleville (APN 002-060-044-000)**. The property is designated Rural Resort (RU) and has an existing restaurant. Storage of an unoccupied RV overnight on a property is permitted when that storage is customarily incidental to any of the permitted uses, such as in the case of a residential land use designation with a house. The storage of an unoccupied RV was determined by the Planning Division to not be related, and therefore not “customarily incidental to,” the restaurant use, and directed the RV to be removed in conformance with an existing Notice of Violation (issued in August 2022) and citation (issued in November 2022) for illegally living in the RV. The property owner is appealing that Planning Division determination to the Planning Commission who can affirm, affirm in part, or reverse the determination. Pursuant to the California Environmental Quality Assessment (CEQA), the project qualifies as a Categorical Exemption under Guidelines §15301 – Existing Facilities, which consists of the operation and maintenance of existing structures involving negligible or no expansion of the existing or former use. 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 online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, March 16, 2023, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov. 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 of the Planning Commission at, or prior to, the public hearing.

###

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

February 27, 2023

To: The Sheet

From: Wendy Sugimura

Re: Legal Notice for the March 4 edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **March 16, 2023**. The meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/87566653293> or in-person at the Board Chambers, 2nd floor, County Courthouse, Bridgeport, CA, 93517 or via Teleconference Location at the Lundy Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546 where members of the public shall have the right to observe and offer public comment, to consider the following: **9:30 am – Appeal of a Planning Division determination that storage of a vacant recreational vehicle (RV) is not permitted at 110411 US 395, Coleville (APN 002-060-044-000)**. The property is designated Commercial (C) and has an existing restaurant. Storage of an unoccupied RV overnight on a property is permitted when that storage is customarily incidental to any of the permitted uses, such as in the case of a residential land use designation with a house. The storage of an unoccupied RV was determined by the Planning Division to not be related, and therefore not “customarily incidental to,” the restaurant use, and directed the RV to be removed in conformance with an existing Notice of Violation (issued in August 2022) and citation (issued in November 2022) for illegally living in the RV. The property owner is appealing that Planning Division determination to the Planning Commission who can affirm, affirm in part, or reverse the determination. Pursuant to the California Environmental Quality Assessment (CEQA), the project qualifies as a Categorical Exemption under Guidelines §15301 – Existing Facilities, which consists of the operation and maintenance of existing structures involving negligible or no expansion of the existing or former use. 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 online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, March 16, 2023, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov. 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 of the Planning Commission at, or prior to, the public hearing.

###

Mono County Planning Division*: Current Projects

March 16, 2023

*Does not include transportation, LAFCO, building, code compliance, etc. projects

Completed		
DR	Bridgeport	new OH line connection
Letter to Liberty Utilities	Antelope Valley	Board considering authorization of PC's letter at 3/16 meeting

Active Planning Permit Applications		
Permit Type	Community	Description
GPA/SP/Cnnbs UP	Tri-Valley	cannabis cultivation, convert RR to SP, awaiting applicant payment to schedule with Board
Appeal	Bridgeport	GPA denied by PC, appealed to Board (Jan), BOS 3/17
Appeal	Swall Meadows	PC approved accessory structure taller than 20', community members are appealing to Board
CEQA	Mono Basin	Mono County waste management transition
GPA/SP	Mono Basin	STRs & campground, awaiting applicant approval of CEQA costs
Minor Variance	June Lake	installation of spa
UP	June Lake	Parking Management Plan & off-site snow storage
UPM	Long Valley	cannabis cultivation
LLA	Bridgeport	adjust lot line
LLA	Coleville	adjust lot line
LM	Swall Meadows	merger
LM	June Lake	merger
LM	Swall Meadows	merger

Active Policy/Planning Projects		
Name	Community	Description
Review State Minimum Fire Safe Standards and update General Plan regulations	Countywide	May add to 2023 GPA clean up
Study Impacts of Short-Term Rentals on workforce housing	Countywide	Working on scope of work with consultant
Housing project negotiations	June Lake	on hold
North County Water Transfer	North County	Policies applicable to programs to sell/lease water for the benefit of Walker Lake
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	underway
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead

Active Policy/Planning Projects		
Annual General Plan Update	Countywide	Bring to Commission
June Lake Active Transportation Plan	June Lake	Accepted for integration into RTP with next adoption
West Walker River Parkway	Antelope Valley	Reviewing administrative draft of plan
Revision to Chapter 11	Countywide; Antelope Valley	Review and revise utility undergrounding policies and requirements
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Update General Plan Map Layers	Countywide	Update online
CEC Renewable Energy Policy	Countywide	CEC policy identifying areas in Mono County for wind and solar energy development

Acronyms:

AG	Agriculture
BOS	Board of Supervisors
CEQA	California Environmental Quality Act
DR	Director Review
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MU	Mixed Use
PC	Planning Commission
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled