

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

September 19, 2024 – 9:00 a.m.

Mono Lake Room
1290 Tavern Rd
Mammoth Lakes, CA 93546

This meeting will be held in person at the location listed above. Additionally, a teleconference location will be available where the public and members of the Commission may participate by electronic means. 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. Mammoth Teleconference Location -Bridgeport CAO Conferences Room, First floor Annex 1, 74 N. School Street, Bridgeport CA.

2. 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/81095741753>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” Use Zoom Meeting ID: 810 9574 1753 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*: 810 9574 1753

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.

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. MEETING MINUTES

A. Review and adopt minutes of July 18, 2024. (pg. 1)

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

4. PUBLIC HEARINGS

- A. **Consider Approving Use Permit Modification 24-001** allowing the Church on the Mountain to expand occupancy through the addition of a 940-sf modular classroom to the existing church and school complex at 384 South Landing Road in Crowley Lake (APN 060-210-021-000). Parcel is 2.15 acres and designated (PF) for Public and Quasi-Public Facilities. Proposed as a Categorical Exemption under CEQA guideline 15303(c), new construction or conversion of small structures. *Staff: Erin Bauer (pg. 3)*
- B. **Consider denial of UP 24-003** allowing for installation of an overhead power line across Highway 6 to a parcel in Benton (APN 024-290-001). The parcel is designated for Rural Residential (RR) and is 8.39 acres in size. The proposed use for the parcel is residential. A disapproved project is statutorily exempt from CEQA (§15270). *Staff: Olya Egorov (pg. 17)*

5. REPORTS

- A. Director (pg. 31)
- B. Commissioners

6. INFORMATIONAL/ CORRESPONDENCE

7. ADJOURN to the Scheduled Special Meeting on October 17, 2024, at 9:00 am.

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

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

*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 (1290 Tavern Rd, Mammoth Lakes, CA 93546). Agenda packets are also posted online at 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.

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

Draft Minutes

July 18, 2024 – 9:00 a.m.

COMMISSIONERS: Patricia Robertson, Roberta Lagomarsini, Chris Lizza, Scott Bush, absent: Jora Fogg
STAFF: Heidi Willson, planning commission clerk; Brent Calloway; assistant director; Aaron Washco, planning analyst; Emily Fox, County Counsel; Erin Bauer, planning analyst;
PUBLIC: Brad Wilson

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE** Meeting called to order at 9:02 am and the Commission led the Pledge of Allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
 - No public comment.
3. **MEETING MINUTES**
 - A. Review and adopt minutes of June 20, 2024.
Motion: Approve the minutes from meeting on June 20, 2024, as presented.
Bush motion; Robertson second.
Roll-call vote – Ayes: Bush, Lizza, Robertson, Lagomarsini. Absent Fogg.
Motion Passes 4-0 with 1 absent.
4. **PUBLIC HEARINGS**
 - A. **Consider Approving Variance 24-002** allowing for a reduced front yard setback from 20 feet to 5 feet for the development of a single-family home on a vacant lot on Bruce Street in the June Lake Village. APN (015-060-024-000) *Staff: Erin Bauer*
 - Bauer gave a presentation and answered questions from the Commission.
 - Public Hearing opened at 9:25 a.m.
 - Applicant gave a comment and answered questions from the Commission. No public comments received.
 - Public Hearing closed at 9:31 a.m.
 - Commissioners deliberated the project, which included questions to, answers from, and exchanges with staff and the applicant.

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

- Public Hearing re-opened at 9:35 a.m. to allow the applicant to answer questions from the commission.
- Public Hearing closed at 9:37

Motion: Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(a) and direct staff to file a Notice of Exemption; and adopt the findings contained in the staff report and approve Variance 24-002 to allow for a five (5) foot front yard setback at APN 015-060-024-000 on Bruce Street in June Lake.

Lagomarsini motion; Lizza second.

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

Motion Passes 4-0 with 1 absent.

5. REPORTS

A. Director

- Assistant Director Calloway highlighted a few projects and answered questions from the Commission.

B. Commissioners

- Commissioner Lizza and Commissioner Bush provided a report.

6. INFORMATIONAL/ CORRESPONDENCE

7. **ADJOURN at 9:48** to the Scheduled Special Meeting on August 15, 2024, at 9:00 am.

MONO COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800 phone, 924-1801 fax
commdev@mono.ca.gov

Planning Division

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

September 6, 2024

To: Mono County Planning Commission

From: Erin Bauer, Planning Analyst

Re: Use Permit Modification 24-001/Church on the Mountain

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(c), new construction or conversion of small structures, and instruct staff to file a Notice of Exemption.
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit Modification 24-001, subject to attached conditions.

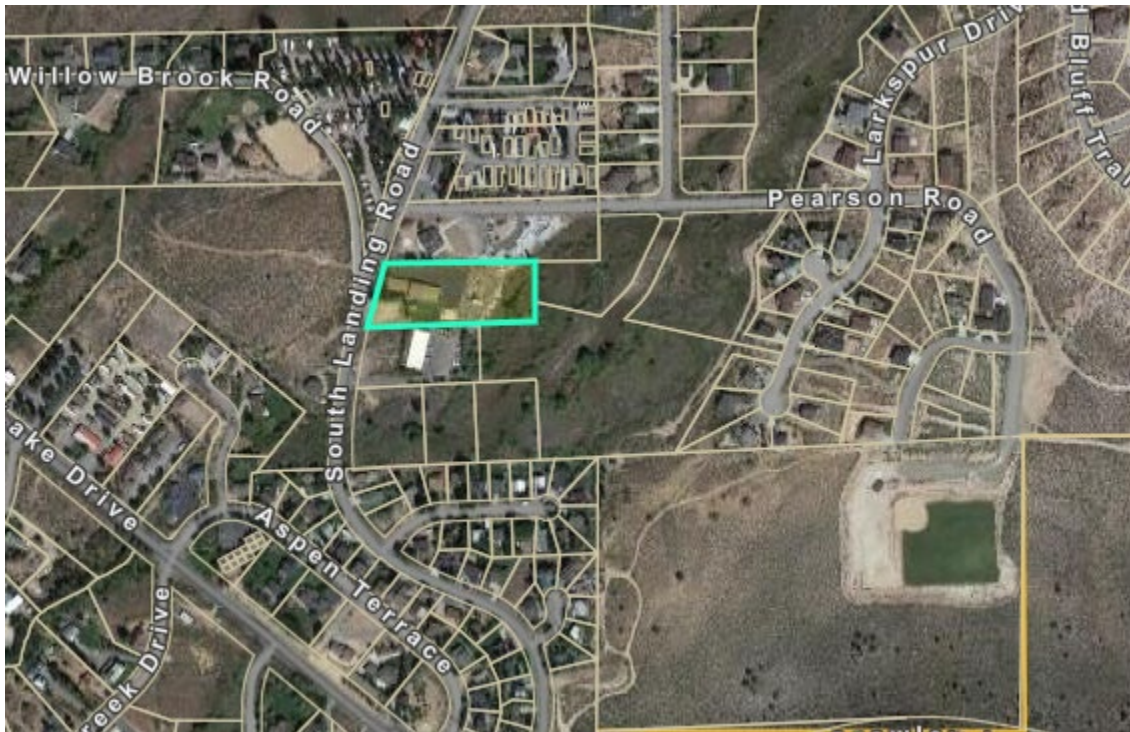


Figure 1: 384 South Landing Road, APN 060-210-021-000

PROJECT

Use Permit Modification 24-001 proposes to expand the occupancy of the Church on the Mountain, located at 384 South Landing Road (APN 060-210-021-000, previously 60-210-21, and highlighted in Figure 1) through the addition of the 940-sf modular classroom pictured below in Figure 2. The

classroom, purchased used from the Mammoth Unified School District and already on site (as shown in Figure 2), would serve as a general-purpose meeting room or classroom. A new permanent foundation, parking, ADA-compliant ramp, and ADA toilet room will be included as new construction.



Figure 2: The modular classroom is already on site near its proposed location

PROJECT SETTING

The Church on the Mountain is a non-denominational Christian congregation founded in the seventies that has used the 2.15-acre parcel at 384 South Landing Road as a church since at least the 1980s. Although the original use permit is not digitally available, notes in a 1990 Director's Review (DR 90-12) suggest that the original use permit may date to around 1973, and that the property had originally been designated for commercial use.

At present, the property is designated for Public and Quasi-Public Uses (PF), as is the parcel to the north, the Crowley Lake Community Center. To the south, the church borders a property designated for commercial use (C) that currently houses a Road Shop operated by the County. To the east lies a large parcel of undeveloped land designated Single Family Residential (SFR), and crossed by a blue line stream.

The land use designations of the church and its vicinity are shown in Figure 3.

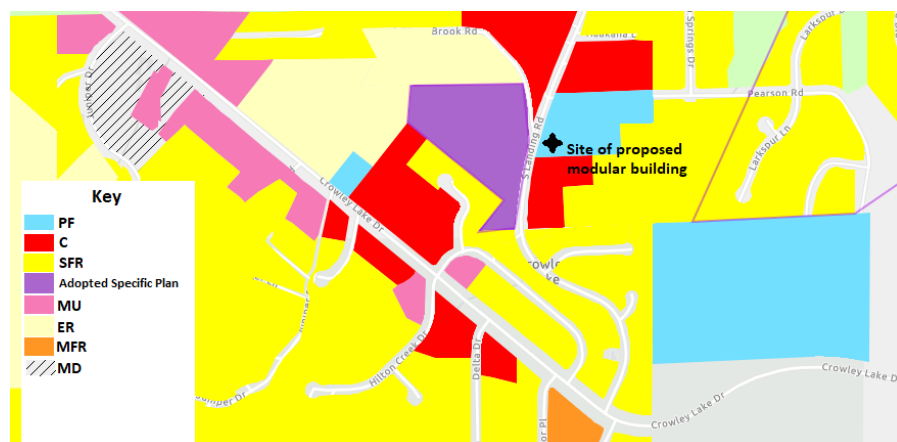
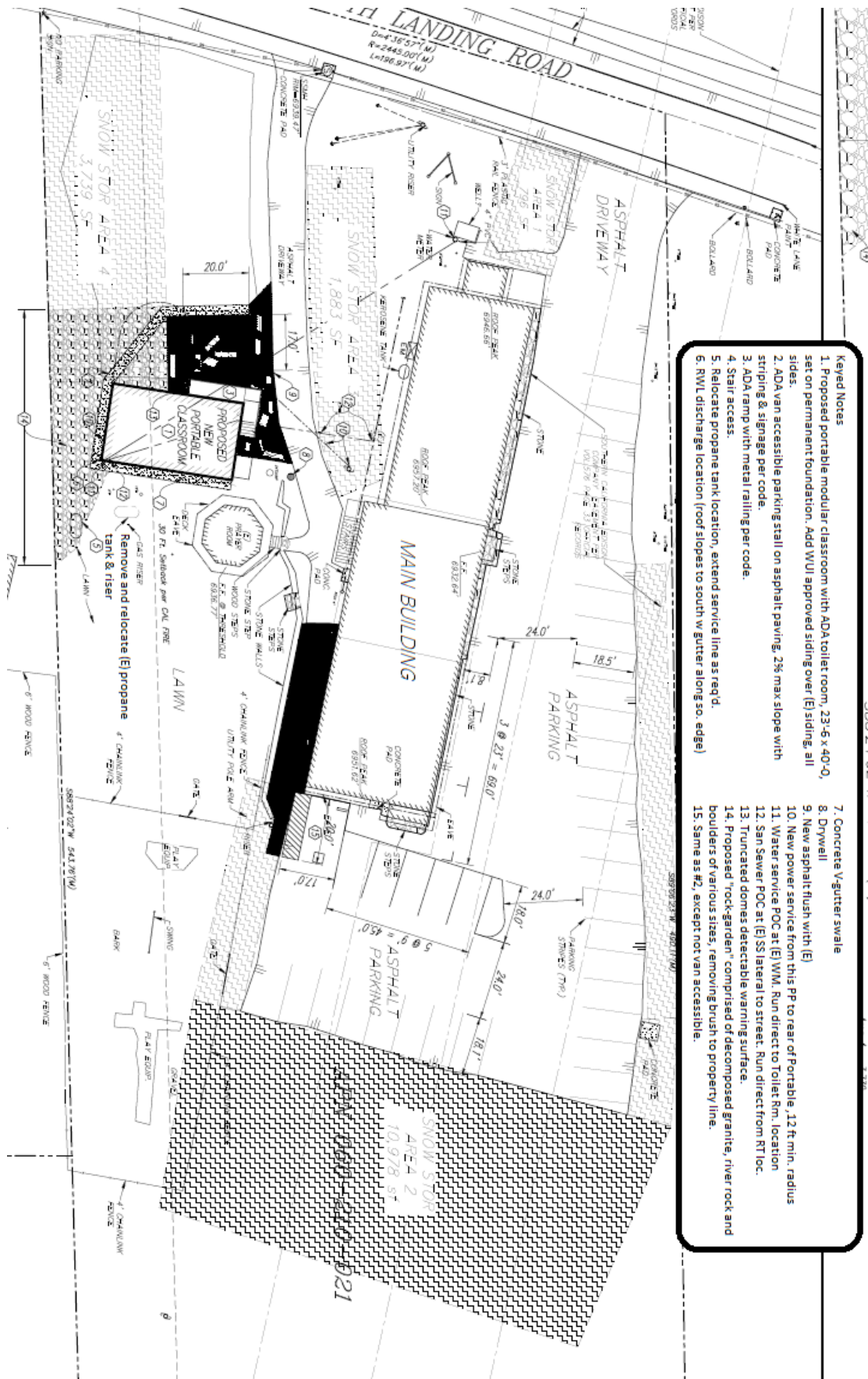


Figure 3: Surrounding Land Use Designations



- Keyed Notes**
1. Proposed portable modular classroom with ADA toilet room, 23'-6" x 40'-0", set on permanent foundation. Add WUI approved siding over (E) siding, all sides.
 2. ADA van accessible parking stall on asphalt paving, 2% max slope with striping & signage per code.
 3. ADA ramp with metal railing per code.
 4. Stair access.
 5. Relocate propane tank location, extend service line as req'd.
 6. RWL discharge location (roof slopes to south w gutter along so. edge)
 7. Concrete V-gutter swale
 8. Drywell
 9. New asphalt flush with (E)
 10. New power service from this PP to rear of Portable, 12 ft min. radius
 11. Water service POC at (E) WM. Run direct to Toilet Rm. location
 12. San Sewer POC at (E) SS lateral to street. Run direct from RT loc.
 13. Truncated domes detectable warning surface.
 14. Proposed "rock-garden" comprised of decomposed granite, river rock and boulders of various sizes, removing brush to property line.
 15. Same as #2, except not van accessible.

Figure 4: Site Plan showing entire parcel, including the main building (where an assembly room, offices, and four classrooms are found), as well as the detached prayer room and proposed new modular classroom.

Existing structures on the parcel include the main building and a detached prayer room. The main building is a large, two-story structure containing an assembly room designed to hold 155 persons, offices, restrooms, and four classrooms. A parking lot is situated to the north, wrapping around the main building to the east. A playground sits on an irrigated lawn to the south, beside the detached prayer room, a small octagonal building used for occasional prayer meetings and for storage.

The proposed new portable classroom would be located on the south side of the parcel, directly adjacent and to the west of the detached prayer room. No development is proposed on the eastern section of the parcel because of potential wet areas associated with the stream on the adjacent property, APN 060-370-003-000.

See Figure 4 for a site plan showing all existing and proposed structures, along with parking, snow storage, and utilities, and Figure 5 for a detailed view of the portable classroom and associated new construction.

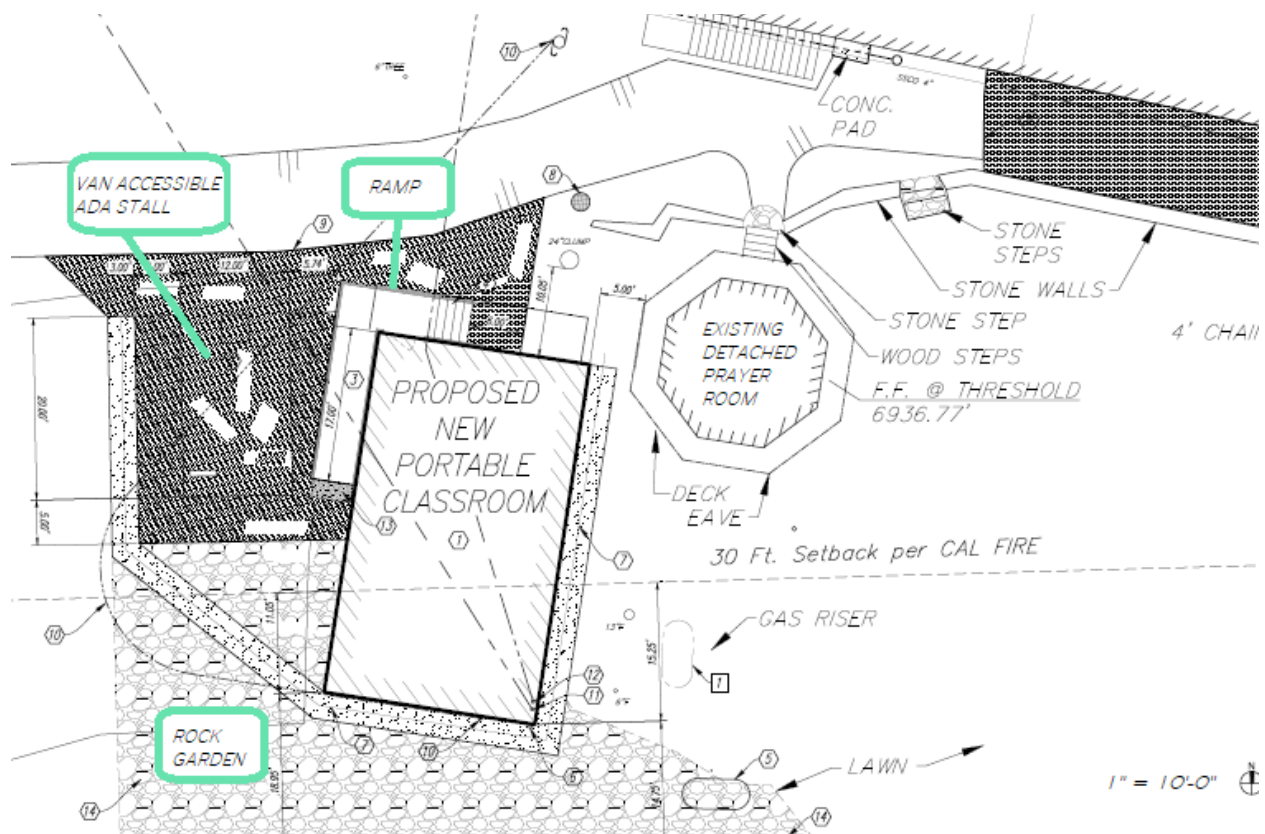


Figure 5: Proposed Site of Portable Classroom, and new construction

Although lots designated PF have no minimum setback requirements, the location of the classroom falls within the 30-ft setback from the southern property line required by CalFire. The applicant proposed to remove windows within the setback area and add exterior WUI-approved siding, and submitted a request for an exemption from the setback to CalFire.

To the west, one of the proposed new ADA-accessible parking stalls would connect to the modular classroom via a ramp (see full parking analysis below) and a proposed rock garden would provide fire-

resistant landscaping. An existing asphalt driveway allows access from the street. Paved and partially paved walking pathways and stairs connect existing structures and developed areas with the new classroom site.

PROJECT BACKGROUND

In 1982, the Planning Commission approved Use Permit 37-82-45 allowing the Church on the Mountain to “operate a K-12 school at the present Church site.” Originally named the Crowley Christian School, the school has undergone several transformations in the years since. It currently operates as a home-schooling cooperative called the Crowley Christian Co-op.

In 1983, Building Permit 1983-6384 authorized a remodeling project expanding the main building. A 1990 Director Review (DR 90-12) permitted a significant expansion of the main building, allowing the construction of a new assembly area of approximately 1400-sf and the conversion of the old assembly room into classrooms. This 1990 Director Review indicates that the addition of a second story to the main building took place two years previous in approximately 1988. The two second-story rooms are currently used as classrooms. A building permit issued in 2007 (B07-297) to remodel the entrance enclosure made use of 1989 plan sets for the main building, including detailed notes about the expanded assembly room’s capacity.

GENERAL PLAN CONSISTENCY

Currently the parcel is designated PF, for Public and Quasi-Public Facilities. Schools and churches are permitted subject to Use Permit, and records show that in 1982 a use permit expanded the parcel’s existing function as a church to include a K-12 school.

Development standards set no minimum parcel size, or setbacks, nor a maximum height or lot coverage.

The following Long Valley Area Plan policies apply to the proposed use:

Action 23.B.2.b. *Encourage the development of higher-density development within walking distance of the commercial area in Crowley Lake/Hilton Creek.*

Increasing the capacity of the school would increase the density of development within walking distance of the commercial area in Crowley Lake.

Policy 23.C.3. *Encourage the development of professional uses (e.g., clinic, doctor’s office, law office, day care) and other small-scale commercial services to provide for the needs of residents.*

Increasing the capacity of the school is consistent with the goal of providing small-scale professional uses that meet the needs of residents.

Action 23.C.2.a. *Commercial development should follow county Design Guidelines and comply with the applicable development standards.*

The Mono County Design Guidelines encourage the use of landscaping to provide project amenities and to screen parking, equipment, and storage areas. The site plan proposed for this use permit modification adds a rock garden to soften the appearance of paved areas, and simultaneously remove brush from the vicinity of the modular classroom, improving fire safety.

The Design Guidelines also emphasize fire safety considerations. In preparation for an application to CalFire for an exemption to side setback requirements, the applicant added WUI siding to the classroom and eliminated the south-facing window.

PARKING

According to §06.010 of the Mono County General Plan Land Use Element (MCGP LUE), standards for parking apply to any building or establishment of any use, and shall be complied with when an existing building is altered or enlarged, or where the use is intensified by the addition of floor space or seating capacity. As the addition of a modular classroom changes the occupancy of the Church on the Mountain, the provision of parking must be updated to current standards.

Table 06.010 in the MCGP LUE outlines how many parking spaces are required, based on the primary use. Where public assembly is the primary use, one parking space is required for each four seats, or no fewer than one space for each 100-sq ft of the largest room.

In 2007, the Building Division issued permit B07-297 which allowed the Church to remodel the entryway of its main building. The plan set shows that the capacity of the assembly room was calculated at a rate of 9 square feet per person in a 1,400 square foot space, accommodating 155 people, which would require 39 parking spaces. However, if calculated based on square footage, only 14 parking spaces would be required.

The 1990 Director Review described “approx. 35-40 cars on Sunday,” in answer to a question about the number and type of vehicles associated with the completed project. At that time, the lot contained 44 paved parking spaces, which were considered sufficient to meet the church’s needs. Although the lot size has not changed, the number of spaces has since been reduced to 32. Because the estimated number of cars in the Director Review permit and parking requirement based on capacity of the assembly room are consistent, the recommended required parking is 39 spaces.

The 260-sf detached prayer room serves as storage and as the location for group prayer meetings. It requires three spaces.

Schools and academies are required to provide two parking spaces for each classroom. The Church on the Mountain operates a day school, and the main building contains four classrooms—two on the ground floor and two on the second floor. Thus, the existing classrooms in the main building add eight required spaces to the total.

The proposed new modular classroom, with its intended dual function as a classroom and meeting room, would impose additional parking requirements. An additional classroom would raise the total to five classrooms requiring ten spaces, while 940-sf of meeting space would need a minimum of nine spaces.

However, school use and worship services are not concurrent—school is held on weekdays and church services on Sundays. LUE §06.070 allows for joint use of parking spaces, when there is no conflict at time of use. Table 1 displays all uses at the property, both existing and proposed, categorized by time of use. As the parking spaces provided for worship services exceed the number required for the school use, and there is no conflict at time of use, the total number of required parking spaces (and ADA

spaces) should be calculated based on the capacity of the assembly room, plus the detached prayer room.

Use of the modular classroom for assembly on weekends will be prohibited as a condition of approval, in order to avoid a conflict.

Thus, as shown in Table 1, the applicant must provide a total of 42 parking spaces.

Table 1: Joint Use Parking Requirements			
Use	Required Number of Parking Spaces	Timing	
		Weekend	Weekday
Main Building Assembly Room	One space for each four seats, no fewer than one space for each 100-sf of largest room.	39	x
Main Building Classrooms (4)	Two spaces for each classroom	x	8
Existing Detached Prayer Room	One space for each four seats, no fewer than one space for each 100-sf of largest room.	3	3
Proposed New Modular as Classroom	Two spaces for each classroom	x	2
Proposed new modular as assembly	One space for each four seats, no fewer than one space for each 100-sf of largest room.	x	9
Total		42	22

The Church on the Mountain sits at an elevation of 6933'. At elevations below 7000', uncovered spaces must be a minimum of 9' x 18'.

Accessible parking spaces are required at a rate of one space for each 25 required spaces, or fraction thereof, a requirement that applies to existing facilities when the occupancy is changed. As the addition of a modular classroom changes the occupancy of the Church on the Mountain, two of the parking spaces provided on the property must be accessible.

The ADA van-accessible parking space included with the proposed plans would satisfy half of this requirement. One parking space in the main lot would additionally have to be converted to an ADA accessible spot. ADA parking stalls must be a minimum of 14 feet wide, lined to provide a 9-foot parking space and a 5-foot loading area, by 20 feet in length.

Upon consultation with the Public Works department, parallel parking spaces with a minimum dimension of 23' x 8' were approved for the lot.

The site plan adds ten new spaces to the 32 existing spaces, meeting the required total of 42 spaces. As seen in Figure 6, nine new spaces can be added to the existing asphalt parking lot, including one ADA-

compliant space. The tenth space, not pictured in Figure 6, is the van-accessible ADA stall by the new portable classroom.

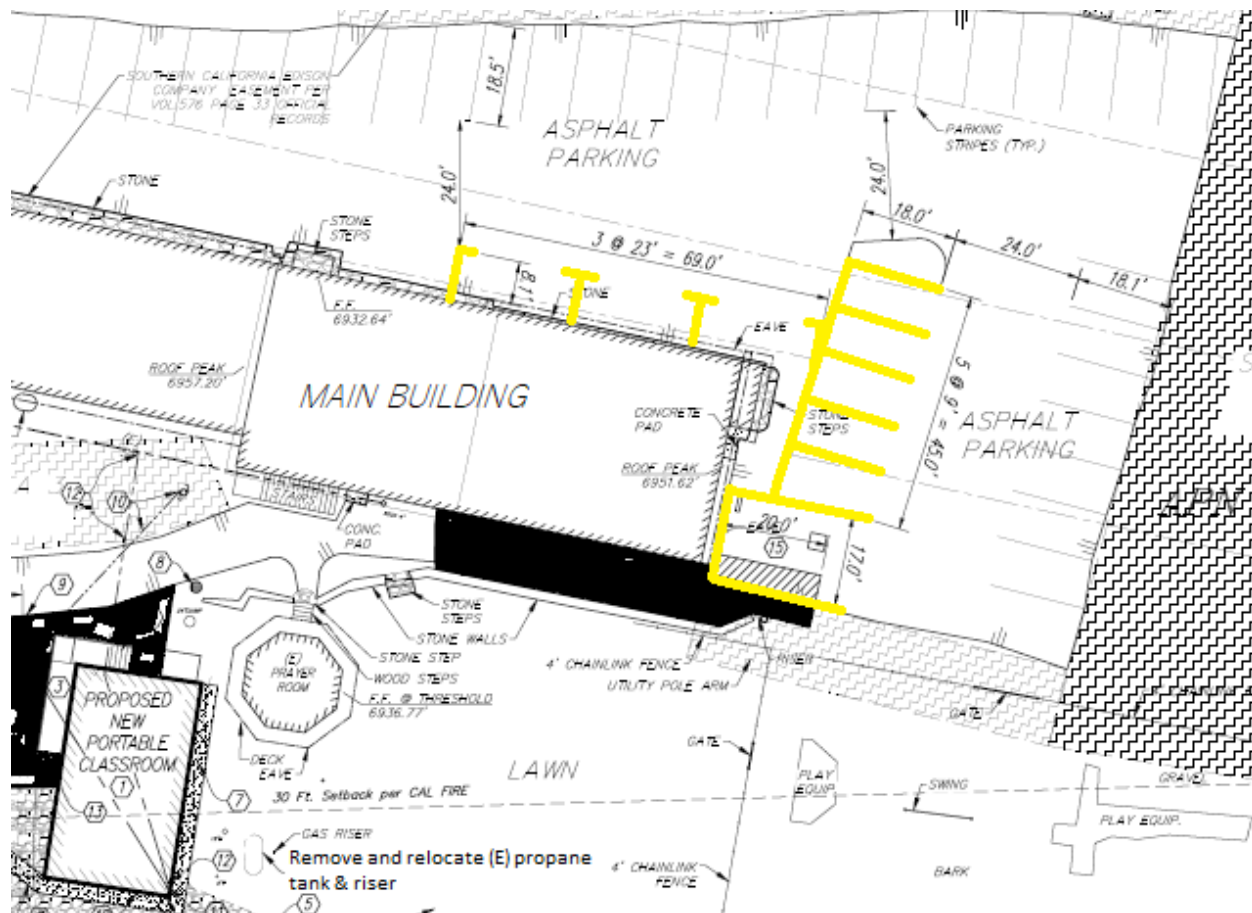


Figure 6: Parking spaces new to the main lot are highlighted in yellow.

SNOW STORAGE

§04.300 of the MCGP LUE requires that snow storage areas shall be equal to a required percentage of the area from which the snow is to be removed (i.e., parking and access/roads areas). Snow storage shall be provided on site, but may be allowed off site through the use permit process. Snow loads shall be established by the Design Criteria utilized by the Mono County Building Division.

Properties in Crowley Lake have a flat roof snow load of 96-psf, so snow storage areas equal to 65% of the area requiring snow removal (parking, access roads and pathways) must be shown on the plans. The applicant calculates a total of 26,548-sf of impervious area requiring snow storage, and a required 17,256-sf of required snow storage area. The site plan indicates 17,396-sf of snow storage.

FIRE SAFE REGULATIONS

The proposed modular classroom intrudes into the thirty (30) foot setback required by §1276.01 of CalFire's State Minimum Fire Safe Regulations. The applicant requested an exemption from the setback requirement, which the County submitted to CalFire, citing improvements to the building's fire safety, including the addition of WUI-compliant siding and eliminating the south-facing window. CalFire approved the exemption in August, enabling the modular unit to remain in the proposed location.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

- The LDTAC accepted the application for processing on June 3, 2024.
- The LDTAC considered the conditions of approval on September 16, 2024.

NOTICING AND PUBLIC COMMENTS

- Notice appeared in *The Sheet* on September 7, 2024.
- Notice was mailed to property owners within 300 feet of the parcel on September 3, 2024.

PLANNING COMMISSION

- The Planning Commission considered the UPM at the September 19, 2024 meeting.

ENVIRONMENTAL REVIEW

The project qualifies for a categorical exemption under California Environmental Quality Act (CEQA) Guideline 15303.(c), which allows for the construction of limited numbers of new, small facilities or structures, including “A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.”

The proposed project adds a small structure of 940-sf, and a classroom serves as a gathering place, similar to an office or restaurant.

USE PERMIT FINDINGS

Under Chapter 32 of the Mono County General Plan (Processing/Use Permit), the Planning Commission may issue a use permit after making certain required findings.

§32.010, Required Findings:

- A. *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.*

The proposed project complies with all applicable provisions of the Land Use Designations and Land Development Regulations. The PF designation is appropriate for both churches and schools, and a use permit granted in 1982 allows the church to operate a school on site.

The site of the proposed modular classroom is adequate in size and shape to accommodate the building, after the CalFire exemption was granted. Existing paths provide adequate circulation for pedestrians and conditions of approval will ensure that adequate parking is provided.

This finding can be made.

- B. *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.*

The site is accessed from South Landing Road, approximately one-half mile south of the street’s connection to Highway 395. South Landing Road is the main artery in Crowley Lake, designed to handle the traffic associated with peak-hour weekday commutes in this area of the community. The site accommodates all the traffic associated with its present function as a church, including influx and egress surrounding morning worship services on Sunday, and its present, non-concurrent weekday function as a school.

It can be concluded that the streets and highways are adequate in width and type to carry the traffic generated by the day school. This finding can be made.

- C. *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.*

The proposed modular classroom is an expansion of the present use as a school, which has been authorized for more than forty years. Bringing the parking lot into compliance with current standards, as required by the change in occupancy, would benefit the public welfare.

The adjacent street, South Landing Road, provides Crowley Lake's primary access to US 395 and is designed to accommodate peak-hour weekday traffic; a modest increase in off-peak traffic will not disrupt local services.

This finding can be made.

- D. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The proposed use is consistent with the land use designation and present use. The school has been authorized since 1982. The proposed additions align with the goals outlined in the Long Valley Area Plan and contain landscape modifications that conform to the Mono County Design Guidelines. Requirements for snow storage have been met, CalFire approved the exemption to the fire safe setback requirement, updated parking benefits the public welfare, and joint use allows the existing lot to meet the needs of both school and church.

This finding can be made.

ATTACHMENTS

1. Notice of Public Hearing

MONO COUNTY Planning Division DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM 24-001

APPLICANT: Church on the Mountain

ACCESSOR PARCEL NUMBER: 060-210-021-000 (Previously 60-210-21)

PROJECT TITLE: Addition of used modular classroom on new foundation

PROJECT LOCATION: 384 South Landing Road

On September 19, 2024, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit Modification 24-001, Church on the Mountain, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

Notice is hereby given pursuant to Code of Civil Procedure §1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission the Planning Commission decision shall become final on the expiration of the time to bring an appeal (10 days). Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

DATE OF DECISION/USE PERMIT APPROVAL: September 19, 2024

EFFECTIVE DATE OF USE PERMIT: October 4, 2024

MONO COUNTY PLANNING COMMISSION

DATED: _____

- cc: Applicant
- Public Works
- Building
- Compliance

CONDITIONS OF APPROVAL
USE PERMIT MODIFICATION 24-001 / Church on the Mountain

1. Project shall substantially comply with the approved site plan.
2. Exterior paint and finishes shall be non-reflective, muted earth tones.
3. All on-site utilities shall be installed underground.
4. Classrooms shall not be used at the same time as the main assembly room in the existing building, in order to comply with joint use parking requirements. When the main assembly room in the existing building is not in use, classrooms may be used for classes or assembly.
5. Parking at the project site shall comply with Chapter 6 of the Mono County General Plan (Parking).
6. In advance of any gathering where attendance may exceed 155, applicant shall arrange in advance for additional, sufficient off-site parking.
7. The project's street front, including landscaping, shall be consistent with the Long Valley Area Plan.
8. The project shall comply with the project site plan (Figures 4 and 5).
9. The applicant shall provide a "will serve" letter from the Long Valley Fire Protection District ("FPD") indicating the FPD will provide service to the project.
10. The applicant shall provide a "will serve" letter from the Mountain Meadows Mutual Water Company indicating that the MMMWC will provide water to the project.
11. The applicant shall provide a "will serve" letter from the Hilton Creek Community Services District, indicating the CSD will provide sewage to the project.
12. All exterior lighting shall comply with Chapter 23 of the Mono County General Plan (Dark Sky Regulations).
13. The applicant shall comply with all Mono County regulations including, but not limited to, the General Plan, Building Division, Public Works, and Environmental Health requirements.
14. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in §47.030.
15. Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - a. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit.
 - 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 §32.070.
16. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an

additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

17. Revocation: The Planning Commission may revoke the rights granted by a use permit, 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 use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

MONO COUNTY PLANNING 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

September 3, 2024

To: The Sheet
From: Erin Bauer, Planning Analyst
Re: Legal Notice for **September 7** edition
Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **September 19, 2024** in the Board Chambers, Mono County Civic Center, Mono Lake Room (1st floor), 1290 Tavern Road, Mammoth Lakes, and the meeting will be accessible remotely by livecast at <https://monocounty.zoom.us/j/81095741753> or in person at the CAO Conference Room in the Mono County offices, Annex 1, 74 N. School Street, Bridgeport, where members of the public shall have the right to observe and offer public comment and to consider the following: **no earlier than 9:00 am. Use Permit Modification 24-001** proposes to add a 940-sf modular classroom on the southwestern portion of the Church on the Mountain parcel, APN 060-210-021-000. The 2.15-acre lot is designated for Public and Quasi-Public Facilities (PF). 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 meeting in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, **by 8 am on Thursday, September 19, 2024**. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Community Development Department

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

Planning Division

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

September 19, 2024

To: Mono County Planning Commission

From: Olya Egorov, Planning Analyst

Subject: Use Permit 24-003/Hertzberg

RECOMMENDATION

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

1. Determine that the required findings cannot be made and deny Use Permit 24-003.
Disapproved projects are exempt from the California Environmental Quality Act (§15270).

Should the Planning Commission determine that the required findings can be made, a recess should be taken for the Planning Commission to review Use Permit conditions. The Commission's findings may then be articulated as part of a motion to approve the project. The Planning Commission should also find that the project is exempt under CEQA §15303(d) and direct staff to file a Notice of Exemption.

PROJECT DESCRIPTION

The project is located on an 8.39-acre parcel with an unassigned address (APN 024-290-001-000) just south of Benton on US Highway 6 (Figure 1). The undeveloped property has a Land Use Designation of Rural Residential (RR) and the applicant intends to develop the property with a single-family residence. The project proposes the installation of overhead power across US Highway 6 (US 6) from an existing power pole to a new, proposed power pole on the applicant's parcel.

The overhead power line would cross the Caltrans

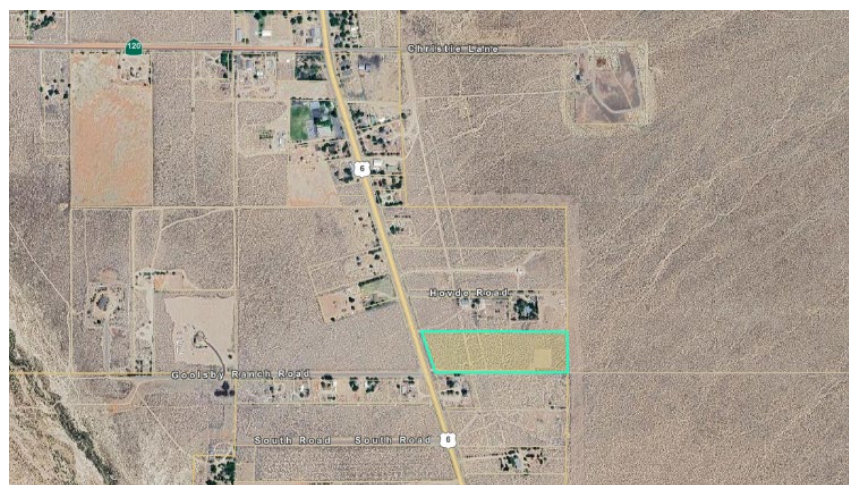


Figure 1: Project location

Right of Way on US 6 before its underground installation to the proposed location of the single-family dwelling (Figure 2). This request includes approximately 110 feet of overhead power line and the installation of one new power pole. Southern California Edison will obtain any Caltrans permits required for the project.

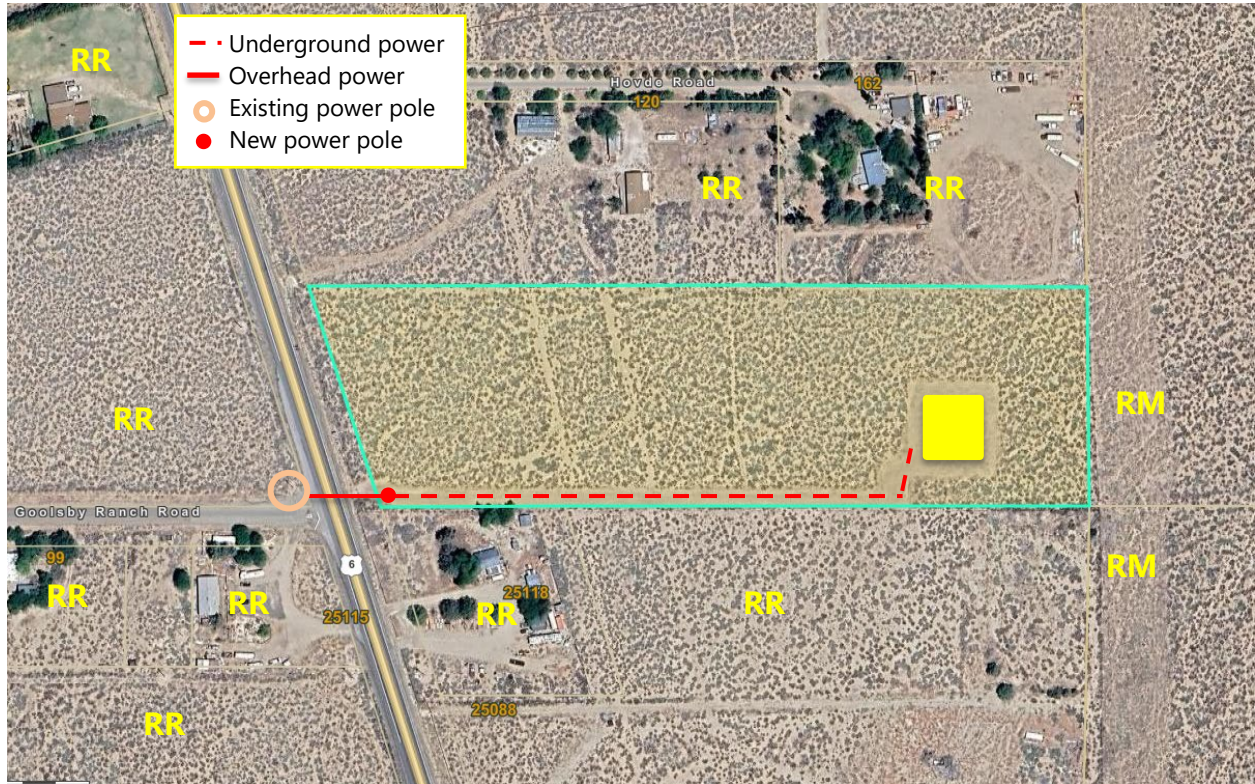


Figure 2: Proposed alignment for overhead and underground power lines

The property sits between developed properties to the north and south designated as Rural Residential (RR). The property to the west is designated as RR and undeveloped, and the parcel to the east is undeveloped and owned by the US Bureau of Land Management. Several residences in the neighborhood are serviced by overhead utility lines.

The land use designations adjacent to the parcel are described below:

East	Public land – Resource Management (RM)
West	Private land – Rural Residential (RR)
South	Private land – Rural Residential (RR)
North	Private land – Rural Residential (RR)

Section 11.010. of the Mono County General Plan, Land Use Element (MCGP LUE) requires the underground installation of all power lines to individual developments but allows for overhead lines subject to a Director Review Permit with Notice or a Use Permit and specific findings.

BACKGROUND

On March 9, 2022, the applicant attended a pre-application consultation at the Land Development Technical Advisory Committee (LDTAC). The applicant attended a second pre-application consultation on April 1, 2024. The applicant submitted a Director Review application for the project and the application was accepted by the LDTAC on June 3, 2024.

As the Director Review application was processed, it became evident that a decision to support a finding of financial hardship would be precedent setting, and therefore not within the discretion of the Director. After it was explained to the applicant that a Director Review would be denied if processed further, the applicant voluntarily submitted a Use Permit application, which was accepted at the LDTAC on August 19, 2024. The Conditions of Approval were recommended for approval by the LDTAC on September 16, 2024.

DISCUSSION

The applicant seeks approval for the installation of overhead power across US 6 due to the unreasonable financial hardship resulting from the unique physical characteristics of the property. For the proposed overhead alignment, the applicant received an informal cost estimate from Southern California Edison amounting to \$20,000.00 for electrical work and an informal bid for excavation and trenching work amounting to \$3,000.00, for a total of \$23,000.00.

Alternatives to the Proposed Alignment

The applicant explored four alternatives to the proposed alignment: 1) installation of an underground power line under US 6; 2) installation of an underground power line from an existing pole to the North on Hovde Road; 3) installation of an underground power line from an existing pole to the South; and 4) installation of solar infrastructure.

1. Installation of an underground power line from an existing pole on US 6

Installation of an underground power line under US 6 would require boring under the highway, significant traffic control and mitigation, increased insurance and labor costs, coordination with the State Department of Transportation (Caltrans), and interference with flood plains. The cost estimate for this alignment is unknown and was not explored; however, common sense dictates the cost would be an unreasonable economic hardship.

2. Installation of an underground power line from an existing pole on Hovde Road

For this alignment, the applicant received a bid from Southern California Edison amounting to \$59,505 for electrical work and an informal bid for excavation and trenching work of \$6,000, totaling \$65,505. The applicant negotiated easements with the neighboring property owners for this alignment. Shorter alignments from existing poles on Hovde Road were explored but the neighboring property owners were not willing to grant easements across their property for the alignment. The cost difference between this option and the proposed project is approximately \$42,500.

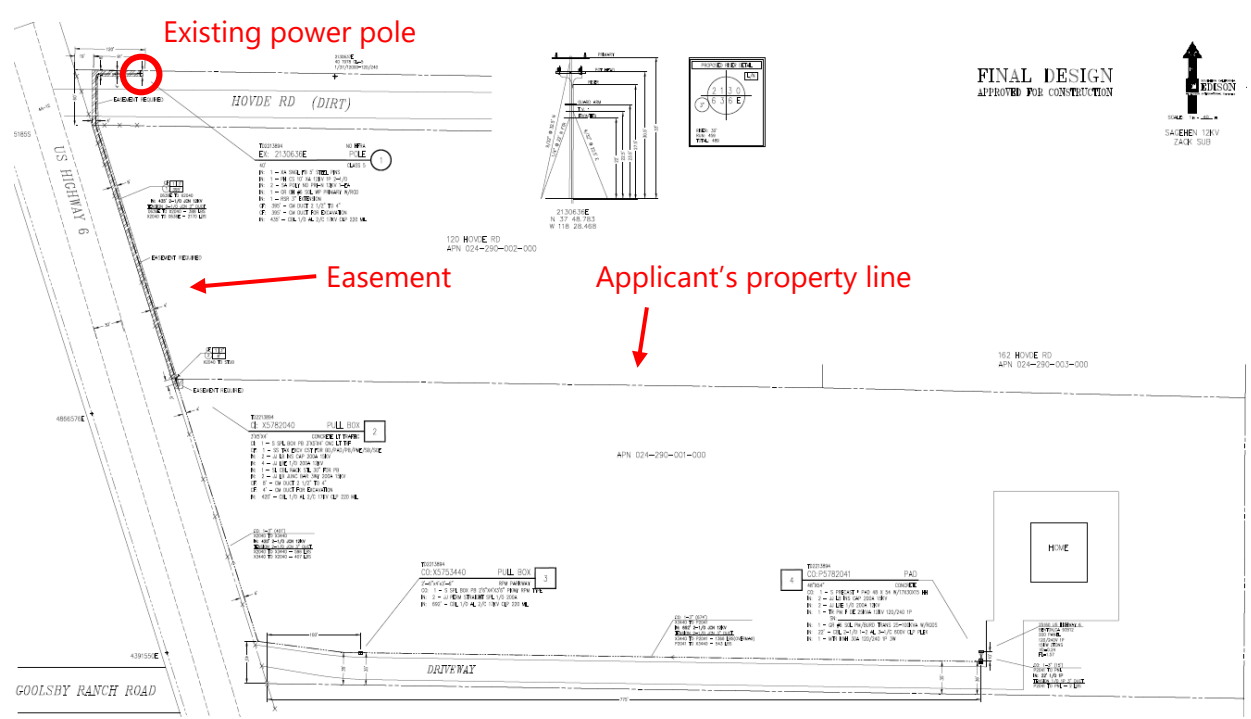


Figure 3: Option 2 – Design from Southern California Edison for an underground power line from an existing pole on Hovde Road

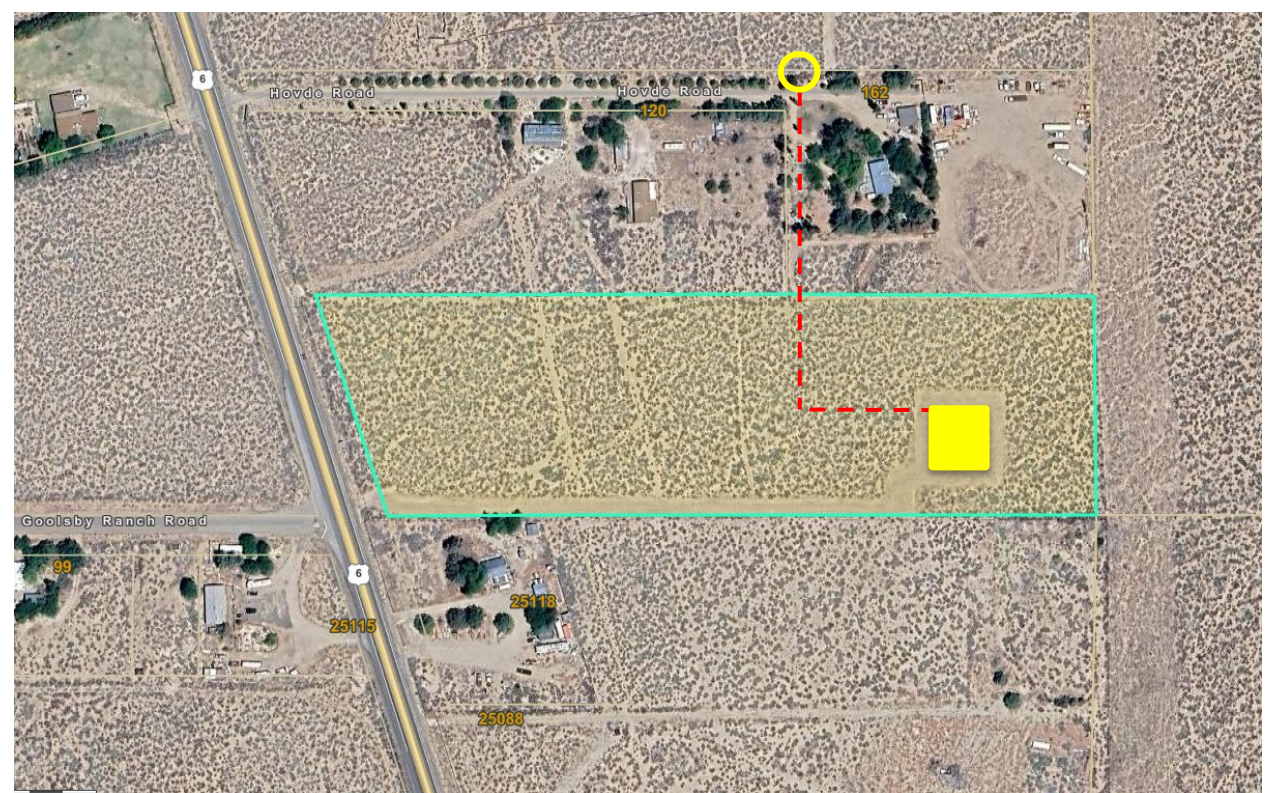


Figure 4: Option 2 – Infeasible alternative for an underground power line from an existing power pole on Hovde Road

3. Installation of an underground power line from an existing pole just south on US 6
 The existing power pole for this alignment is located in the Caltrans Right of Way, which requires traffic control and mitigation, and encroachment permits (Figure 5). Southern California Edison submitted an informal cost estimate of \$25,000 for electrical work and \$4,500 for excavation and trenching work, totaling approximately \$29,500 for this alignment. Additional fees, potentially \$5,000+, will be required for Caltrans permitting. The cost difference between this option and the proposed project is approximately \$6,500 plus Caltrans permitting fees. This alternative could be modified to avoid the Caltrans' Right of Way with an easement through the neighboring parcel, which would total to approximately \$29,500 plus costs to acquire an easement.

The applicant received a bid from Eldridge Electric & Son, Inc., for undergrounding from this pole, but this cost estimate was excluded from the analysis because experts in the field deemed the bid to excessively exceed the known market. Staff attempted to contact the company for itemized costs to validate the bid but did not receive a response.

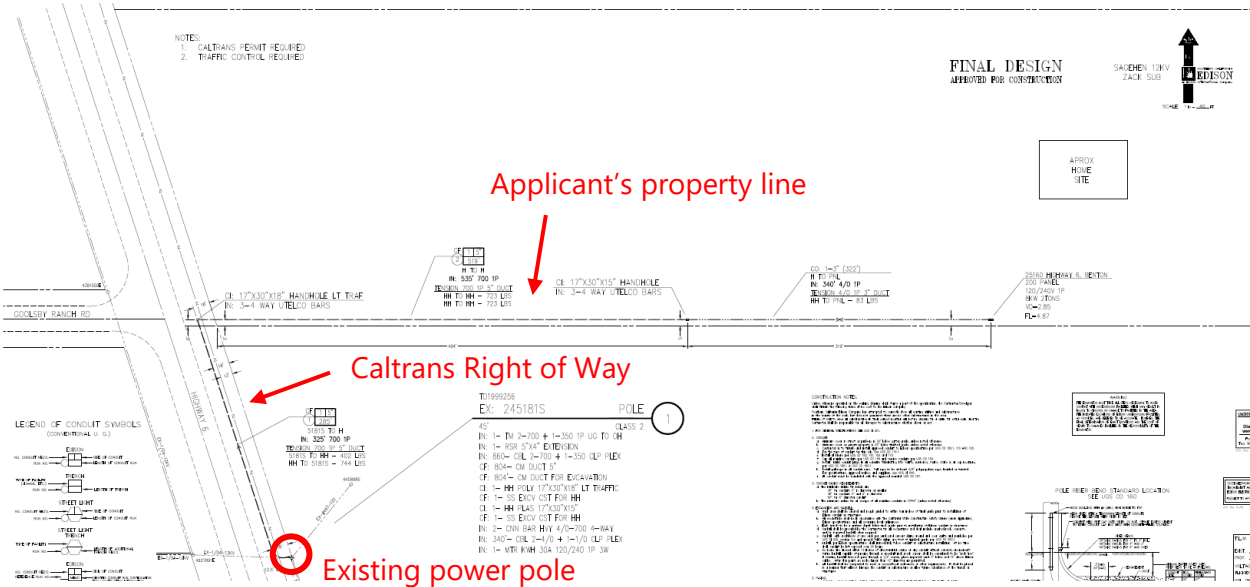


Figure 5: Final design from Southern California Edison for an underground power line from an existing pole on Highway 6

4. Installation of solar facilities
 The applicant received a cost estimate from a solar company in the Central Valley for \$86,600.00, based on a property and project of similar size. The cost difference between this option and the proposed project is approximately \$63,600.

Comparison of Cost Estimates by Alignment

Table 1 compares the cost estimates by alignment.

Table 1: Comparison of cost estimates by alignment

<p>Proposed alignment Installation of overhead power across US 6.</p>	<p>This proposed alignment totals to \$23,000.00, excluding Caltrans permitting costs <u>Other consideration(s)</u>: visual impact, fire hazard</p>
<p>Alternative 1 Installation of underground power under US 6.</p>	<p>This alignment has an unknown cost and was not investigated, but a commonsense conclusion is that the cost would be very high. <u>Other consideration(s)</u>: adds insurance and labor costs, requires coordination with Caltrans, interferes with flood plains, requires traffic control and mitigation, requires boring under the highway</p>
<p>Alternative 2 Installation of an underground power line from Hovde Road.</p>	<p>This alternative totals to \$65,505, which is an increase of \$42,500. <u>Other consideration(s)</u>: approximately 1,500 feet of excavation and trenching, requires easements</p>
<p>Alternative 3 Installation of an underground power line on US 6 (across from Goolsby Ranch Road).</p>	<p>This alternative totals to \$29,500.00, excluding Caltrans permitting costs or easement acquisition costs, which is an increase of \$6,500. <u>Other consideration(s)</u>: permitting costs due to encroachment on the Caltrans' Right of Way</p>
<p>Alternative 4 Installation of full solar.</p>	<p>This alternative totals to \$86,800.00.</p>

The difference between the proposed alignment and least costly alternative amounts to \$6,500 plus Caltrans permitting costs (potentially \$5,000+).

The Planning Commission may issue a Use Permit for the installation of overhead utility lines after **one** of the following findings are satisfied pursuant to Section 11.010 of the MCGP. The Planning Commission shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:

1. *The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:*
 - a. *In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact, i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.*

Analysis: No. Adjacent parcels are currently served by overhead power lines that cross US 6 and therefore, viewsheds are already impacted by overhead power lines. While likely not a significant visual impact, the overhead line will be a new, standalone line as it is not collocated with any other existing overhead lines. As

neighboring properties to the North and South of the subject parcel both currently have existing electrical service, it is unlikely that future development in the vicinity would request overhead utility lines.



Figure 6: Existing overhead power lines looking south from the driveway.



Figure 7: Existing overhead power lines looking north from the driveway.



Figure 8: Existing overhead power lines looking northeast across from the driveway.

- b. *Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.*

Analysis: No. The topography is such that the overhead power line will be visible from US 6. The vegetation is primarily shrubs and would not provide adequate screening under the proposed alignment. However, adjacent parcels are currently

served by overhead power lines that cross US 6, so the project will not significantly disrupt the visual character of the area.

- c. *Are there other potential alignments that would have less visual impact?*

Analysis: Yes. The analysis includes alternatives to install an underground power line from existing poles North and South of the property. These alternatives require additional trenching and more linear footage of power line than the proposed alignment but offers no visual impact.

- d. *Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.*

Analysis: The project does not reduce the overall number of overhead lines and poles in the area. The overhead power line is not co-located with existing facilities. The new pole and overhead power line will not have a significant impact on the visual character because adjacent parcels are serviced by overhead utility lines.

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

Analysis for Finding #1: This finding cannot be made because other alternatives that would have less visual impact are available.

2. *The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:*

- a. *Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow ground water? If so, aboveground placement may be preferable*

Analysis: No. Underground installation will not disturb an environmentally sensitive area.

- b. *Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, aboveground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element).*

Analysis: No. The project will not disturb significant wildlife habitat or use areas.

- c. *Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable.*

Analysis: No. The project is not located near a waterway.

- d. *Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable.*

Analysis: No. The underground placement of the power does not increase exposure to any environmental hazards.

- e. *Are there other potential alignments that would avoid potential environmental impacts*

Analysis: No potential environmental impacts have been identified.

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

Analysis: Yes. The new pole will be located on the applicant's property and will be maintained by Southern California Edison. The company is responsible for maintenance and assuring compliance with fire mitigation standards. The proposed alignment can be visually monitored for fire hazards. Southern California Edison did not express a concern for fire hazard relative to the project proposal; generally, the neighborhood is regarded as a low fire risk area.

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

Analysis for Finding #2: This finding cannot be made because undergrounding does not create environmental impacts such that an overhead alignment would be preferred.

3. *The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:*
- a. *Is the cost of the line to be installed excessive?*

Analysis: No. The difference between the proposed alignment and least costly alternative amounts to \$6,500 plus Caltrans permitting (potentially \$5,000+). The following financial hardship analyses were utilized in the most recent overhead line approvals by the Planning Commission:

- UP 21-001 Hemminger: The Planning Commission determined the extension of the electrical lines through the subdivision to the property was an unreasonable financial hardship as this connection reasonably should have been completed as part of the subdivision map. The Planning Commission required the utility lines to be undergrounded from the edge of the property to the home at a cost of about 10% of the total to construct the home, which was not considered an unreasonable financial burden.
- UP 22-010 Olsen: Overhead lines were approved “as built” and undergrounding alternatives that increased the cost by 32% and 41% were rejected by the PC.

Neither Use Permit explicitly defined a cost threshold for an “unreasonable financial hardship.” However, the Use Permit approvals imply an unreasonable hardship is greater than 10% and possibly less than 32%, although other circumstances were involved in not requiring the as-built overhead lines to be undergrounded. For the proposed project under consideration, a house has not yet been designed and therefore, no construction cost estimate exists. At a cost differential of \$11,500 (which includes an estimate of unknown Caltrans permitting fees), the total construction cost of the proposed future house must be less than \$115,000 in order for the cost of underground installation to exceed 10% of the project. Given the cost of materials, labor, and construction, building a unit for less than \$115,000 is extremely unlikely, and therefore, the cost of underground installation is likely to be less than 10% of the cost of construction.

b. *Will the installation of underground utilities require trenching under a stream bed?*

Analysis: No.

c. *Will the installation of underground utilities require unreasonable trenching or blasting through rock?*

Analysis: No.

d. *Are there alternate alignments that would eliminate or significantly lessen the financial hardship?*

Analysis: No. All the alternative underground alignments that have been explored have significantly higher costs. The overhead alignment is estimated to be \$6,500 less (plus Caltrans permitting costs, potentially \$5,000+).

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

Analysis for Finding #3: This finding cannot be made.

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

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

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

Analysis: No. The proposed use for the property is residential.

Analysis for Finding #4: This finding cannot be made.

USE PERMIT FINDINGS

Pursuant to Section 32.010 of the MCGP, 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.*

Analysis: According to the MCGP LUE, the Rural Residential (RR) Land Use Designation allows residential use and the development of single-family dwellings. Installation of overhead utilities requires the installation of underground utility lines unless the applicant obtains a Director Review Permit with Notice or Use Permit in accordance with Section 11.010 of the MCGP LUE. This request for a Use Permit to install overhead utilities is not consistent with one of the four findings under Section 11.010. Therefore, this finding cannot be made in the affirmative.

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.*

Analysis: The property is accessed by US 6 which is adequate in width and type to serve residential use. The project proposal will not generate traffic beyond the normal amount experienced by the public highway or disrupt public access. Therefore, this finding can be made in the affirmative.

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.*

Analysis: The proposed use of the property will not be detrimental to the public welfare or injurious to property improvements in the neighborhood. The installation of an overhead power line and power pole will not disrupt the existing use of the area or public highway because existing overhead utility lines cross US 6 and Southern California Edison is responsible for maintenance in accordance with fire mitigation standards. The installation of an overhead power line and power pole will not be co-located with existing facilities. The visual finding under Section 11.010 cannot be made.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

Analysis: One of four findings under Section 11.010 could not be made and therefore, the project proposal is not consistent with the Mono County General Plan. This finding cannot be made in the affirmative.

Mono County General Plan, Countywide Land Use Policies

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

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

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

Action 1.A.1.a. *Encourage infill development in existing communities and subdivisions. New residential subdivision should occur within or immediately adjacent to existing community areas. New residential development outside existing community areas and subdivisions should be limited to an overall density of one unit per 40 acres, plus an Accessory Dwelling Unit.*

Mono County Land Use Element, Tri-Valley Policies

Goal 26. *Preserve the rural and agricultural character of the Tri-Valley area.*

Objective 26.A. *Integrate compatible residential development into the existing community character in Benton.*

Policy 26.A.1. *Allow for the continuation of growth in Benton in a manner that promotes and protects its rural and agricultural character.*

Action 26.A.1.a. *Gross densities for residential development in Benton shall not exceed two dwelling units per acre. For parcels 40 acres or greater, clustering shall be encouraged.*

Policy 26.A.4. *Encourage the timing of growth to allow for efficient use of existing public facilities and services and for adequate planning for additional public facilities and services.*

Action 26.A.4.b. *To permit the efficient delivery of public services, encourage residential development in Benton to take place on parcels contiguous to existing development.*

COMMENTS RECEIVED

Property owners within 300 feet of the applicant's parcel were noticed about the project proposal and a notice ran in the Sheet on September 7, 2024. This project proposal did not receive any comments from interested parties or the public.

CEQA COMPLIANCE

A disapproved project is statutorily exempt from CEQA (§15270); but if the Commission were to articulate how the findings could be met and subsequently approve the project, it would be categorically exempt from CEQA under §15303(d).

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

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

(a) *One single-family residence...*

(d) *Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*

The project is an extension of a utility line which would lead to a single-family residence, which are both exempt per CEQA §15303(d).

Attachment(s)

1. UP 24-003 Notice of 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

September 3, 2024

To: The Sheet
From: Olya Egorov, Planning Analyst
Re: Legal Notice for **September 7** edition
Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **September 19, 2024** in the Board Chambers, Mono County Civic Center, Mono Lake Room (1st floor), 1290 Tavern Road, Mammoth Lakes, and the meeting will be accessible remotely by livecast at <https://monocounty.zoom.us/j/81095741753> or in person at the CAO Conference Room in the Mono County offices, Annex 1, 74 N. School Street, Bridgeport, where members of the public shall have the right to observe and offer public comment and to consider the following: **no earlier than 9:00 am. Use Permit 24-003** proposes the installation of an overhead power line across Highway 6 from an existing power pole off of Goolsby Ranch Road to a proposed new pole on the southwest corner of the applicant's parcel, APN 024-290-001-000. The 8.39-acre parcel has a land use designation of Rural Residential (RR) and a proposed use of single-family residential. 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 meeting in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, **by 8 am on Thursday, September 19, 2024**. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Planning Division*: Current Projects

September 19, 2024

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

Completed Planning Applications		
Variance	June Lake	5' front yard setback due to steep cliff on property
DR	Bridgeport	Jail: fence & trailer during construction
DR	Aspen Springs	RV during construction
DR	Swall Meadows	extension of RV during construction
DR	Swall Meadows	encroachment into 30' stream setback
CDBG	countywide	Special District capacity study to potentially increase housing density
GPA	North County	Walker Basin Water Transfer Policies

Active Planning Permit Applications		
Permit Type	Community	Description
UPM	Crowley	940 sf modular classroom
UP	Benton	OH lines
GPA/SP	Mono Basin	STRs & campground, revised CEQA proposal for tribal consultation
GPA/SP	Mono Basin	Per Board direction, drafting Specific Plan for D&S Waste parcel to limit activities to those approved in the Use Permit under the Industrial LUD
GPA/SP	Sonora Junction	Permit existing nonconforming campground, change LUD from RM to SP
UP	June Lake	New RV Park (Bear Paw)
UP	Walker	RV Storage facility
UP	Sunny Slopes	New Long Valley Fire Dept station
UP	June Lake	Transient Rental/VHR
UP	June Lake	new STR
PM	June Lake	Parcel split into two
LLA	Coleville	adjustment & merger - awaiting new docs
LLA	Lee Vining	lot adjustment within Tioga Inn SP
LLA	Antelope Valley	LLA
LLA	Antelope Valley	LLA
LM	June Lake	Highlands II
LM	Walker	merger of ER parcels
LLA	Crowley	LLA
LM	SBP	merge two SBP parcels
LM	Paradise	LM

Active Policy/Planning Projects		
Name	Community	Description
<i>Short-Term Rental Housing Study</i>	<i>Countywide</i>	<i>Revising General Plan policies for RPAC review</i>
<i>Multi-Jurisdictional Hazard Mitigation Plan Update</i>	<i>Countywide</i>	<i>Contract signed, kick-off meeting scheduled</i>
<i>Tri-Valley Groundwater Model</i>	<i>Tri-Valley</i>	<i>Consultant selected</i>
<i>Rush Creek Dam Decommissioning</i>	<i>June Lake</i>	<i>Comments submitted on noise, aesthetics, decommissioning, hydrology; reviewing response to comments; Board directed a comment letter reiterating concerns</i>
<i>On-Call Request for Proposals</i>	<i>Countywide</i>	<i>Scoring 19 proposals to award on call planning and environmental analysis contracts</i>
<i>Environmental Justice Element</i>	<i>Countywide</i>	<i>Required by state law, drafting for public review, notified tribes of opportunity for input</i>
<i>Revising Environmental Handbook</i>	<i>Countywide</i>	<i>Provide updated guidance to applicants on the County's implementation of CEQA</i>

Active Policy/Planning Projects		
Assist with various County property purchases	Varies	For other departments; County purchases must be approved by the Commission as consistent with the General Plan
RVs as residences	Countywide	Survey closed, compiling results for workshop with Planning Commission and Board to determine policy direction
Housing Policy	Countywide	Assisting Housing Manager with policy and strategy development, responding to annual reporting questions from HCD
Transportation projects of note	Countywide	Update regional transportation plan; collaborating with Caltrans on Lee Vining and Bridgeport street rehabilitation projects, and traffic calming for Walker Main Street. Preparing for CTC town hall meeting in Bishop, Sept. 25-26.
US 395 Wildlife Crossings	Long Valley	Caltrans lead; helped develop and submit \$10M grant application for design, attended site visits
Sage grouse conservation	countywide	ongoing, attended Bi-State Action Plan update meetings and LADWP adaptive management plan field visit
Biomass Facility	Countywide	Assist with land use planning issues as necessary; Whitebark has been expanding project area to June and Mono Basin
Review State Minimum Fire Safe Standards and update General Plan regulations	Countywide	Will be a separate GPA, received determination that new regulations do not apply to existing roads
Whitmore Area Planning	Mammoth Area	withdrawn by Town, will be incorporated in Master Plan revision
Towns to Trails Planning	Countywide	Provided digital connection to planning meetings in N. County
Revision to Chapter 11	Countywide; Antelope Valley	on hold pending staffing resources
Cannabis Odor Standards	Countywide	Low priority

Acronyms:

AG	Agriculture
BOS	Board of Supervisors
CDBG	California Development Block Grant
CEQA	California Environmental Quality Act
DR	Director Review
ESCOG	Eastern Sierra Council of Governments
GHG	Greenhouse Gas
GPA	General Plan Amendment
HCD	Housing and Community Development (State Department of)
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MLTPA	Mammoth Lakes Trails and Public Access
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