

# MONO COUNTY PLANNING COMMISSION

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

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

## AGENDA

December 19, 2019 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's Pizzeria). Agenda packets are also posted online at [www.monocounty.ca.gov / boards & commissions / planning commission](http://www.monocounty.ca.gov/boards%20&%20commissions/planning%20commission). For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

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

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

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

**3. MEETING MINUTES:** Review and adopt minutes of November 21, 2019 – *p. 1*

**4. PUBLIC HEARING**

**10:05 A.M.**

**A. VARIANCE 19-01/Stang.** Proposal to encroach upon the required stream setback distance of 30' at Dream Mountain Estates, June Lake (APN 016-270-005). The applicant proposes to construct a new single-family residence 16' from a stream on the property. The land use designation is Single-Family Residential (SFR). The parcel is currently vacant. The proposed house and garage area total 1,249 square feet (sf), or 14.8% of the total 8,401.5-sf lot area. An exemption in compliance with the California Environmental Quality Act (CEQA) is proposed for the project. *Staff: Michael Draper – p. 5*

**10:35 A.M.**

**B. CONDITIONAL USE PERMIT 19-011/Heaton** for use of a residence as a transient rental at 24 W. Granite Ave. in June Lake (APN 015-103-005). The unit contains one bedroom and is allowed a maximum of four overnight guests. Property is designated Multi-Family Residential – High (MFR-H). *Staff: Bentley Regehr – p. 20*

**5. WORKSHOP:** None

**6. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**7. INFORMATIONAL**

**8. ADJOURN** to regular meeting January 16, 2020

***More on back...***

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

**\*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.

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

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## DRAFT MINUTES

November 21, 2019

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**COMMISSIONERS:** Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Dan Roberts & Patricia Robertson

**STAFF:** Wendy Sugimura, director; Gerry Le Francois, principal planner (via video in Mammoth Lakes); Kelly Karl, assistant planner; Bentley Regehr, planning analyst; Christy Milovich, assistant county counsel (via video in Mammoth Lakes); Michael Draper, planning analyst (via video in Mammoth Lakes); CD Ritter, PC clerk

**PUBLIC:** Dan Holler, Mammoth town manager

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

### 2. PUBLIC COMMENT: None

### 3. MINUTES:

***MOTION:*** Adopt minutes of October 17, 2019, as amended: 1) P. 3, Roberts comment: ~~Despite contention that crop is not a problem, it is.~~ (Lagomarsini/Lizza. Roll call: Roberts, Lagomarsini, Lizza, Robertson. Ayes: 4. Abstain due to absence: Bush.)

### 4. PUBLIC HEARING

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

Wendy Sugimura noted Kelly Karl took this GPA to all RPACs. MFR-L included at BOS direction. Karl presented a PowerPoint on GPA 19-04, annual cleanup of Land Use Element and Conservation/Open Space Element. Eliminated transient-rental types 1, 2, 3, added owner-occupied and non-owner occupied. Eliminating MFR-L. Small-scale agriculture subject to primary residential use. Clarify several transient-rental uses: commercial lodging; uses subject to DR (Director Review) and Use Permit.

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DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

Lizza: Not permitted in condos, townhomes, cluster development, etc. under individual ownership. *Sugimura: Strike condominium bullet point. Complex with separately owned individual units permitted use. Strike ADU from short-term rentals*

Regehr: New legislation gives Mono authority to prohibit STR as it sees advisable.

Bush: Mother-in-law house, want to rent for extra housing. Still rent long term.

Sugimura: Misunderstood from state law. Complications due to HMO (Housing Mitigation Ordinance). STR subject to DR wording OK. MFR units owned by single entity/person. Additional threshold of four units.

Criss: Single ownership = apartments, no STR. Third bullet has nothing to do with STR.

*Sugimura: Third bullet: four or more units = apartments. Triplex separate. Start with proposed changes, then come back. Strike condo from bullet 3.*

Sugimura: Always intend to design more user-friendly. Planners worked on geography for what applies. STR applies to rentals in residential land use designations. Transient rentals apply to MFR-H, et al. MFR change: no STR in MFR-L.

Karl: MFR-H eliminated language. Delete commercial lodging. Ch. 4 new graph: Inactive projects. Conservation/Open Space. Cultural resources section.

**OPEN PUBLIC COMMENT:** No comments. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Sugimura: Table motion now, have Kelly bring back? *No.*

***MOTION:*** Adopt Resolution R19-04 recommending that the Board of Supervisors certify the Addendum and adopt GPA 19-04 as amended: 1) renumber redundancy; 2) amend first sentence to end with "except in specified locations" (see below); 3) second sentence make new paragraph (Action 13.M.1.b) and eliminate word "Not"; 4) eliminate "condominium" from final bullet in permitted uses in Commercial Lodging section; 5) amend language to third bullet under Commercial Lodging uses permitted subject to Use Permit to read "projects containing four or more units such as condominiums, cooperatives, townhomes, cluster developments and/or apartments"; and 6) Commission recommended adding the "Inactive Project" policy to discretionary permit applications to notify future applicants of time frames in this new policy. (*Lizza/Lagomarsini. Roll call: Roberts, Bush, Lagomarsini, Lizza, Robertson. Ayes: 5-0.*)

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

Bentley Regehr added distribution as a use. Distribution and cultivation are separate.

Ever have cultivation without distribution? *Regehr cited several examples.*

Bush: Correcting oversight in original application. OK to participate today after absence? *Yes.*

Regehr: Several trips involved, no impacts to traffic, dust. Distribution through proponent's personal vehicle, no outside contracting.

**OPEN PUBLIC COMMENT:** Jake Suppa, applicant, noted since last CUP was approved has become LLC. Same intent. Processing arranging lab testing, packaging, labeling, tax. Keep local. Security plan approved by Mono sheriff. Met with Mono Basin RPAC to answer questions. No objection, support from neighbors in area. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Lizza: Not comfortable issuing permit to nonlegal entity.

Milovich: Could issue to individual, not necessarily entity.

Sugimura: Land use permits run with land's APN. Operation permit issued to individual or business. Verify status.

Milovich: Name now should be updated on all administrative documents: Shanti Co. LLC.

Roberts: Conditions 1 and 3 do not include changes made last meeting.

***MOTION:*** Find that 19-008/Shanti Co. Commercial Cannabis Cultivation and Distribution, LLC qualifies as an Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Determination; make the required findings as contained in project staff report; and approve modifications to Use Permit 19-008 to include distribution as a use. Title should say Cultivation and Distribution. (*Roberts/Lizza. Roll call: Robertson, Lizza, Lagomarsini, Bush, Roberts. Ayes: 5-0.*)

**5. ACTION ITEM: COMMISSION INTERPRETATION:** Interpretation of outdoor industrial storage as a similar to and not more obnoxious than the uses currently permitted in the Sierra Business Park Specific Plan.

Kelly Karl 19-003. Two parcels at SBP. Town proposes outdoor industrial storage use. Empty receptacles, vehicle parking, containers such as cargo and semis. Transitional storage while being shipped to proper facilities. Transfer station undergoing construction. Subject to Specific Plan. Uses not adequately capture outdoor storage. Two close categorial matches. Karl read four required findings. Town would receive a report of consistency with General Plan.

Subject to Use Permit? *Sugimura: Just making interpretation uses are consistent with permitted uses in SBP Specific Plan.*

Time frame or in perpetuity? *Karl: No specific time frame but not end use of parcels. Not 100% at this point. Seems somewhat tied to construction at Mammoth Disposal site.*

What prohibits adding uses? *Sugimura: Need to tell intended land use. If it changes, already own parcel but would be subject to General Plan and Specific Plan. Snapshot in time to comply with government code section.*

**OPEN PUBLIC COMMENT:** Town Manager Dan Holler was available for questions.

Time frame for use on sites? *Holler: Not start till next spring/summer, during construction of new facility.*

Use sites for same purpose after new facility in Mammoth? *Holler: In perpetuity.* **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Lizza: It's a stretch. Not seen in uses permitted. Would like amendment to include category that accounts for these items.

Lagomarsini disagreed, saw eight similarities. Still lots of vacancies in SBP. Seems benign. No fluid leakage.

Bush: Still, permitting process needed.

Sugimura: Land use compatibility determination. Comply with all design standards of SBP. Bring all SBP permits to LDTAC for public and staff comment.

Bush: Just land use compatibility now.

Lagomarsini: Storage site for stuff. Better than sites visible to public.

Lizza: Items of production not disposal.

Robertson: List of uses not totally jibe. Seems more like waste storage.

Dan Holler described empty containers for equipment storage. Better there than yard in Bishop.

Lagomarsini: Seems consistent with item 8. Old engines, tires, stuff. Barrels filled with waste. Better at SBP than elsewhere.

Bush: SBP is bermed, not visible from highway.

Karl: Fencing with plastic slats required.

***MOTION:*** Find that the proposed industrial outdoor storage use is similar to and not more obnoxious than uses currently permitted in the Sierra Business Park Specific Plan as provided for in General Plan Section 01.040. (*Lagomarsini/Roberts. Roll call: Roberts, Bush, Lagomarsini, Lizza, Robertson. Ayes: 4. No: Lizza.*)

Robertson: Language of proposed permitted use? *Bush: Just interpretation now.*

Sugimura: No degree of specifics, just land use compatibility, not at level of detail in permit determination. Applies on countywide level, but Specific Plan prevails. Further permitting perhaps, but storage use permitted outright by standards of SBP Specific Plan.

Robertson: Could someone else come in? *Milovich: Set precedent? No.*

## **6. WORKSHOP:** None

## **7. REPORTS**

**A. DIRECTOR:** Anticipating Variance and Use Permit in December. BOS approved first reading Housing Mitigation Ordinance Tuesday.

**B. COMMISSIONERS: Roberts:** CCPCA meeting in Chico at Hotel Diamond. Presentations on Camp Fire devastation, Cal Fire reps on possible changes (green lawns saved some houses despite discouraging), visited Oroville Dam. New members to promote activities. Inyo member. Another conference to Eastern Sierra in year or so. Next year: Humboldt. **Robertson:** Preferred land use plan for 25-acre Parcel with 400-450 units workforce housing at joint workshop Dec. 11.

## **8. INFORMATIONAL**

## **9. ADJOURN** at 11:45 am to regular meeting December 19, 2019

*Prepared by CD Ritter, PC clerk*

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December 19, 2019

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 19-001, Stang residence stream setback

**RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

1. Find that the project is exempt from CEQA as a Categorical Exemption under CEQA guideline 15303 and direct staff to file a Notice of Exemption; and
2. Adopt the findings contained in the staff report and approve Variance 19-001 to allow a 16' setback from the top of the stream bank for a single-family residence on APN 016-270-005.

**PROJECT OVERVIEW**

The proposal is for a 14-foot reduction of the required stream setback of 30 feet from the top of the bank, per Mono County General Plan Chapter 4 (04.120.F.b.1) in order to construct a single-family residence.

The property is Lot 5 of the Dream Mountain Subdivision on Dream Mountain Drive in June Lake (APN 016-270-005). The land-use designation of Single-Family Residential (SFR) allows for a residential dwelling. The property owners are proposing to construct a residence on the property, but setback requirements constrain the building envelope to a very small and thin portion of the lot.

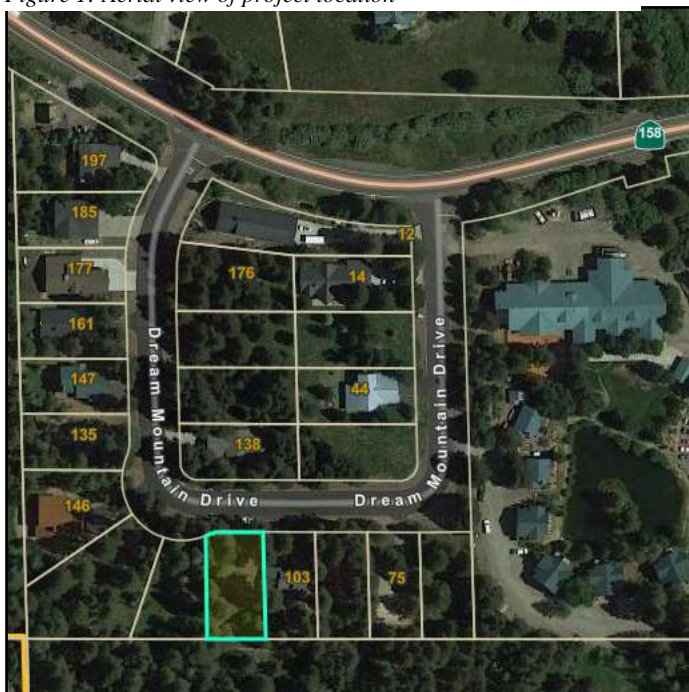
**LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE**

The LDTAC accepted the application for processing on Nov. 4, 2019. Conditions of approval were reviewed at the Dec. 2, 2019, meeting.

**PROJECT SETTING**

The property is located within the Dream Mountain subdivision, approximately eight miles west of the intersection of US Highway 395 and State Route 158. Access is taken from SR 158 onto Dream Mountain Drive. This parcel is in the southwest corner of the subdivision and is 8,401 square-foot (sf). Neighboring

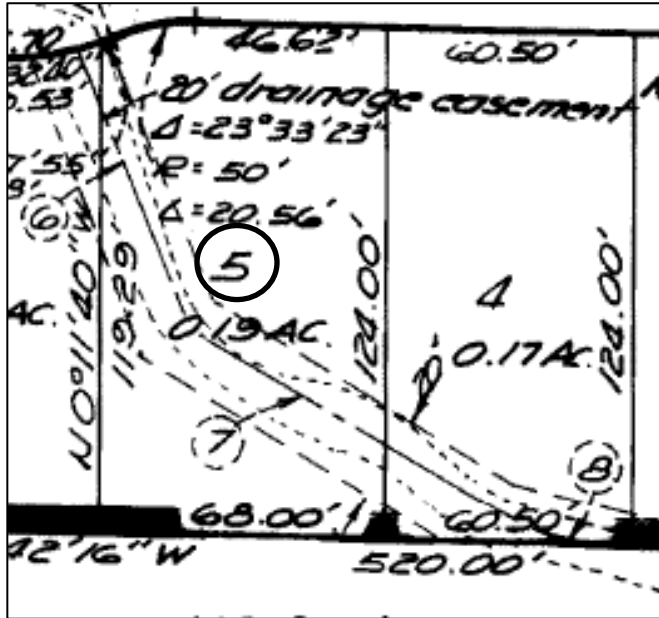
*Figure 1: Aerial view of project location*



properties on the west, north, and east sides are designated SFR, and to the south is the Inyo National Forest, designated Resource Management (RM). The properties to the east and north are developed with single-family residences.

The SFR land use designation has minimum setbacks of 20' front yard and 10' rear and side yard, a maximum allowable lot coverage of 40%, and a minimum lot size of 7,500 sf. The property owners are proposing a 1,249-sf two-bedroom house and garage, with a 448-sf paved driveway and 30-sf walkway area. Total lot coverage would be 1,727 sf or 21%, and yard setbacks will be met.

Figure 2: Tract Map 34-06



A stream travels through the south and western portion of the site originating from Carson Peak and flowing north and west before meeting Reversed Creek. The stream is not designated by the US Geologic Survey and may have been altered during the initial grading of the Dream Mountain lots. Tract Map 34-06 for lot 5 implies a 20-foot drainage easement for the creek, 10 feet on each side measured from the center of the creek. However, current General Plan standards require a setback of 30 feet on each side measured from the top-of-bank. In review of this application, the more conservative standard of 30 feet from the top-of-bank is being applied.

Staff conducted a field visit with the project designer to define the top of the streambank. The top-of-bank was determined to be at the outside edge of a cobble rock wall that was presumably

constructed for the protection of the creek (please see "Figure 4" and Attachment A photos).

Variance 19-001 will approve a 16-foot setback from the top-of-streambank defined in the field for the purpose of building a residential unit. This will be a 14-foot reduction from the required 30-foot setback. To be clear, the project as proposed complies with SFR yard setbacks defined in the General Plan and the drainage easement shown on the tract map.

A public notice was sent to property owners 300 feet from the project site and published in a newspaper 10 days prior to the Planning Commission public hearing. One comment was received from a neighboring property owner generally concerned about potential impacts to the creek and their property and requesting more information. Staff has responded to the request for more information, and impacts to the creek are addressed through conditions to conform to County Floodplain standards (condition #4) and the application of low-impact development practices (condition #7). Notice was also provided to the California Department of Fish and Wildlife (CDFW), which asked that a Condition of Approval include (#6). The applicant shall be responsible for obtaining all necessary agreements, permits, and/or licenses from CDFW.





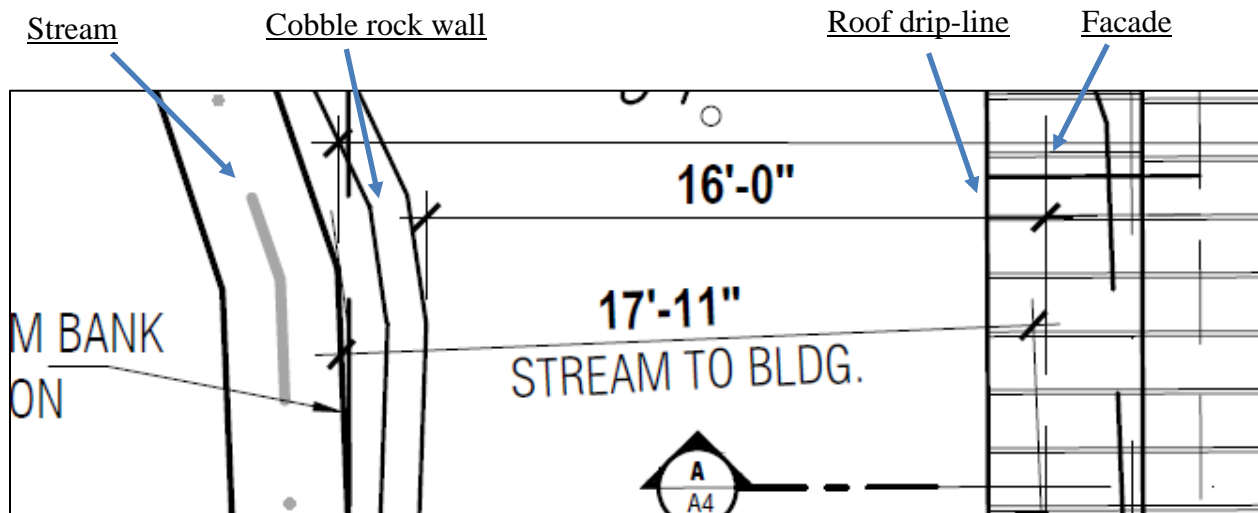


Figure 4: Cobble wall and stream



### General Plan Consistency

Single-Family Residential projects are required to meet setbacks of 20 feet in the front, 10 feet in the rear, and 10 feet on the side of property lines (General Plan 04.120). The project proposal meets all required setbacks except the stream setback.

General Plan Section 04.120.F.b.1 requires any proposed structure, including associated impervious surfaces, to be located a minimum of 30 feet from the top of bank. The project proposes a 16-foot setback from the building facade to the top of the stream bank with approval required through Variance 19-001.

In order to deviate from required setbacks, a variance must be approved. A variance is a permit issued to a landowner by an administrative agency, in this case the Planning Commission, to construct a structure or carry on an activity not otherwise permitted under the land use designation. The statutory justification for a variance is that the owner would otherwise suffer unique

hardship under the general land use regulations because his or her parcel is different from the others to which the regulation applies due to size, shape, topography, or location.

The concept is that the property owner is allowed to use his property in a manner consistent with the established regulations, without changing the basic land use designation, with such minor variations that will place him in parity with other property owners in the same designation. All the required findings specified in Mono County General Plan Chapter 33.010 A-D must be made in order to issue a variance (see below).

## ENVIRONMENTAL REVIEW

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

The project qualifies for a CEQA exemption under Section 15303 Class 3, New Construction or Conversion of Small Structures, “*Class 3 consists of construction and location of limited numbers of new, small facilities or structures...(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.*”

## VARIANCE FINDINGS

The Planning Commission can approve a variance based only on the provisions of the General Plan and only when all the findings can be made:

- A. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surrounding, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:*

The property is significantly constrained by a creek running through the western portion of the parcel. A 30-foot setback from the top of the bank is required and substantially limits the potential for the Single-Family Residential (SFR) property. Absent the creek, the site could reasonably accommodate a single-family dwelling while meeting setbacks. Decreasing the setback from 30’ to 16’ allows for the creation of modest building envelope whereas requiring the stream setback creates approximately a 16’ x 57’ building envelope.

- B. *The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:*

Surrounding properties are designated Single-Family Residential and Resource Management. The adjacent property to the west, 103 Dream Mountain Dr., contains a single-family residential unit that was constructed in 1983/84 and is set back ~20.5’ from the creek. An exterior deck just above ground-level was constructed ~7.5’ from the creek.

Due to setback constraints of the parcel, the applicant has asked for a 16’ setback from the top of the creek bank to allow development of the property in a manner that is consistent with the established surrounding parcels. The proposed development, a single-family residence, will be designed with the roof-pitch oriented away from the creek and toward the eastern boundary in order to prevent roof-shedding toward the creek.

The variance permit process provides the public the opportunity to comment on the proposed setback reductions. Following a notice to surrounding property owners, one comment has been received.

- C. *The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:*

The property is located in an area characterized by low-density, single-family residences, and the proposed project would be consistent with adjoining uses. California Department of Fish and Wildlife was notified of the project and did not have concerns regarding the

reduced creek setback but asked that a Condition of Approval be included (#6). Mono County Public Works will require a base flood elevation be established and future construction to meet floodplain standards.

- D. *The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the county because:*

June Lake Area Plan

- *Land Use, Objective C, Policy 13.C.1. states: Encourage compatible development in existing and adjacent to neighborhood areas.*

The project is permitted subject to uses approved for the SFR land use designation and will be compatible with uses on surrounding parcels that are also designated SFR.

- *Land Use Objective E, Policy 13.E.1. states: Encourage infilling and/or revitalization in areas designated for development in the Area Plan.*

The proposed project is within an existing subdivision of 23 total lots; 12 lots are currently developed with single-family residences and 11 are vacant. This project will allow the development of a vacant lot consistent with the land use designation, and therefore provide suitable infill.

- *Policy 18.A.1. Mitigate impacts or limit development to an appropriate level in environmentally and visually sensitive areas. Environmentally sensitive areas include riparian areas, potential high groundwater table zones, wetlands, and steep hill slopes.*

The level of development on this parcel is appropriate in size and limits impact to the riparian area. The project is required to comply with applicable County floodplain requirements for construction that seeks to mitigate impacts. The applicants are also required to fulfill any requirements set by the California Department of Fish and Wildlife.

- *Action 18.A.3.b. Applicants on lots near or adjacent to Rush, Reversed (starting at Gull Lake), Fern, Yost, Alger and Snow creeks will be encouraged to design facilities that do not encroach upon waterways. After demonstrating that all reasonable measures have been taken to prevent development in streamside zones, applicants will be able to pursue setback deviations. In no case shall foundations be located closer than 20 feet from the bank of these creeks.*

The project is not located adjacent to any of the designated creeks mentioned. The subject creek is a tributary to Reversed Creek, which flows approximately 700' from the property.

The proposed single-family residence has been designed to minimize site disturbance. A single-car garage will be located underneath the two-bedroom residence, and no ground level patios will exist.

This staff report has been reviewed by the Community Development Department director.

**ATTACHMENTS**

- Attachment A – Site Photographs
- Attachment B – Public Comment Received
- Attachment C – Public Hearing Notice

MONO COUNTY  
Planning Division

NOTICE OF DECISION / VARIANCE

VARIANCE #: 19-001

APPLICANT: Heather and Dallon Stang

ASSESSOR PARCEL NUMBER: 016-270-005-000

PROJECT TITLE: Stang residence

PROJECT LOCATION: Dream Mountain Drive, June Lake, CA

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

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

DATE OF DECISION/USE PERMIT APPROVAL: December 19, 2019

EFFECTIVE DATE USE PERMIT: January 3, 2020

MONO COUNTY PLANNING COMMISSION

DATED: \_\_\_\_\_

\_\_\_\_\_  
Community Development Director

- cc:  Applicant
- \_\_\_\_\_ Engineer
- \_\_\_\_\_ Assessor's Office
- \_\_\_\_\_ Compliance Officer

**CONDITIONS OF APPROVAL**

## Variance 19-001/Stang

1. The project shall be in substantial compliance with project description and site plan.
2. Only features approved through this variance as shown on the site plan may be constructed closer than 30' to the top of the streambank, and in no case shall any construction extend beyond 16 feet to the top of the stream bank.
3. No construction or disturbance shall occur within the stream setback except those features approved through this variance and as shown on the site plan, and the streambed shall not be altered.
4. A flood study shall be prepared by a registered civil engineer to establish the base flood elevation. Any development that occurs below the base flood elevation shall conform to the County Flood Plain Regulations (Chapter 21 of the Mono County General Plan – Land Use Element.) as if it is within a special flood hazard area.
5. The site plan provided as part of any building permit application must show the 20-foot-wide drainage easement depicted on Tract Map 34-06. A new 20-foot-wide drainage easement shall be recorded prior to issuance of a building permit to reflect the current location of the stream and easement. The new easement shall follow the current alignment of the stream and shall be dedicated to the public and allow for cleaning and maintenance of the channel. Notification of recording of the new easement shall be sent to the owners of lots 3 through 14 as shown on tract map 34-06.
6. The applicant shall be responsible for obtaining all necessary agreements, permits, and/or licenses from the California Department of Fish and Wildlife.
7. The project shall comply with applicable standards in the General Plan Appendix: Low Impact Development practices.
8. Project shall provide a “will serve” letter from the June Lake PUD.
9. Project shall provide a “will serve” letter from the June Lake FPD.
10. Project shall comply with standards and requirements of the General Plan and County Code, including Public Works, Environmental Health, and Community Development.
11. Best management practices, as required by the Building Division and/or the Department of Public Works, shall be required and implemented.







STANLY RESIDENCE  
 LOT 5  
 BREW MOUNTAIN ESTATES

PHOTO #1





PHOTO 2



PHOTO 3





PHOTO 4

**From:** [Brian DeWitt](#)  
**To:** [Michael Draper](#)  
**Cc:** [Brian at Home \(bdewitt2@san.rr.com\)](#)  
**Subject:** Request for Variance  
**Date:** Thursday, December 12, 2019 10:28:58 AM  
**Attachments:** [image002.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Draper. I own the property located at 103 Dream Mountain Drive in June Lake California. Last week we received notice that there is to be a hearing held on a request for a variance for the lot next door asking to reduce the setback from the stream that runs across the property from 30 feet to 15 feet. The reference number on the notice sheet is APN 016-270-005. I am concerned about this request and would like more information regarding the rationale for granting it. The required setback is in place for a reason – presumably to protect the waterway and the integrity of the creek. Has there been a study to determine how the proposed use, including the construction activity will impact the creek and how the impact of cutting the setback in half will be addressed? Is there a report that documents what was considered, what potential issues were raised and how those were addressed? Will the proposed use comply with the local CC&Rs regarding development on that lot? My concern is based in large part on the nature of the creek on that lot. The waterway is not just in a small corner of the lot, but instead runs across the back portion of the lot and all the way up the side of the property line. It is a challenging lot to build on and any construction would likely impact my property as well.

We are not locals in the area and will not be in a position to be present for the hearing. The notice seems to be pretty short for us to receive information that would enable us to reasonably decide if we want to challenge the grant of the request. Please let me know what my options are to get more information and have an ability to at least understand what is being proposed and what the impact would be. Thank you.

Brian W. DeWitt  
VP, Division Counsel  
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**Mono County**  
**Community Development Department**  
**Planning Division**

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(760) 924-1800, fax 924-1801  
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## Public Hearing Notice

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **Dec. 19, 2019**, in the Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following:

**10:10 a.m. VARIANCE/Stang** would reduce the required stream setback of 30 feet down to 16 feet for the construction of a single-family residence. The project is located at APN 016-270-005, Dream Mountain Drive in the community of June Lake. The property is 0.19 acres and has a land use designation of Single-Family Residential (SFR). The property is constrained by a tributary of Reversed Creek. The project qualifies as a categorical exemption under CEQA guidelines section 15303 (a).

INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

If you would like additional information, please contact the project planner, Michael Draper via email [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov) or (760) 924-1805.



Subject property

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**Mono County  
Community Development Department**

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December 19, 2019

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Re: Use Permit 19-011/Heaton

**RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

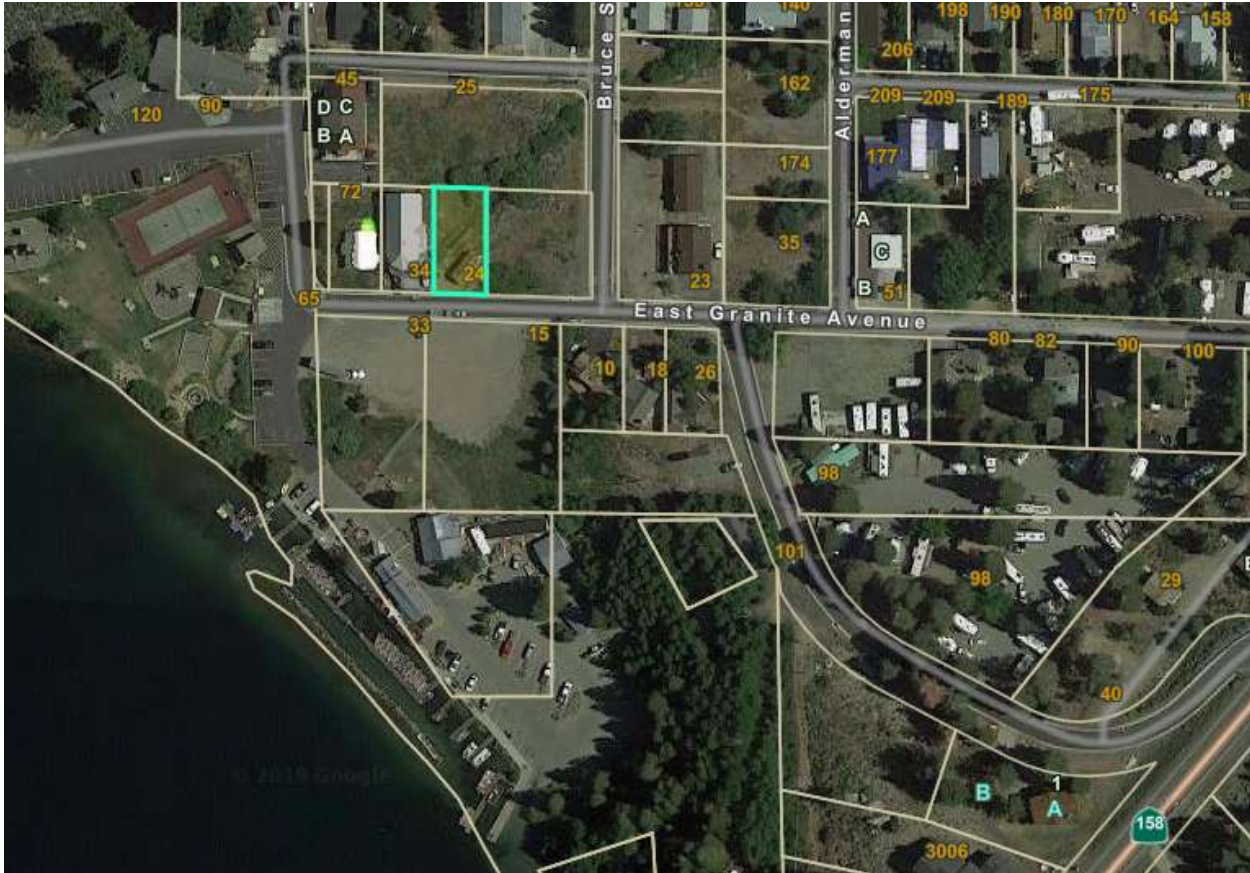
1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption;
2. Make the interpretation that the use of a single unit as a transient rental on a Multi-Family Residential – High (MFR-H) parcel is similar and not more obnoxious than the use of four or more units as transient rentals on an MFR-H parcel;
3. Make the required findings as contained in the project staff report; and
4. Approve Use Permit 19-011 subject to Conditions of Approval.

**BACKGROUND**

The proposal is for use of a single-family residence as a transient rental on 24 W. Granite Ave. in June Lake (APN 015-103-005). Transient rentals are defined as rentals of less than 30 consecutive days. The parcel is designated Multi-Family Residential – High (MFR-H), which allows for transient rentals of four or more units, subject to use permit. The intent of the MFR-H Land Use Designation (LUD) is to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels. The MFR-H LUD does not contain specific language for transient rentals of fewer than four units, although General Plan Amendment has been approved to provide such language and goes into effect in mid-January 2020. At this time, however, the Planning Commission will need to determine that the proposed use is consistent with the LUD and is similar to and not more obnoxious than the use of four or more units as transient rentals, which is allowed in MFR-H subject to Use Permit. Density on the parcel is constrained by a stream that runs through the center of the property. A reduced five-foot stream setback was granted for the structure through Variance 16-001.

The 1,110-square foot residence is a 2-story, 1-bedroom unit. Two 10x20' unpaved parking spaces are provided with access from Granite Avenue but will need to be paved prior to use as a transient rental. The rental is allowed a maximum of four overnight guests. The project is subject to a Vacation Home Rental Permit and the standards set forth by Chapter 26, Transient Rentals.

**Figure 1: Location of project, 24 W. Granite Ave., June Lake**



### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE**

The LDTAC met Oct. 7, 2019, to review and accept the application for processing. Conditions of approval were reviewed at the Dec. 16, 2019, meeting.

### **NOTICING**

The project was noticed in the Dec. 5, 2019, edition of the Mammoth Times and the Dec. 7, 2019, edition of The Sheet. Notices were also mailed Dec. 2, 2019, to property owners within 300' of the site. No comments were received at the time of publishing this staff report.

### **GENERAL PLAN CONSISTENCY**

As noted, the General Plan Land Use Designation for this property is Multi-Family Residential – High (MFR-H). According to the Mono County General Plan, the intent of the MFR-H Land Use Designation (LUD) is to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels. Transient rentals of four or more units are allowed under MFR-H, subject to Use Permit. The MFR-H LUD does not contain specific language for transient rentals of fewer than four units. However, the project may be approved through Use Permit if it is found to be similar and not more obnoxious than the use of four or more units as transient rentals. The 4,992-square foot parcel is constrained by a stream and does not have reasonable space for more units or further expansion. A reduced five-foot stream setback was granted through Variance 16-001.

The project is consistent with both Countywide Land Use Policies and June Lake Area Plan Policies.



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

**Objective D**

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

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

*Action 1.1: Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.*

*Policy 3: Designate a sufficient amount of land for a variety of lodging facilities.*

*Action 3.1: Designate suitable areas in communities as "Commercial Lodging."*

**JUNE LAKE AREA PLAN POLICIES**

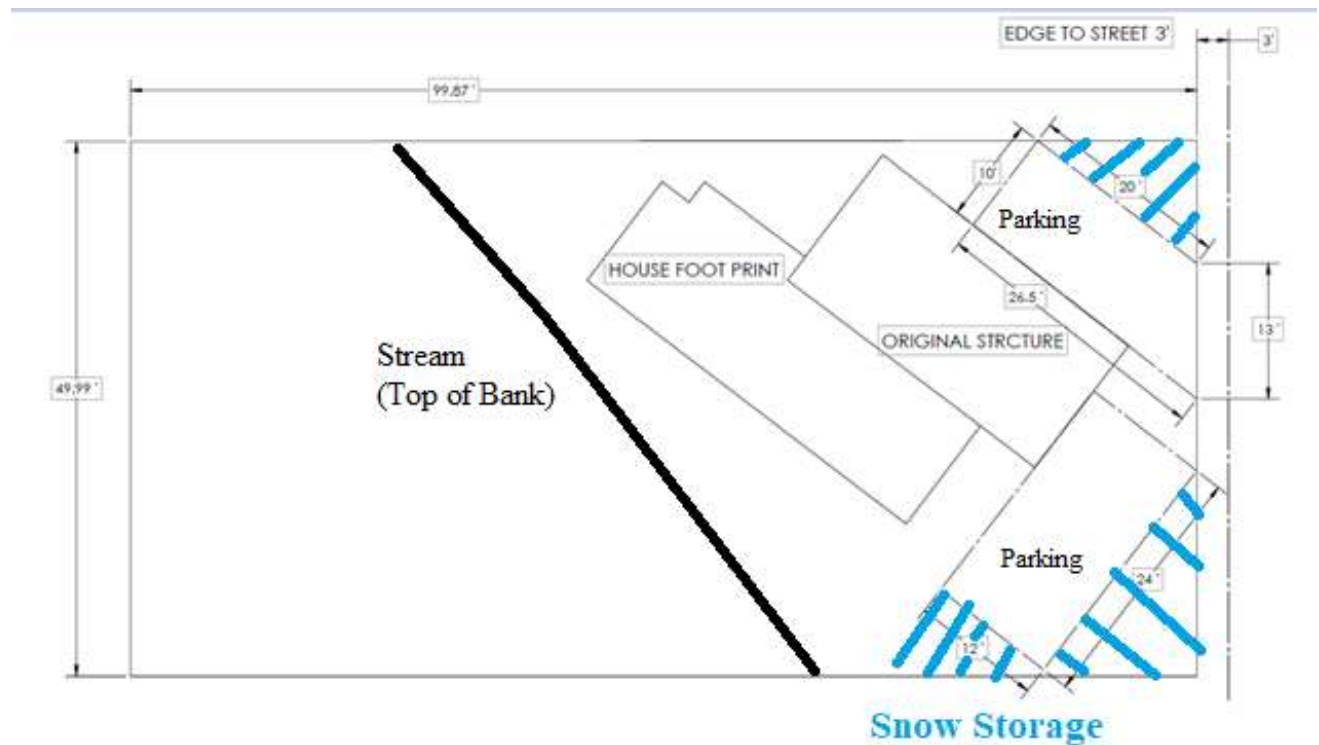
**Objective 13.I.**

*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.*

**PARKING**

Parking is required to meet the standard of two full-size spaces for single-family residences. Currently, there exist two unpaved parking spaces, as shown in Figure 2. Before operation of the transient rental, the parking spaces must be paved. Off-site parking is prohibited.

**Figure 2: Parking and Snow Storage Diagram**





**Figure 3: Residence with parking spaces labeled, as seen from Granite Avenue.**



**Figure 4: Parking space on east side of property (“Parking 1” in Figure 3).**



### **SNOW STORAGE**

The proposal has 265 square feet of paved area, meaning a minimum of 159 square feet is required for snow storage. Approximately 200 square feet of snow storage is provided in the locations shown in Figure 2. As part of the conditions of approval, snow shall not be stored or pushed into the stream channel.

### **LOT COVERAGE**

The residence and porch have a footprint of 830 square feet. There is an additional 265 square feet of paving, for a total lot coverage of 1,095 square feet. Total lot coverage for the 4,992-square foot lot is 22% and is below the maximum allowable of 60% for MFR-H.

### **SETBACKS**

The MFR-H Land Use Designation requires minimum rear and side setbacks of 10' and a front setback of 20'. The rear and front setbacks are met but side setbacks for the residence are 5'. Variance 16-001 approved the reduced side setbacks and reduced the required 30' stream setback to 5'.

### **CEQA COMPLIANCE**

The project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption. Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; and
- conversion of a single-family residence to office use.

The apartment units that are rented on a transient basis will still be used in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, transient rental of the structure is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

### **INTERPRETATION OF "SIMILAR USE" FINDINGS**

In accordance with Mono County General Plan, Chapter 1, Section 01.040, "...any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 03.030, Interpretation of "Similar Uses")." As mentioned, the MFR-H LUD does not currently contain specific language for transient rentals of fewer than four units. The Planning Commission will need to determine that the proposed use is consistent with the LUD and is similar to and not more obnoxious than the use of four or more units as transient rentals, which is allowed in MFR-H subject to Use Permit. In accordance with Chapter 4, Section 04.030 the Planning Commission may interpret "similar uses" after making the following findings:

1. *That the proposed use is consistent with this General Plan and any applicable area plans or specific plans.*
2. *That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation.*

3. *That the use is capable of meeting the standards and requirements of that designation;*
4. *That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.*

The use of the property as a transient rental is consistent with the General Plan and the June Lake Area Plan, including the goal to provide a wide range of commercial uses within the June Lake commercial core (June Lake Area Plan, Objective 13.I.). The MFR-H LUD is intended to provide high-density residential development and commercial lodging facilities. The use is capable of meeting all standards and requirements of the MFR-H LUD, including setbacks (reductions approved through Variance 16-001), lot coverage, and parking. The use of one unit as a transient rental is not more obnoxious to the general welfare than the use of four or more units, which is permitted subject to Use Permit.

### **USE PERMIT FINDINGS**

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Transient rentals of four or more units are permitted under the MFR-H Land Use Designation, subject to use permit. The use of one transient rental on the property is similar to and not more obnoxious than the use of four or more units as transient rentals.
  - b) Lot coverage and snow storage is met for the property.
  - c) Variance 16-001 approved reduced side setbacks and stream setbacks.
  - d) The residence has two unpaved full-size parking spaces, both of which are required to be paved prior to issuance of a Vacation Home Rental Permit and the operation of any rentals.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The site is accessed from Granite Avenue. Traffic and circulation patterns are not expected to be significantly increased through the use of a transient rental. Use of a transient rental will have substantially the same impacts as the property's current use as a single-family residence. The property is designated MFR-H and is surrounded by Commercial Lodging- High (CL-H) and other MFR-H parcels, which are intended for higher-density use.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*
  - a) The proposed use is not expected to cause significant environmental impacts. The property is designated MFR-H, and the use is consistent with the intent of MFR-H to provide commercial lodging.
  - b) The project is required to comply with Dark Sky Regulations. The unit has three compliant exterior lights.
  - c) The applicant shall comply with requirements established in Mono County General Plan Chapter 26, Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODs. The standards and requirements minimize fire hazards, noise, traffic, and parking conflicts and disturbance to the peace and quiet.

- d) The use permit process provides the public the opportunity to comment on the proposal, and no comments have been received in opposition to the project.

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

- a) The MFR-H land use designation provides for transient rentals, subject to Use Permit.
- b) The project is located within short distance of the June Lake commercial core. June Lake Area Plan policies encourage a diverse set of commercial uses, including lodging, with pedestrian access to the commercial core.

This staff report has been reviewed by the Community Development director

**ATTACHMENT**

- Public Hearing Notice



**CONDITIONS OF APPROVAL**  
**Use Permit 19-011/Heaton**

- 1) Prior to conducting business, the applicant shall receive a Vacation Home Rental Permit and comply with Mono County General Plan Chapter 26 “Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS”, a Mono County Transient Occupancy Tax Certificate, and a Mono County business license.
- 2) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 3) Prior to operation as a transient rental and issuance of a Vacation Home Rental Permit, the project shall have two on-site paved parking spaces. Off-site parking is prohibited.
- 4) All transient rental customers must sleep within the dwelling; customers are prohibited from sleeping in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
- 5) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations.
- 6) Project is required to comply with any requirements of the June Lake Fire Protection District.
- 7) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.