

Mono County Community Development Department

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

Planning Division

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

NOTICE OF DECISION Director Review 22-008/Power & Dungey Accessory Dwelling Unit

APPLICANTS:

Scott Power & Channing Dungey

SUBJECT PROPERTY:

136 Appleton Road, Crowley Lake,
APN 060-150-001.

PROPOSAL: To allow construction of a two-bedroom 1,388-square foot accessory dwelling unit.

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, and based upon the following findings, you are hereby notified that Director Review 22-008 has been:

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



BACKGROUND

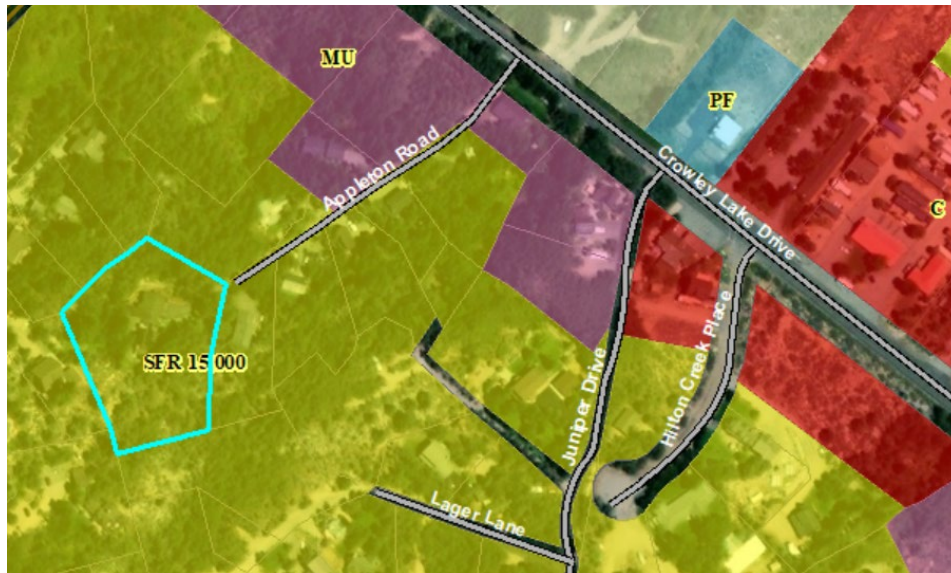
Mono County updated Chapter 16 of the Land Use Element in January 2021 to be in compliance with State law regarding Accessory Dwelling Units (ADUs). The updates included increasing the size thresholds for ADU approvals in an effort to provide additional long-term housing stock and address the housing crisis in the State. Per section 16.040.B.(ii) two-bedroom units between 1,000 and 1,400-square feet may be permitted through Director Review. According to Mono County Land Use Element, Chapter 16 - Accessory Dwelling Unit, an ADU is defined as a “residential occupancy of a living unit located on the same parcel as the primary residential unit. It provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary unit is situated. An Accessory Dwelling Unit shall meet the minimum regulations for an efficiency dwelling unit in the California Building Code.”

PROJECT DESCRIPTION

Director Review 22-008 is a proposal for a two-bedroom accessory dwelling unit (ADU) located at 136 Appleton Road (APN 060-150-001) in Crowley Lake. The parcel is approximately 1.45-acres in size and is designated Single Family Residential (SFR). The parcel has an existing single-family residence and proposes to construct a 1,388-square-foot two-bedroom ADU (Attachment 1 – Site Plan). The parcel is

surrounded on all sides by SFR parcels (Figure 1). The “SFR” district is intended to provide for the development of single-family dwelling units in community areas.

FIGURE 1: SURROUNDING LAND USE DESIGNATIONS



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed and approved the application for processing on June 6, 2022. The draft conditions of approval for this project were reviewed and approved by LDTAC on August 1, 2022.

WETLANDS

The project parcel is in a potential wetland area and construction activities in wetlands are regulated by the U.S. Army Corps of Engineers (USACE) and Lahontan Regional Water Quality Control Board (LRWQCB). A wetlands delineation study was completed in January 2005 for a portion of the parcel (approximately 5,200-square foot delineation area, shown in Figure 2 below) as part of the primary resident’s building permit application (B05-189) by Resource Concepts Inc. (RCI, Attachment 2). RCI made the following conclusion in their wetlands delineation study,

“There were no areas identified during the wetland delineation for this property that would qualify for jurisdiction under the Army Corps of Engineers and/or California Regional Water Quality Control Board as a water of the United States (including wetlands) or waters of the State of California. The surveyed area is identified as mountain woodlands with no existing water courses and no surface water connection to other jurisdictional waters.”

The LRWQCB was contacted as part of this project.

FIGURE 2 – WETLANDS DELINEATION STUDY AREA

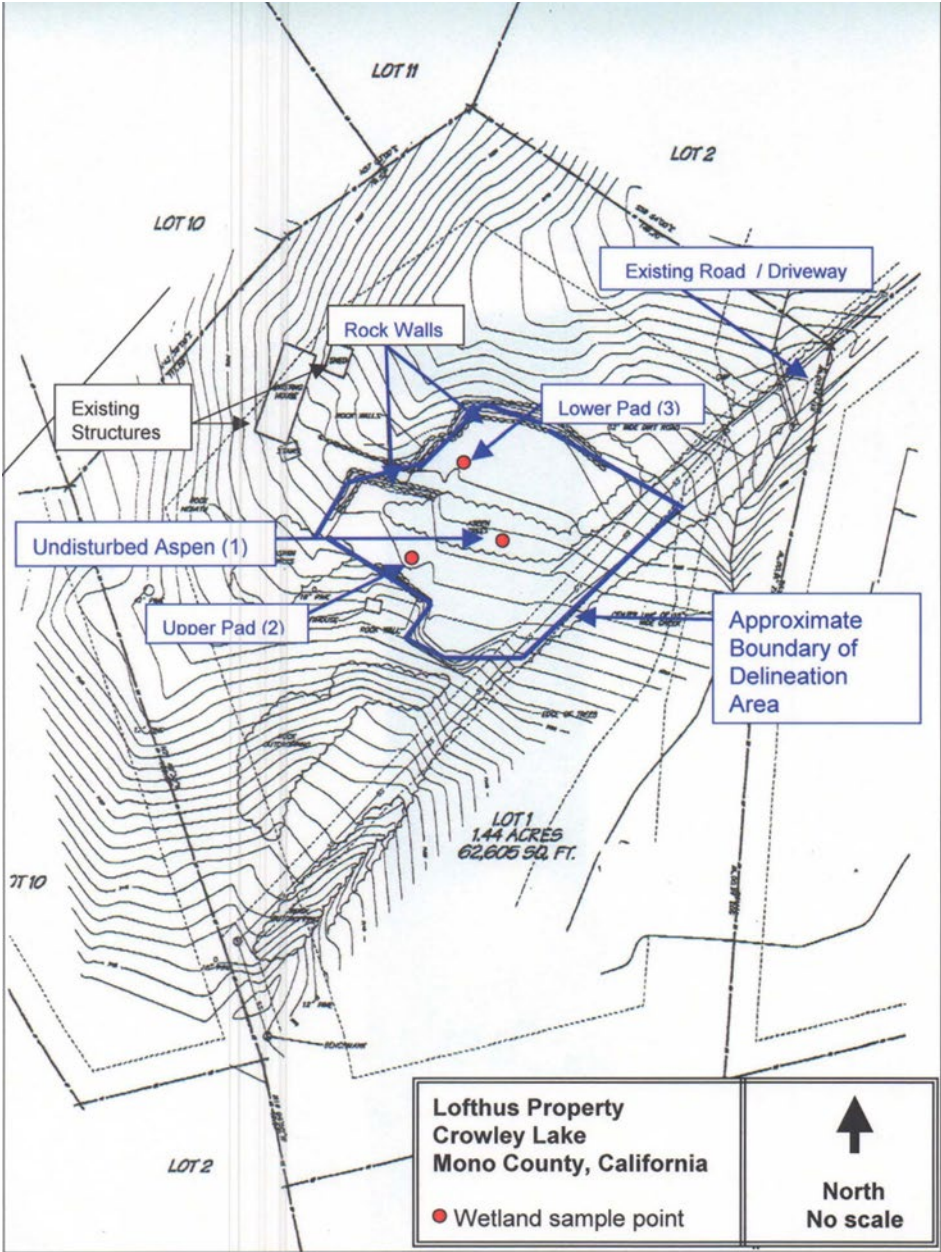


Figure 2. Project area boundary.

Resource Concepts, Inc.

DIRECTOR REVIEW FINDINGS

Under Mono County General Plan, Chapters 31.030, the Community Development Department director may issue a Director Review permit after making all of the following findings:

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.*

The parcel is designated SFR, which allows ADUs as a permitted use subject to Chapter 16 of the Land Use Element. Chapter 16, as amended by recent state law, provides for a two-bedroom ADU between 1,000- and 1,400-square feet to be permitted, subject to Director Review. The parcel is approximately 1.45-acre in size and the project meets setback requirements, which are 30' for the front, rear, and side setbacks. The northern (side) setback has eaves that encroaches 30 inches into the setback, which is the maximum allowable under 04.120.G. The ADU meets the 30' setback from the stream located on the property. Lot coverage is 25%, well below the 40% allowable maximum.

Adequate parking is provided for both the ADU and the main house. As shown in Attachment 1, two tandem 9' x 18' covered spaces and one 9' x 18' covered parking space (a total of three spaces) are provided in the existing garage and one 10' x 20' uncovered parking space is provided in the driveway and an additional 10' x 20' uncovered space is provided perpendicular to the driveway. Two-bedroom ADUs (per section 16.050.D. of Chapter 16) are required provide two parking spaces for the ADU in addition to the parking spaces required for the primary residence (two spaces). Three covered spaces and two uncovered spaces are provided for the ADU and the primary residence, exceeding the minimum requirement of four spaces. All parking spaces both covered and uncovered meet the General Plan dimension requirements. Per section 06.080.A., parcels over a half-acre in size are exempted from paving standards under Table 06.020.

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.*

The property is adequately accessed by Appleton Road which is a private road. The proposed use will generate a similar amount of traffic as a single-family residence, which is permitted outright under the SFR designation. Approving the proposed ADU is not anticipated to generate additional impacts to the existing traffic or circulation patterns on Appleton Road. As stated in Condition 5, the project is required to obtain a will-serve letter from the Long Valley Fire Department.

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.*

Accessory dwelling units provide additional housing stock to help meet the workforce housing needs of Mono County. Based on this and the Mono County Housing Element, accessory dwelling units are not considered detrimental to the public welfare or injurious to property or improvements in the area.

The project will be consistent with Chapter 23, Dark Sky Regulations, including the use of downward, shielded lighting that does not exceed 2300K.

The project will have no significant impacts to wetlands, as provided in the 2005 wetlands delineation study.

As stated by the emergency action taken by the Board of Forestry and Fire protection on July 27, 2020, which amended the applicability of its State Responsibility Area Fire Safe regulations, creation of ADUs are exempt from the emergency standards. Therefore, the construction of the ADU does not trigger a requirement to pave the existing dirt driveway. However, despite ADUs being exempt from fire safe standards, the project proposes to install a 2,500-gallon emergency water tank that meets emergency water supply standards.

Board of Forestry and Fire Protection: Title 14 CCR

1270.02. Scope.

(a) These regulations shall apply to:

(2) the siting of newly installed commercial modular, manufactured homes, mobile homes, and factory-built housing as defined in the Health and Safety Code section 18001.8, 18007, 18008, and 19971, except where being sited or installed as accessory or junior accessory dwelling unit as set forth in subsection (d) below;

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code section 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life and safety.

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

The property has a land use designation of SFR, which allows for ADUs as prescribed by Chapter 16, Accessory Dwelling Units. Section 16.040 as amended by state law requires the project be permitted subject to Director Review as the proposed two-bedroom unit exceeds 1,000-square feet but is less than 1,400-square feet. The proposed use supports development in an existing neighborhood in a manner that preserves that visual landscape and community character of Crowley Lake while also providing additional housing.

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.b. *New residential development for permanent year-round residents should be concentrated in existing community areas.*

Action 1.A.1.c. *Provide sufficient land to accommodate the expansion of community areas, including sites for affordable housing.*

Objective 1.D.

Provide for the housing needs of all resident income groups, and of part-time residents and visitors.

Policy 1.D.1. *Designate adequate sites for a variety of residential development in each community area.*

Long Valley Area Plan Policies

GOAL 23. *Maintain the rural residential character of the Long Valley communities (i.e., Long Valley, McGee Creek, Crowley Lake/Hilton Creek, Aspen Springs, and Sunny Slopes) in a manner that provides for commercial uses to serve community needs, and that protects the area's visual, recreational, and natural resources.*

Objective 23.B. *Maintain, protect and enhance the quality and livability of community areas.*

Policy 23.B.1. *Preserve and enhance existing single-family residential uses.*

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

Construction of an ADU is consistent with Countywide Land Use policies, Long Valley Area Plan policies, and Chapter 16, Accessory Dwelling Units. See Findings #1 and #4 above.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

This project qualifies for a Class 3 Categorical Exemption under CEQA Guideline 15303 which consists of construction and location of limited numbers of new, small facilities or structures. Per 15303 (a), "One single-family residence, or a second dwelling unit in a residential zone may be constructed or converted under this exemption." The project is not expected to cause any significant environmental impacts.

A 2005 wetlands delineation study showed no significant impacts for development. There were no areas identified during the wetland delineation for this property that would qualify for jurisdiction under the Army Corps of Engineers and/or California Regional Water Quality Control Board as a water of the United States (including wetlands) or waters of the State of California. The surveyed area is identified as mountain woodlands with no existing water courses and no surface water connection to other jurisdictional waters.

ATTACHMENTS

- Attachment 1 – Site Plan, Floor Plan & Elevations
- Attachment 2 – Resource Concepts, Inc. Wetlands Delineation Study 2005

CONDITIONS OF APPROVAL/DR 22-008

DR 22-008 is issued with the following conditions:

1. Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with all Mono County Building Division, Planning Division, Public Works Department, and Environmental Health Department requirements.
3. The ADU shall provide two on-site parking spaces in addition to the two required spaced for the primary residence. Parking and driveway design shall comply with Chapter 6, Parking.
4. Exterior lighting shall comply with Chapter 23 – Dark Sky Regulations.
5. The project shall receive a Long Valley Fire Protection District will serve letter.
6. The project shall be exempt from Housing Mitigation Ordinance (HMO) fees under 15.40.060.M.
7. Per Mono County Land Use Element, Chapter 16, section 16.040.H., short-term rentals are prohibited in all accessory dwelling units.
8. All overnight uses shall be contained within structures. RV camping is prohibited.
9. All construction shall conform to the height, setback, lot coverage, fees, snow storage, and other development requirements applicable to residential construction in the ER land use designation.
10. The accessory dwelling unit shall be architecturally compatible with the primary residence.
11. Termination. A Director Review shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in compliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
8. Extension: If there is a failure to exercise the rights of the Director Review within two years of the date of approval, the applicant may apply for an extension for an additional one year. 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. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases, the approval period(s) shall be the same as for the tentative map.

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

This Director Review permit shall become effective 10 days following the issuance of the Director's decision. This decision may be appealed within 10 days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Bentley Regehr, Planning Analyst

DATE OF DECISION: _____

SIGNED: _____
Wendy Sugimura, Community Development Director

