

Mono County Community Development Department

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Planning Division

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NOTICE OF DECISION Director Review 22-009/Hazard Reduced Stream Setback



APPLICANTS:

Hap Hazard

SUBJECT PROPERTY:

664 Owens Gorge Road, Sunny Slopes
APN 062-130-010

PROPOSAL: Install enclosed front porch.

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 22-009 has been:

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

BACKGROUND

Mono County Land Use Element 04.120.F states that any proposed structure, including associated impervious surfaces, shall be located a minimum of 30 feet from the top of the bank. Deviations of these setback requirements may be granted if the mandatory Director Review findings can be made and the applicant can demonstrate that the proposed construction will not result in a significant adverse impact on the water body or the riparian area.

The parcel has been granted two prior stream setback variances. Variance 86-02 granted a reduced front setback of zero feet from the required 20-foot setback for construction of a two-car garage. Variance 91-02 granted a reduced front setback of nine feet for an additional two-car garage which was attached to the existing garage. Each variance was granted on the basis of minimizing impacts to the existing stream. The garages met the 30' stream setback.

PROJECT DESCRIPTION

Director Review 22-009 is a proposal for an enclosed entryway for the single-family residence located at 664 Owens Gorge Road, Sunny Slopes (APN 062-130-010). The existing wooden front porch will be removed and replaced with an enclosed space with a gable roof. The entry will be 8' wide. The setback from the entryway to the existing stream will be 20 feet. A 30-foot setback to the stream is required unless Director Review findings can be made, and the applicant can demonstrate that the proposed construction will not result in a significant adverse impact on the water body or the riparian area. The proposal will improve drainage away from the waterway and increase safety for the entryway. All other requirements for the entryway under the Mono County General Plan are met, including all other setbacks.

The proposed addition and existing structures are shown in the site plan in Figure 1 below.

FIGURE 1: SITE PLAN WITH REDUCED SETBACK INDICATED IN RED

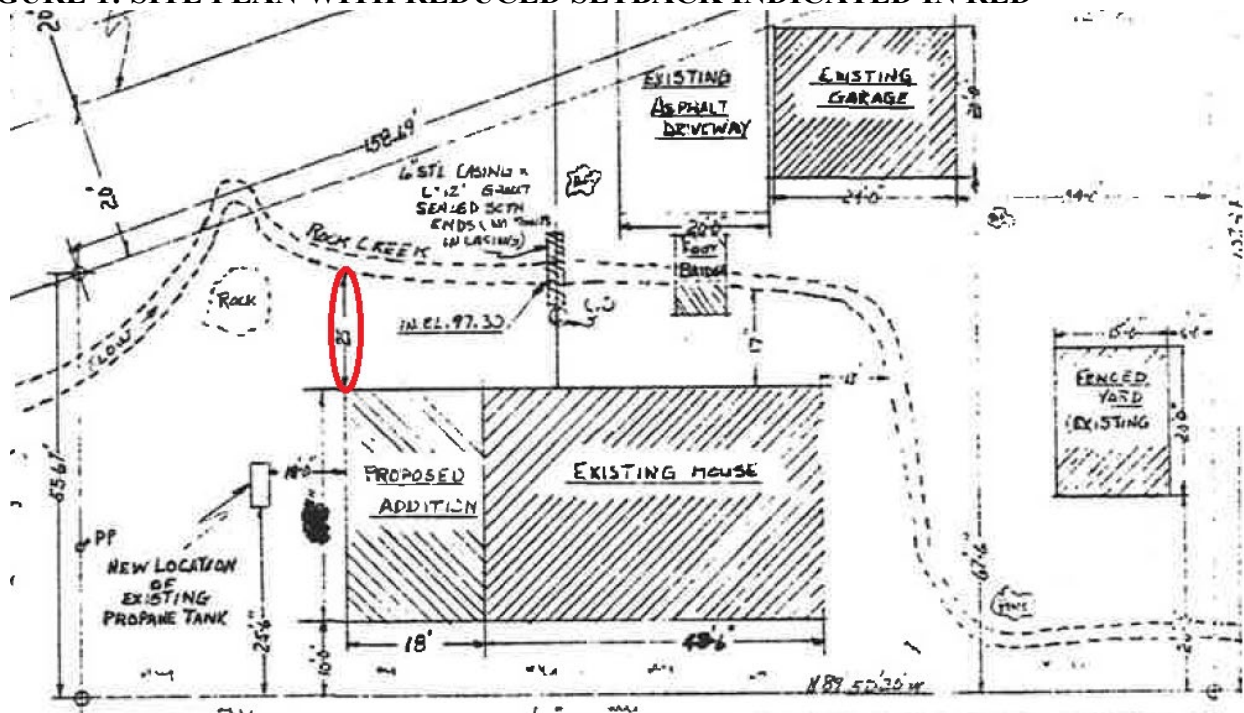


Figure 2 shows the current front porch. The wooden stairs will be removed and replaced with an enclosed entryway. The footbridge shown in the foreground provides walking access across the stream from the street and garage.

FIGURE 2: EXISTING FRONT ENTRYWAY



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.

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.*

Deviations of stream setback requirements may be granted if the applicant can demonstrate that the proposed construction will not result in a significant adverse impact on the water body or the riparian area. The proposed gable roof will direct snow and water away from the waterway and walkway, and will not have any adverse effects to the stream. The impervious area will not be increased. The entryway will replace the existing wooden stairs and walkway on the same footprint. Vegetation between the roof shed area and the stream will also help trap sediment and prevent impacts to water quality.

The reduced setbacks for the existing garages were approved through Variance 86-02 and Variance 91-02. All other setbacks are met.

Parking, lot coverage, and all other requirements under the Land Use Element are met. Snow storage area will not be affected.

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 proposed use will not increase traffic to the site. Owens Gorge Road, which is accessed from Highway 395, is adequate for the type of traffic generated by a single-family residence.

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.*

The project will be consistent with Chapter 23, Dark Sky Regulations, including the use of downward, shielded lighting that does not exceed 3000K for all exterior lighting (2300K recommended).

The project will not have an increased adverse effect on the stream. The gabled roof will help direct flow away from the waterway. The project will improve safety on the property by reducing ice on the walkway and entry.

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

The proposal is consistent with the General Plan and Long Valley Area Plan policies, including:

Countywide Land Use Policies

Policy 13.F.1. Utilize the building and planning permit processes to prevent new construction from encroaching into required setbacks and rights of way.

Action 13.F.1.a. Require applicants to identify property boundaries and surrounding geographical features, such as streams and roadway easements, on plans submitted to the County.

Action 18.C.5.e. Discourage developments that alter the configuration or flow of minor creeks or drainage channels tributary to major creeks. Also discourage activities that increase water turbidity, sedimentation and silting of water bodies and streams.

Long Valley Area Plan Policies

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 the gabled entry is consistent with Countywide Land Use policies and Long Valley Area Plan policies. The project will not have any significant adverse effects on the existing stream or to neighboring properties, and will increase safety for residents.

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

This project qualifies for a Class 5 Categorical Exemption under CEQA which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to: Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel.

The proposed construction with a reduced setback will not result in a significant adverse impact on the water body or the riparian area.

CONDITIONS OF APPROVAL/DR 22-009

DR 22-009 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. Exterior lighting shall comply with Chapter 23 – Dark Sky Regulations, including the use of downward, shielded lighting that does not exceed 3000K.
4. The project shall substantially comply with the submitted site plan, including setbacks.
5. The project shall comply with conditions under Variance 86-02 and Variance 91-02.
6. 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 15 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

