

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

AGENDA

THURSDAY, APRIL 9, 2015 – 10 a.m.
Supervisors Chambers, County Courthouse, Bridgeport

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

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

**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 March 12, 2015 – *p. 1*

4. PUBLIC HEARING:

10:10 A.M.

A. USE PERMIT 15-001/Paour. Reconsider prior approval in light of additional, timely comments received but not previously considered. The Use Permit allows the continued use of an existing unpermitted deck encroaching into the required yard setback. The property is located in the community of June Lake at 161 W. Steelhead with a land use designation of Single-Family Residential (APN 016-112-013). The project qualifies as a CEQA exemption. *Staff: Courtney Weiche, associate planner – p. 6*

5. ACTION ITEM

A. CROWLEY LAKE SKATE PARK PARKING DETERMINATION: Consider parking requirements for Crowley Lake Community Center uses, including proposed skate park.
Staff: Courtney Weiche, associate planner – p. 21

6. WORKSHOPS

A. GENERAL PLAN ONLINE MAPPING. *Brent Calloway, analyst – p. 24*

B. GENERAL PLAN SETBACK REQUIREMENTS. *Brent Calloway, analyst – p. 27*

7. REPORTS:

A. DIRECTOR

B. COMMISSIONERS

8. INFORMATIONAL: No items.

9. ADJOURN to May 14, 2015

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

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 in order 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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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

MARCH 12, 2015

COMMISSIONERS: Scott Bush, Chris i. Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson.

STAFF: Scott Burns, CDD director; Courtney Weiche, associate planner; Gerry Le Francois, principal planner (videoconference); Megan Mahaffey, fiscal analyst; Garrett Higerd (videoconference) & Walt Lehmann, public works; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Mary Pipersky called the meeting to order at 10:05 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Carolyn Davis, Mono City, mentioned brush accumulation on absent landowner lots. House located next to her neighbor's lot has very little space, and lot has gotten weedier. She has spoken to Supervisors Alpers and Stump, as well as Stacey Simon. Cost probably means little can be done. Tried to negotiate, agreed 20' could be mowed, but nothing happened. BLM staff showed up, was paid \$150 to do lot next door, which was actually neighbor's responsibility. Huge amount of brush needs addressing. With prolonged drought, something needs to be done about fuel reduction on lots. Planning for fires is important to consider.

3. MEETING MINUTES:

MOTION: Adopt minutes of Dec. 11, 2014, as amended: date change from Feb. 12, 2015, (a canceled meeting) to last meeting, Dec. 11, 2014. (*Bush/Thompson. Ayes: 4. Abstain due to absence: Roberts.*)

4. PUBLIC HEARINGS

A. MONO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT. This is an opportunity for interested parties to participate in the Mono County Community Development Block Grant (CDBG) local application. Prior Mono County CDBG grant applications have included technical assistance for Economic Development, the First-Time Homebuyer program, and facility improvements including the June Lake Community Center. *Staff: Megan Mahaffey, fiscal analyst*

Megan Mahaffey and Vianey White introduced the CDBG grant with background information, stating Mono has a successful history with CDBG. Apply for public facilities, ADA, first-time homebuyer, technical assistance for housing needs assessment for low-income individuals. Allocation must be applied for. Ask for specific money for specific projects. Potential applicants received emails.

Commissioner Lizza: Lee Vining FPD needs new fire station. How is community defined? Mahaffey: With research could figure out how it would fit. Emergency-need funding maybe? She will consult Housing and Community Development to see if it could be funded. Lizza: Fire safety seems eligible. Mahaffey: Improvements of public facilities are funded up to \$1.5 million.

Commissioner Pipersky: Communities low- to moderate-income? Mahaffey: Mono County doesn't qualify, but different communities do. What is Lee Vining FPD doing, who does it serve?

Vianey White hopes to apply next year for transitional housing in Mammoth Lakes. Competition varies year to year, so it's worth submitting. Mahaffey: Dependent on who submits applications. The more times

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DISTRICT #5
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submit, higher the likelihood. Max amount = \$2 million. If awarded \$1 million, the expectation is to spend 50% by next grant cycle to ensure eligibility. Application deadline is usually in April.

White suggested income surveys to show fall in low- to moderate-income category. Income for Lee Vining could qualify for next year. Where to get money for surveys? Mahaffey: Only match is for planning grant, 5% match. Maximum = \$100,000. Arsenic water treatment in Bridgeport, so working with Bridgeport PUD to apply next year.

Commissioner Thompson: ADA compliance? White: 10-12 ADA projects, but dwindles down to three due to location. Restrooms apply under different matrix category. Commissioner Pipersky: Info to RPACs for feedback. Mahaffey: McGee Creek defined as low- to moderate-income. Census Bureau data are valuable.

OPEN PUBLIC COMMENT: Scott Burns indicated Mono Basin RPAC mentioned consolidation of Mono City and Lee Vining fire districts, tie in with site selection. Maybe pursue planning.

Jennifer Halferty, Mammoth Lakes Housing, heard Mono County Strategic Plan presentation by CAO Jim Leddy. Needs assessment with planning and technical assistance funds would help housing. She advocated for housing needs assessment this year. In past, Town and County worked together. In 2016 application, work together again. Town still working on grant received last year. Maybe needs assessment would show need in county. Commissioner Pipersky: Countywide needs assessment? *Yes*.

Burns suggested updating housing mitigation ordinance, which was suspended in December for 1.5 yr. Need good database on housing needs, including strategies for housing mitigation.

Molly DesBaillets, director of First Five for five years, spoke of need for child care in Mono County and distributed a document showing kindergarten readiness declined with less child care. The Strategic Plan noted quality child care and other entities. Licensed slots only in Mammoth Lakes broader area. Zero child care exists in some towns. First Five will help fill out application. **CLOSE PUBLIC COMMENT.**

B. USE PERMIT 15-001/Paour. The proposal is to allow the continued use of an existing unpermitted deck encroaching into the required yard setback. The property is located in the community of June Lake at 161 W. Steelhead with a land use designation of Single-Family Residential (APN 016-112-013). The project qualifies as a CEQA exemption. *Staff: Courtney Weiche, associate planner*

Courtney Weiche introduced the unpermitted deck encroaching into front-yard setback. In 2003, a complaint was received. Solution was garage, with no part of garage above 20'. Plans were submitted, but permit never was issued and ultimately expired. In 2015, when wood stove permit application was submitted, complaint was discovered in file. After discussion/review, it was noted that General Plan has exception for yard requirements to be modified by Use Permit. LDTAC reviewed, recommended proceeding. Project qualifies for Categorical Exemption. One comment letter was received.

Commissioner Lizza: Appears no 10' side setbacks, no parking area. Weiche: One side yard was reduced to 5', but both are 5' here. Parking below deck is allowed. Lizza: Clearly no parking below deck, boat on trailer up in air impacts aesthetics. Where do they park day by day?

Craig Tapley, project architect, noted issue came up two weeks ago. All structures address criteria of California, footings designed for plan standards. Paours park in covered area below deck. Lot is very tight. Previous deck was approved with 5' side yard and 5' front. Find exemption with Use Permit. Falls in between lines of zoning standards. Will review docs, resubmit. File shows field inspections to document.

Commissioner Thompson: No inspection occurred if no permit was issued.

Nick Criss: Code case was initiated prior to his time. Deck was constructed without permits, tried to convert to garage, went through plan check for enclosed garage. Eventually canceled by Building Division. When called about garage, owner indicated not intending to build it.

Parking: Assessor's records show parking below deck prior to expansion of deck. Lizza: Can't plow below deck, no parking surface. Weiche: West Steelhead is unpaved, so gravel parking spaces are allowed.

Thompson: Is West Steelhead only access for other residents? Would heavy snowfall mean removal off deck onto roadway? Catastrophic event could take deck down, block access for other residents. Weiche: June Lake FPD didn't reply.

Burns: Bit of an odd duck. Provision in General Plan never used. Typically, it's a Variance case. Slope of lot would allow garage. Height would have been issue (lower than deck). Without Use Permit, deck would have to be removed.

Pipersky: Modify deck? Tapley: If reduce deck, columns fall mid-width of available parking, making project more complicated.

Thompson: Why WAS permit for garage not pursued? Weiche: Change in staffing, not followed up with. Convert to garage not desired by applicant. Existed since 2003. Received initial complaint, none since. Maybe regulations were different, built to code then. Now could do 5' on one side, but not both unless via Variance process.

Thompson: Any statute of limitations on pursuing action? Simon: Continuing violation as long as it remains.

Criss: West Steelhead actually is completely different from paper road; house would have been farther from road. Simon: County road? Criss: Private.

Commissioner Bush: 20' height? Weiche: Added more restrictive. Bush: Garage visually would be more constrictive than see-through deck. How would garage make it look better? Height means blocking view. Parking pad not visible in photos. Why lower 3' or build garage or remove deck if no complaints in 12 years?

Commissioner Pipersky: Could car run into posts that would fall on it? Commissioner Roberts: Still held up by other posts.

Lizza: Boulders, cones visible. Snow berm would be on road. Problem with deck itself. Make finding all provisions of General Plan are met. Not compliant with several items.

Simon: Planning Commission has role to interpret General Plan. Her take was it relates to deck itself.

Bush: Where was Mono when house was built? Weiche: Original SFR permit. Stacey Simon: Need codes in effect that year; in compliance then.

Burns: Substandard lots have been allowed 5' setbacks for nonconforming structures. Clark Tract has struggled to find adequate parking. Could continue item to do nonconforming research.

Simon: It's Planning Commission's prerogative to interpret that it means entire house.

Lizza and Thompson: More info needed.

Bush: Tear down house? Pipersky: Deck does not meet front setback. Bush: Delving into other issues. Where was Mono when it happened? Le Francois: In old zoning code substandard lots could go to 5' side yards.

Lizza: Parking at that time? Le Francois: Will look. Roberts: If eliminate deck (carport), parking goes. Bush: Must be way to park there. How to make it better if only 3' too high? Lizza: Width is 21'6", split into three spaces with footings and posts. Tandem parking from side.

Le Francois: June Lake Area Plan required three on-site spaces, old zoning code required two. Tapley: 13'6" between columns. Placing deck did not decrease parking. One full bay is covered by deck. Tandem parking would work. Access to lot is squirrely – drive up Steelhead, back down into deck. Fitting substandard lots is always a challenge.

Lizza: Inadequate parking on site. Standard parking is 10' x 20'. Compliant with General Plan? Burns: Three spaces came after house was built. Nonconforming provision has some latitude. Could require application to provide site plan to show two parking spaces. Keep deck or not?

Bush: What's remedy? Burns: How to make findings.

Le Francois: Extremely small lot, 40' x 80' deep. Existing lot, submit plans for SFR.

Tapley: 9' x 18' covered parking does not seem to be issue. Can show deck was appropriately engineered; structurally compliant but unpermitted.

Bush: If house has been there since 1979 and no problem, what's the remedy? Lizza: Need to see General Plan is OK. Not our job to find remedy. Pipersky: Doesn't matter what happens to deck. Have to make findings for Use Permit. Lizza: Need compliant parking plan.

Tapley: Slope off Steelhead not shown in photo. Taking deck away would be more out of compliance. Not see parking as issue with substandard lot. Leave deck alone even though strange.

Thompson: Applicant came in, saw code issue, agreed to remedy with garage. Then, it elapsed and he decided not to do it? Now Mono tries to remedy it again, help applicant. Rectify, clarify, fix, but have not heard from applicant. Still only one access. Thompson remained undecided.

Pipersky: Applicant said he would build garage, but didn't.

Burns: Approved new parking standards last year, and Planning Commission has ability to modify parking plans. Regulations allow for off-site parking, agreement with neighbor.

Weiche: Add with building permit submittal a site plan to demonstrate adequate compliant parking. Potentially bring back to Planning Commission.

Roberts: Covered parking allows size reduction? Burns: 9' x 20'. Minimum for uncovered is 9' x 18'; it's all about snow.

Pipersky: Location of deck has not impacted West Steelhead Road. All decks are flat. Possibly add that snow cannot go onto road. Paours are not full-time residents, but could sell tomorrow.

Bush: Mono should have stepped up when no permit was obtained. Pipersky: Not up to Mono to patrol and look for problems. Bush: Historically, inspections were not always held. Lizza: Now another violation exists – parking. Burns: To address parking concerns, “shall comply.” Grant exception or modification of standards goes to Planning Commission. If can't meet, no building permit.

Weiche: Could have off-site parking. Roberts: Parking separately located? *Yes. Appears two tandem.*

OPEN PUBLIC COMMENT: None. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza: Have all applicable provisions now. Simon: Effect of adding condition is no Use Permit unless demonstrate compliance OR remedy occurs. Garage does not require Use Permit. Building Division does not enforce parking. Tapley: Garage would limit parking to one covered spot. Burns: Could add Finding E: Compliance with Mono parking requirements.

MOTION: Find project qualifies as Categorical Exemption, demonstrate compliance with Mono parking regulations, add Finding E: Conditions require compliance with Mono parking requirements.

(Bush/Roberts. Ayes: 3. Noes: Lizza, Thompson.)

5. WORKSHOPS

A. ROUND FIRE RECOVERY PLANNING ISSUES: Scott Burns briefed on issues. The BOS has been active in responding to tragedy. Meeting last week anticipated needs of rebuilding. Use Permit is needed if >50% of structure lost. Downgrade to DR if sufficient standards are in place. RV while constructing home: Keep at DR level. Waive permit fees for RV and nonconforming. BOS OK'd ancillary uses. Rimrock Ranch Specific Plan is environmentally oriented, limits construction October-May. Reconstruction falls within emergency exception. Mono's only Design Review District will expedite process. Residents still want that. Simon: Items discussed were known before BOS met, but at last meeting BOS took up new issue: RV placement. Allowed on vacant lot subject to DR if construction on primary use has begun and building permit issued, if applicable. Docs were not drafted with every possible emergency in mind. Normally, not clearing fire debris before building.

Simon indicated Brown Act allows urgent item after agenda posting, take action before next regular meeting: Planning Commission recommendation to BOS to move ahead before next meeting, therefore Resolution R15-01. Determine emergency action exists.

MOTION: Planning Commission determines need for immediate action on item that came after agenda posting. BOS interpret General Plan to allow temp RV on fire site. *(Pipersky/Lizza. Ayes: 5-0.)*

Simon: R15-01 reflects sentiment of BOS, but of Planning Commission?

When Burns checked with Design Review Committee, three of five liked General Plan the way it was. So R15-01 added safeguards to mitigate concern. Design Review Committee was more comfortable with building permit language. When actively clearing property, qualify for RV with DR permit; limited to one year unless renewed; six-month director review of efforts, could revoke DR if work not done. Staff seeking direction from BOS and Planning Commission. Cal Recycle is an option, but not every owner takes that course. Revegetation effort.

MOTION: Adopt Resolution R15-01 When actively clearing property on Round Fire site at Swall Meadows, qualify for RV with DR permit; limited to one year unless renewed; six-month director review of efforts, could revoke DR if work not done. *(Thompson/Bush. Ayes: 5-0.)*

B. FIRE SAFE REGULATION AMENDMENTS: Scott Burns gave brief overview and how regulations affect General Plan Ch. 22. Planning Commission considers appeals to regulations. Administrative law review of regulations will come out in few months, effective January 2016. Road widths: 9' to 10'. New

standards for one-way roads, driveways, bridges, roadway clearance, letter size of road signs and house numbers. Integral part of Safety Element, enforced on daily basis. Mono Basin concerned about power lines after Round Fire.

Lizza: Davis comment in Ch. 22? Burns: Elsewhere. Met, reviewed legal framework, issues. Report back on obstacles that might exist.

Simon: Issue is clear state requirement of 30', outer limit of property line. Small lots create problem unless have neighbor's permission. Make it a homeowner obligation. Loophole: Some owners think they shouldn't have to pay for clearing. Mono could do it, put lien on property, retain contractor. Lots of momentum to take hard look. Burns stated ultimately it would come to Planning Commission for action.

C. 2015 CALIFORNIA COUNTY PLANNING COMMISSIONERS ASSOCIATION CONFERENCE:

Hosted in Mono. Counties pay dues, so every commissioner is a member. No more spring conferences. Reserved June Lake Community Center Oct. 23: presentations on timely topics such as power generation, endangered species, diverse range of issues within tourist-based economy, agriculture, mining, tourism, Digital 395. Oct. 24: bus field trip to USFS visitor center, county courthouse, jail, Main Street parking, Mammoth Lakes geothermal; SNARL to tie into fisheries, Mono Lake issues. Reception at June Mountain Chalet Friday night. Ideas to make it a success. Getting word out soon, inviting people to come. Commissioners are denied funding in some counties. Burns noted BOS is very supportive. Looking for private sponsors for conference bag items. Open to city planners also. Focus on rural counties. Bakersfield conference speaker who talked about broadband projects in rural areas worked with Hap Hazard.

D. MONO COUNTY STRATEGIC PLAN: CAO Jim Leddy presented Strategic Plan by videoconference. Proposed to engage workforce in process. January 2014 built toward May 1 event to provide collective insight. Many staff never saw each other personally, needed to get past idea of silos. Steering committee was open to all, 92 attended. Latest draft to departments was endorsed by full BOS. Taken to RPACs, town hall meetings, and circulated to service providers. Allows ability to track, refine, work toward results. Mono was reactive body for long time. Long-term problems outlasted economic cycle. All residents get County services. Eight proposed directions, outward and inward. Mono's culture shows need of improvement. Move with intent to do better. Know what doing and why, true accountability. Collect projects from all sources, resource them. Regular reviews before BOS. Think of things that would improve quality of life. With limited resources, what would we do. Contact with questions. More feedback from Planning Commission later.

6. REPORTS:

A. DIRECTOR: 1) **BOS:** Megan Mahaffey handles all financial tasks, budgeting for LTC, Planning Commission, grants. Be more aggressive in grant world; Wendy Sugimura presented sustainable agricultural development to BOS; Pipersky and Lizza reappointed to Planning Commission. 2) **Webinar:** Pinyon/juniper conference of Bi-State efforts on preserving sage grouse habitat, 150-200 attendees in Gardnerville, including Sugimura and Brent Calloway. 3) **Permits:** TRODs, DR for Ohanas food cart. 4) **General Plan:** Admin draft for EIR. 5) **Tri-Valley Groundwater District:** Stacey Simon noted Tri-Valley is only area affected. Goes all way into Inyo, tiny bit in Mono delineated in 1970s. Department of Water Resources regulations to help basin boundary revisions for sustainable groundwater management. Tri-Valley and Inyo want to split off due to political and hydrologic considerations. Tri-Valley sent letter to Inyo to justify split. Ambiguity in statute: Users report directly to State, or do nothing. Contacted Sacramento representatives, noted drafting flaw, will remove. Reporting only in high-priority basins.

6) **CD4:** Hearing April 1 at Mammoth Lakes, and Mono is not part of it. New plant with 14 new wells in litigation at federal and state level. Project is on federal land, and air district is lead agency.

B. COMMISSIONERS: Lizza: Lee Vining acknowledged Mike Booher's effort.

7. INFORMATIONAL: No items.

8. ADJOURN at 1:00 p.m. to April 9, 2015

secretary

Prepared by C.D. Ritter, commission

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April 9, 2015

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Use Permit 15-001/Paour

ACTION REQUESTED

Reconsider Commission's prior approval of Use Permit 15-001/Paour.

DISCUSSION

Due to a noticing error, an additional comment was received after the Planning Commission approval on March 12, 2015. To ensure the Commission has the benefit of all comments, this item has been scheduled for reconsideration.

In response to issues discussed at the last hearing, additional materials illustrating parking locations and setbacks has been included as an attachment.

Please contact Courtney Weiche at 760.924.1803 or cweiche@mono.ca.gov with any questions.

ATTACHMENTS

- A. Additional photos
- B. Georgianne Black email 03.12.15
- C. Site plan
- D. March 12, 2015, Planning Commission staff report

Attachment A





Courtney Weiche

From: georgianne black <georgianneblack@me.com>
Sent: Thursday, March 12, 2015 1:41 PM
To: Courtney Weiche
Cc: Peter Stanzler
Subject: Notice of Public Hearing: Conditional use Permit 15-001/PAUOR
Attachments: June Lakes.pdf

Reference: Project Location 161 W. Steelhead Road, June Lakes, CA APN 016112013

Dear Courtney:

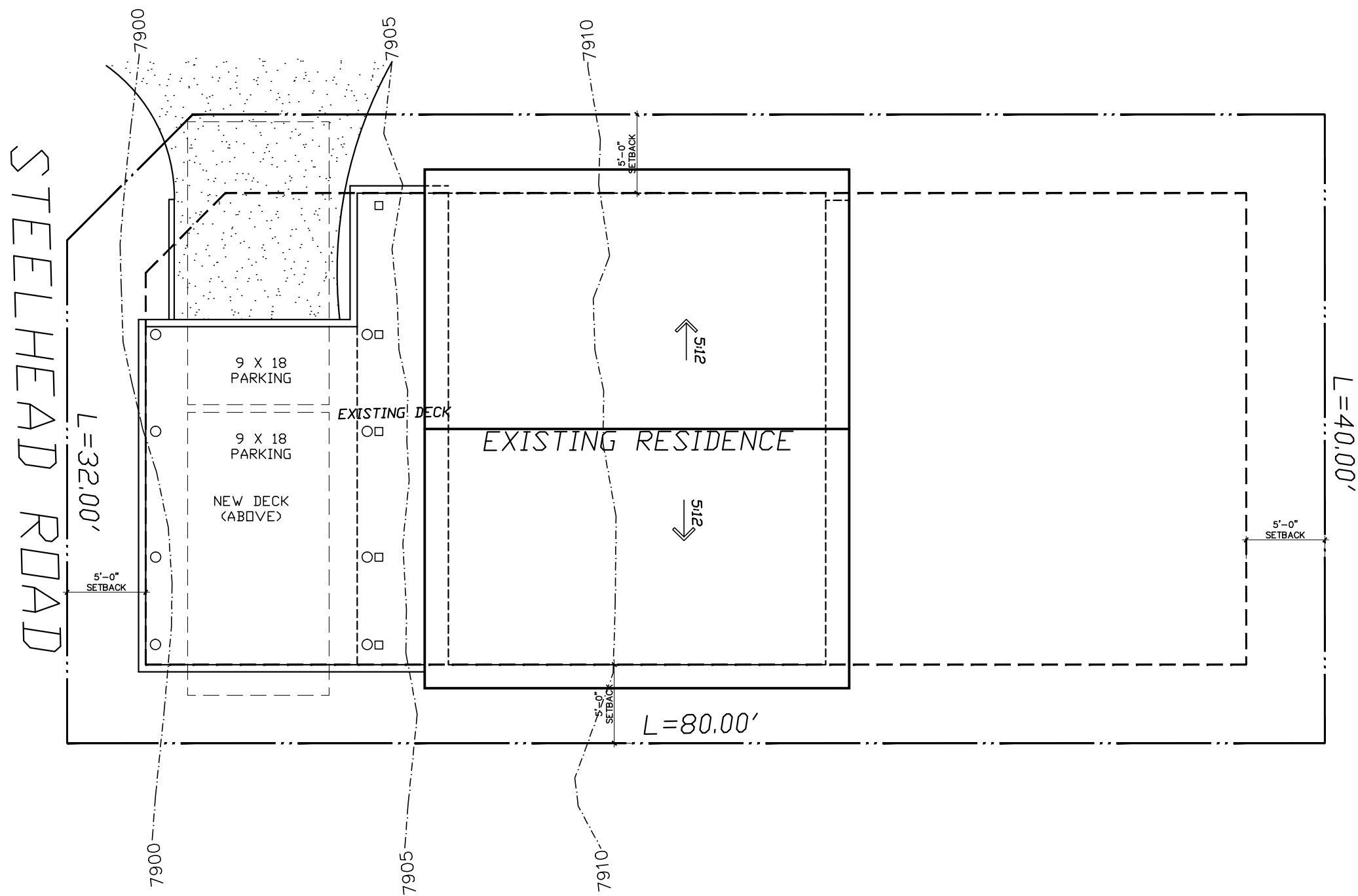
With reference to this proposed allowance of the unpermitted deck, I am a neighboring owner with property situated below (or south) the subject residence deck. At the time of our purchase of this undeveloped property, the subject deck was small (probably its original size), and of no issue to us as buyers. However, after we purchased the adjacent property, and at some point after we began planning building a cabin, this deck extension was completed. Not only did the large deck obliterate our view to the north, but it also created a much more expensive building project for us, as we could no longer build at the road level without having the deck right next to and above the cabin site. As such, the project cost would have grown immensely, and stopped our initial progress and plans for building.

We strongly believe this new deck has also lowered the value of our property, due to increased future building costs that would be incurred in attempting to achieve privacy and view. It is interesting that, at the time when we objected to this large deck extension, we were told (by the county), that this was intended as a "garage port or cover", and therefore didn't need any permit approval. There was never an option for us or consideration of our position as neighbors and property owners.

We do hope that the Mono County Department of Planning doesn't always allow for "hindsight" fixing of problems like this, and hold the firm belief that, in this case, no building codes were followed, and only after some years after this "unpermitted deck encroached" into the required yard setback, is this issue being addressed, to what possible outcome, I have no idea?!

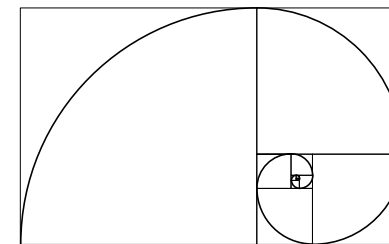
I'd like to learn how to "object" for the sake of this hearing, and how this might possibly be resolved?

Georgianne Black
Owner



SITE / ROOF PLAN

SCALE 1/8" = 1'-0"



DESIGN DIMENSION

P.O. BOX 7193
 MAMMOTH LAKES, CA. 93546
 TEL/FAX (760) 934-4348

PAOUR DECK ADDITION

FRANK PAOUR 7025 East Slauson ave. Commerce Ca 90040

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March 12, 2015

To: Mono County Planning Commission

From: Courtney Weiche, associate planner

Re: Use Permit 15-001 / Paour

RECOMMENDATION

It is recommended the Planning Commission taking one of the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 15-001 subject to Conditions of Approval;
- OR
2. Determine that the Planning Commission cannot make one or more of the required findings contained in the staff report and deny Use Permit 15-001.

PROJECT

The proposal would allow the continued use of an existing unpermitted deck encroaching into the required front-yard setback. The impetus for this proposal is an enforcement action.

The project is located at 161 West Steelhead Rd. (APN 016-112-013) in the community of June Lake. The land use designation is Single Family Residential. There is an existing single family residence on the parcel. A majority of the surrounding land uses are Single-Family Residential with the exception of two parcels to the southwest that are Commercial Lodging, Medium.

The required front-yard setback for SFR is 20 feet. However, an exception may be granted per Table 04.020 of the General Plan which states, "Yard requirements may be modified by use permit." It should be noted that this general plan provision has rarely been used, and deviations to setbacks have usually been processed via variance.

FIGURE 1: PROJECT LOCATION



FIGURE 2: LAND USE DESIGNATION MAP**BACKGROUND**

In 2003, a complaint was received by the Compliance Division regarding a high deck constructed without building permits. In addition to being built without permits, the second-story deck is over 20 feet in height and encroached into the required front-yard setback.

At that time, several options were examined that could allow for the deck to remain. The option selected by the applicant was to convert it to a garage, with a deck above, which would then be allowed to encroach into the required front-yard setback. Per Table 04.020 of the General Plan, garages are allowed to encroach on sloping lots, but no portion is allowed to be over 20' in height.

Plans were submitted to the Building Division in early 2004 that showed a compliant garage with a deck on top and the total height not exceeding 20 feet. To build according to these plans would have required the current deck to be lowered by several feet. The permit was never issued and, after several years, the application was expired by the Building Division.

The outstanding code complaint was rediscovered when a building permit application for a woodstove was applied for. When notified of the open code enforcement case, the applicant decided to pursue a use permit that would allow the deck to remain as is, within the required front-yard setback.

A hearing notice for the proposal was sent to all surrounding property owners, and the applicant has indicated intent to individually contact adjacent neighbors of the project.



Looking west from beginning
of West Steelhead Road





Front yard taken from across Steelhead Road

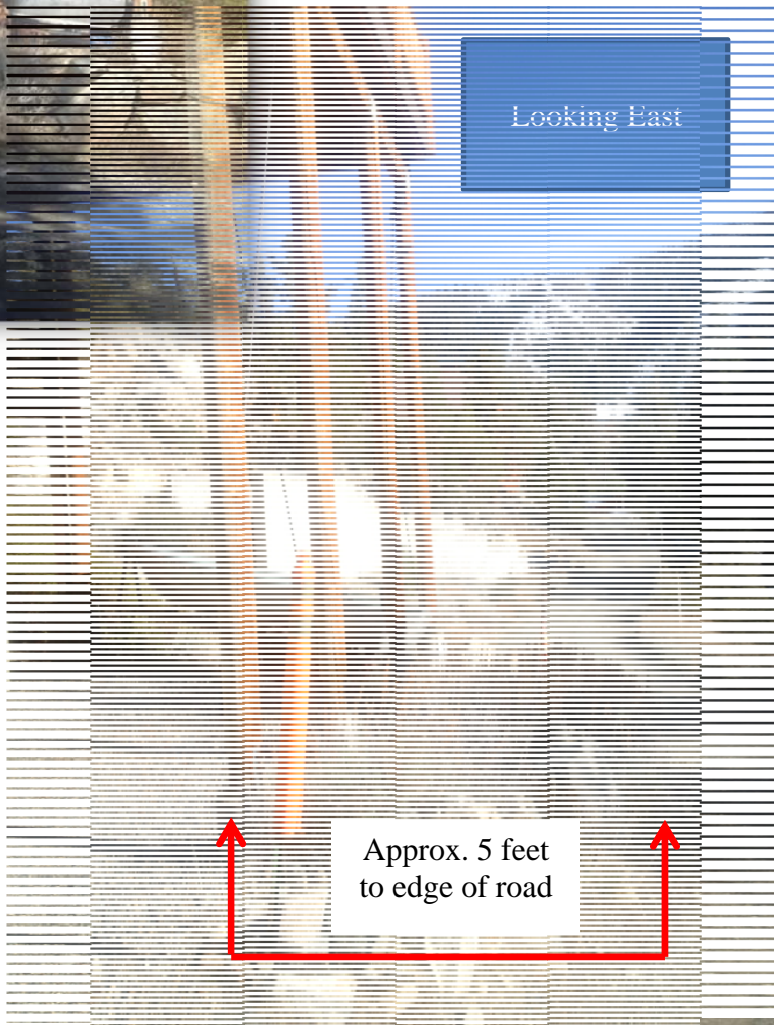


FIGURE 3: ORIGINAL SITE PLAN FOR EXISTING DECK (never submitted)

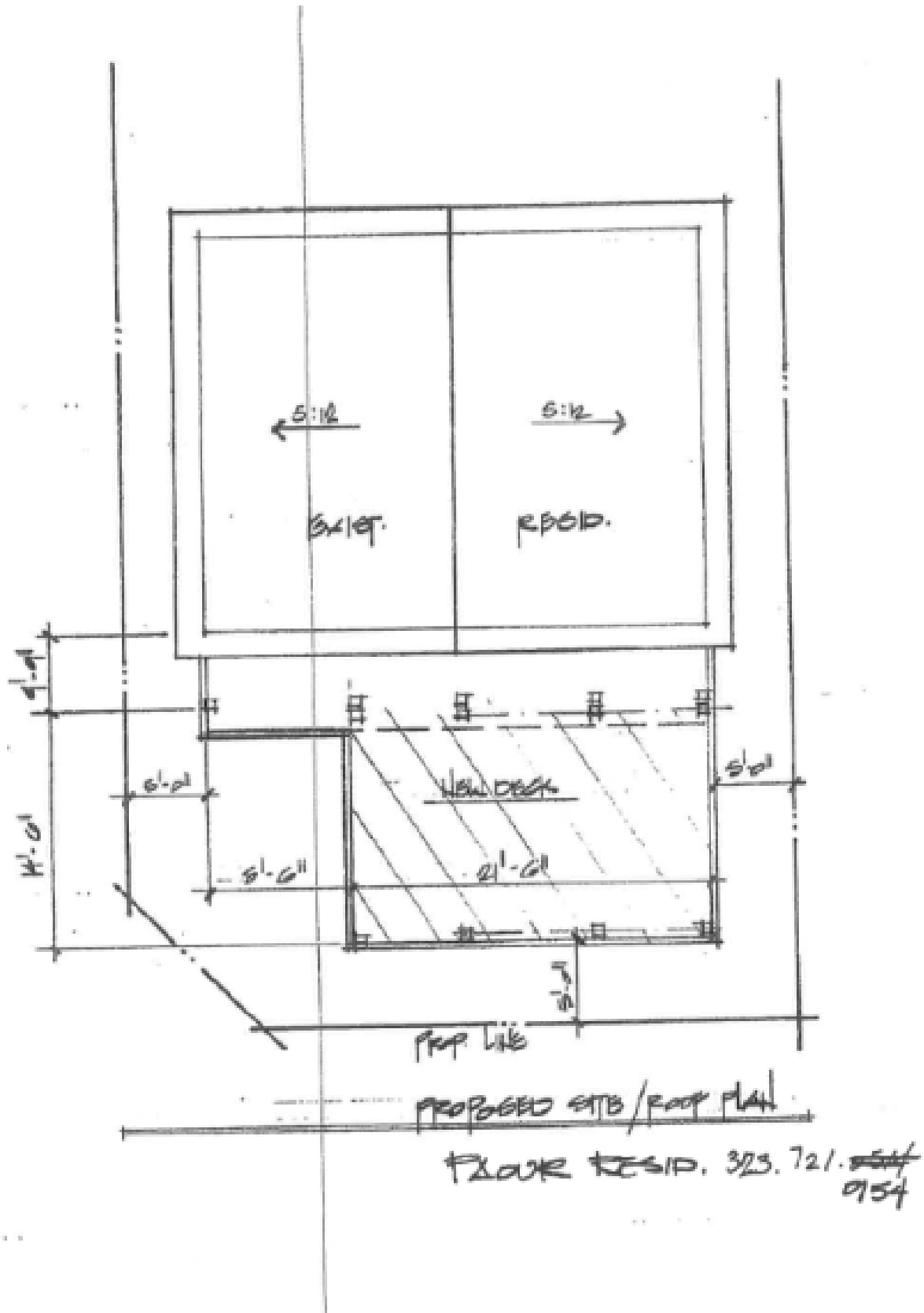
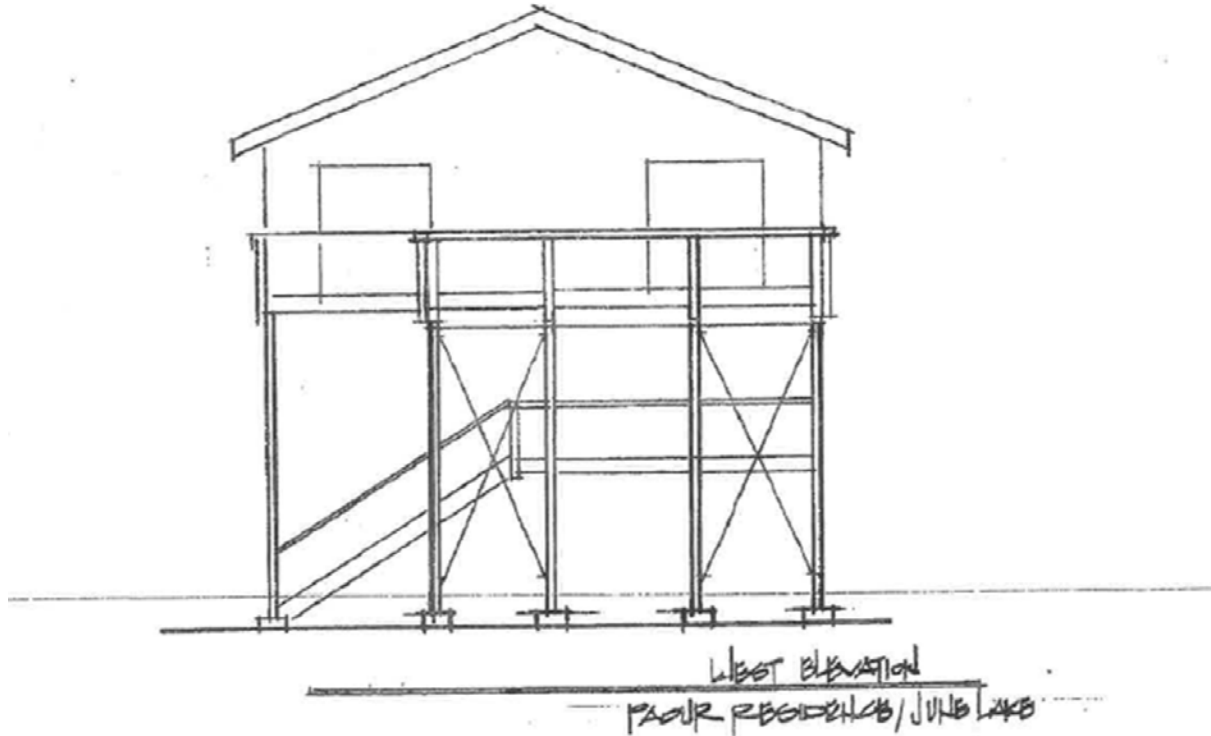


FIGURE 4: ORIGINAL ELEVATION FOR EXISTING DECK (never submitted)



GENERAL PLAN CONSISTENCY

As noted above, the General Plan Land Use Designation for this property is Single-Family Residential (SFR). According to the Mono County General Plan, “The ‘SFR’ designation is intended to provide for the development of single-family dwelling units in community areas.” Exceptions to yard setbacks are subject to a use permit under Table 04.020.

The following excerpts are various sections of the Mono County General Plan defining and outlining compliance with the permitting of a brewery and tasting room:

MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies

TABLE 04.020: REQUIRED YARDS – continued

Commercial Stables	Stables and paddocks shall not be less than 50' from the front property line nor less than 50' from any dwelling unit.
Plan Lines	If an official plan line is specified in the circulation element of an area plan, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan lines.
Commercial lots abutting a highway in June Lake, Lee Vining, Bridgeport	In areas where the majority of the commercial properties have previously been developed to less than the required 10' front setback (i.e., June Lake, Lee Vining, Bridgeport) the 10' setback requirement may be reduced provided that the applicant can demonstrate all of the following: a. The project provides a front yard of not less than the average front yard depth of the developed properties in the commercial district; and b. The reduced setback will not adversely impact or impair the ultimate development of streets or sidewalks; and c. The reduced setback will not adversely impact street snow removal and/or storage; and d. The reduced setback will not adversely impact driving visibility or adversely obstruct the line of sight from vehicles in the roadway or driveway(s); nor adversely impact the aesthetic integrity of the commercial area; and e. The reduced setback will not result in a significant adverse impact to the natural environment; and f. The otherwise required setback would result in a fragmented and disjointed development that would disturb the functional and aesthetic integrity of the immediate adjacent established commercial area.
Yard requirements	Yard requirements as set forth above or in the specific district shall apply, but may be modified by use permit.
ENCROACHMENTS	
Feature	Permitted Encroachment

TABLE 04.020: REQUIRED YARDS – continued

II-211
Land Use Element – 2013

MONO COUNTY LAND USE ELEMENT, June Lake 2010: June Lake Area Plan

June Lake Area Plan, Community Development Element

Objective B

Promote well-planned and functional community development that retains June Lake's mountain community character and tourist-oriented economy.

Objective C

Contain growth in and adjacent to existing developed areas, and retain open-space buffers around each area.

Policy 1: Encourage compatible development in existing and adjacent to neighborhood areas.

Action 1.1: Use the area specific land use maps, specific plans, the Plan Check and Design Review processes to guide development.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC considered the project on March 9, 2015, for application acceptance and recommended moving forward with the conditional use permit process.

ENVIRONMENTAL REVIEW

The project qualifies for a categorical exemption from the provisions of CEQA as the project is considered a Class 3 (CEQA Guidelines, 15303). CEQA identifies this as a Class 3 – Conversion of Small Structure exemption. A Class 3 exemption consists of construction and location of limited number 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.

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) The location of the existing deck has not impacted West Steelhead Road.
 - b) Due to the flat nature of the deck, it has minimal snow shed onto West Steelhead Road.
 - c) There would be no additional impacts beyond that of a garage, which is permitted as close as 5 feet in a front-yard setback.
 - d) Exceptions to yard setbacks are subject to a use permit under Mono County General Plan Table 04.020.
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:*
 - a) The parcel is accessed by West Steelhead and is adequate for the kind of traffic currently generated.
 - b) The continued use of the deck will not generate any additional traffic or alter existing circulation patterns.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed use is not expected to cause significant environmental impacts. The property has a Single-Family Residential designation appropriate for the use.
 - b) The proposed project is a conforming use, subject to Use Permit, according to the Mono County General Plan's Land Use Element. 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.
 - c) The deck has been in place for the last 11 years and no additional complaints or issues have arisen.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
 - a) The Single-Family Residential land use designation provides for uses such as decks.
 - b) Exceptions to yard setbacks are subject to a use permit under Mono County General Plan Table 04.020.

Conditions of Approval: Use Permit 15-001/Paour

- 1) Any future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) The project shall be in substantial compliance with the site plan as shown on Figures 3 and 4 found in the staff report.
- 3) A building permit for the existing deck must be obtained within 90 days.
- 4) 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.

**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

April 9, 2015

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Review Proposed Parking Requirements for Crowley Lake Skate Park

ACTION REQUESTED

Provide preliminary direction on parking requirements for skate park, proposed phased development, and required paving.

DISCUSSION

A Conditional Use Permit (CUP 37-97-01) approved by the Planning Commission in 1997 included a community center, library and future landscaping. In 2013, the Board of Supervisors directed staff to work with County Service Area 1 to update the CUP to reflect the existing and proposed uses consistent with the adopted CSA's 10-year plan. An amendment to the CUP is proposed along with subsequent analysis to the adopted Mitigated Negative Declaration.

In order to adequately address site issues and constraints, staff is requesting initial direction from the Commission on the proposed parking layout and requirements in advance of processing the CUP Modification. Mono County General Plan, Chapter 06, does not specifically address parking requirements for a skate park, however Table 06.010 "Required Number of Spaces" does state: "For any uses not specifically mentioned herein, the Commission shall determine the number or amount of parking required." Additionally, proposed off-site and joint-use parking are allowed subject to compliance with specific circumstances.

The Land Development Technical Advisory Committee reviewed the proposed site plans on April 6. Comments and recommendations received will be presented to the Commission at Thursday's meeting.

Please see Attachment A for the proposed master plan for full build-out with all anticipated facilities, proposed parking and ADA upgrades, and Attachment B for the proposed Phase I development to construct the skate park, provide additional parking, and add required ADA sidewalks.

Staff will briefly review each of the attachments, share any recommendations of the LDTAC, and seek direction from the Commission on appropriate parking requirements for the skate park. These parking requirements will be reflected in the CUP Modification that will be brought back to the Commission in the future for action.

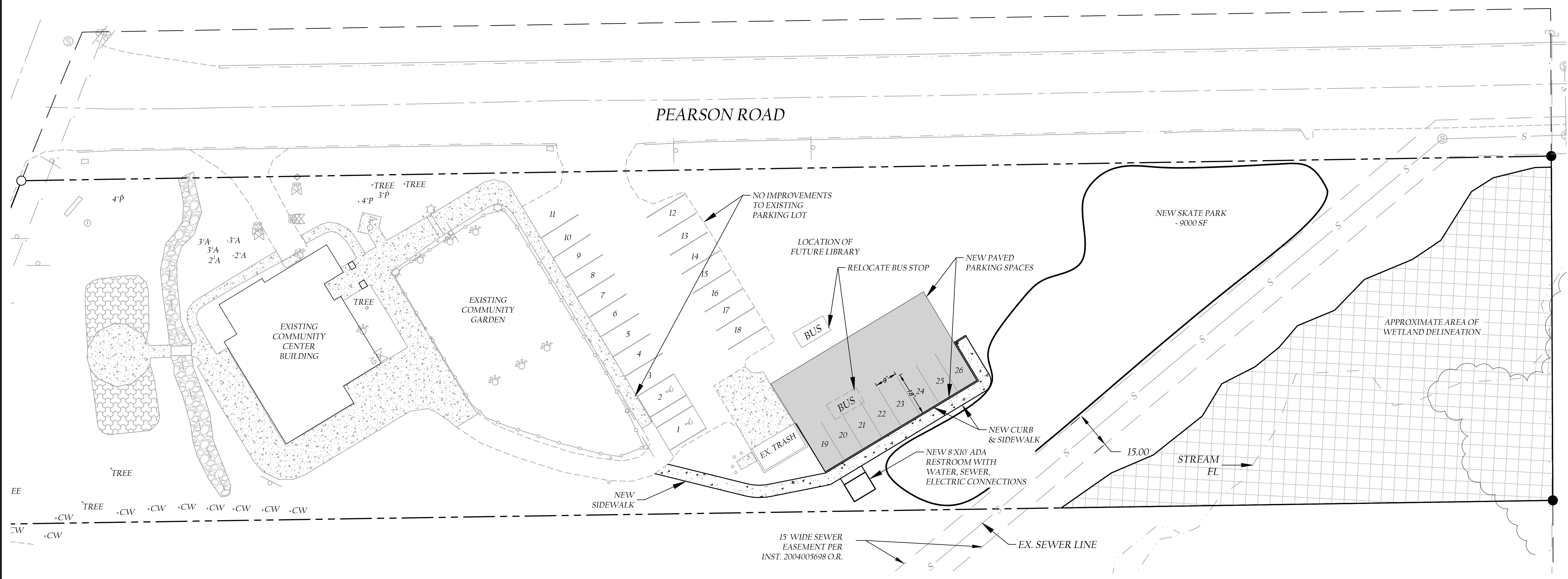
Please contact Courtney Weiche at 760.924.1803 or cweiche@mono.ca.gov with any questions.

ATTACHMENTS

- A. Full Build-Out Master Plan
- B. Phase I Layout

CROWLEY LAKE COMMUNITY CENTER

MASTER SITE PLAN - PHASE I - SKATE PARK FACILITIES



PARKING REQUIREMENTS
COMMUNITY CENTER
PUBLIC ASSEMBLY
NO LESS THAN 1 SPACE FOR EACH 100 SF OF LARGEST ROOM
LARGEST ROOM = 1500 SF
--> REQUIRE 15 SPACES





SKATE PARK
FOR USES NOT SPECIFICALLY MENTIONED, PLANNING COMMISSION SHALL DETERMINE
PROVIDE 8 SPACES
REMAINDER TO BE PROVIDED AS NON-OVERLAPPING JOINT USE WITH COMMUNITY CENTER/LIBRARY

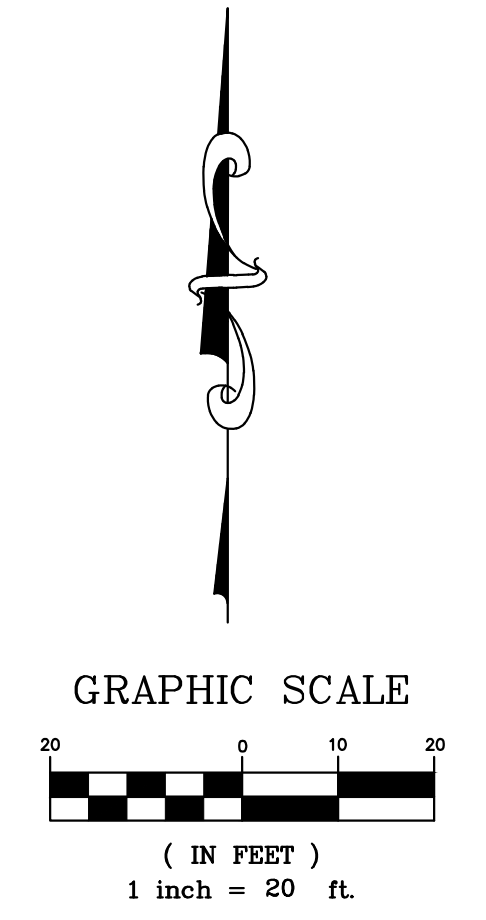
ACCESSIBLE SPACES
NEED 1 SPACE UP TO 25 TOTAL SPACES
NEED 2 SPACES FOR 26 OR MORE

TOTAL REQUIRED = 15+8 = 23 SPACES WHICH INCLUDES 1 ADA SPACES

PARKING PROVIDED
26 SPACES PROVIDED INCLUDING 2 ADA SPACES
FOR ELEVATION < 7000', CAN USE 9'X18' SPACES

LEGEND

-  EXISTING CONCRETE
-  NEW CONCRETE
-  NEW LANDSCAPE AREA
-  WETLAND DELINEATION



LIBRARY & SKATE PARK MASTER PLAN
CROWLEY LAKE COMMUNITY CENTER
PREPARED FOR: MONO COUNTY DEPARTMENT OF PUBLIC WORKS

trid/holmes assoc.
civil engineering
land surveying

post office box 1570
549 rd mammoth ca 93546
MAMMOTH LAKES, ca 93546
phone (760) 934-7088
fax (760) 934-5619
e-mail trid@thinc.com

873 north main st. suite 150
BISHOP, ca 93514
phone (760) 873-4273
fax (760) 873-8024
e-mail bob@thinc.com

777 woodside rd. suite a
REDWOOD CITY, ca 94061
phone (650) 356-0216
fax (650) 356-0228
e-mail sf@thinc.com

555 charro st. suite a
SAN LUIS OBISPO, ca 93405
phone (805) 544-8908
fax (805) 544-8932
e-mail a@thinc.com

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REVISIONS	BY

DATE: MARCH 3 2015
SCALE: 1"=20'
DRAWN: MS
JOB NO.: 1.4079
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OF 1 SHEETS

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Mono County Community Development Department

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

April 9, 2015

To: Planning Commission
From: Brent Calloway, Community Development Analyst
Subject: General Plan Online Mapping Workshop

RECOMMENDED ACTION

Receive demonstration of online General Plan mapping platform and provide direction for further development.

BACKGROUND

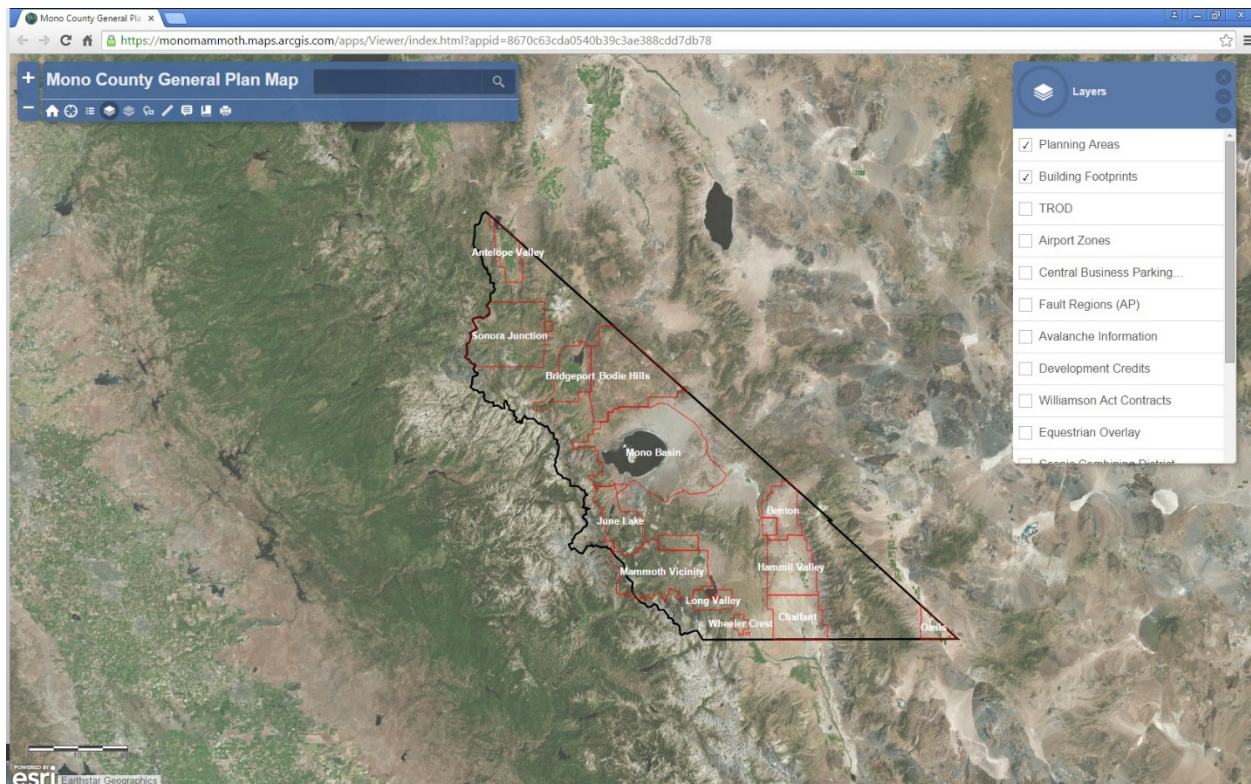
Maps are an essential required component of many General Plan elements and often one of the most familiar and useful tools in the General Plan. This workshop will demonstrate a proposed platform that will consolidate hundreds of pages of printed maps into a robust, online, interactive mapping tool available to everyone online.

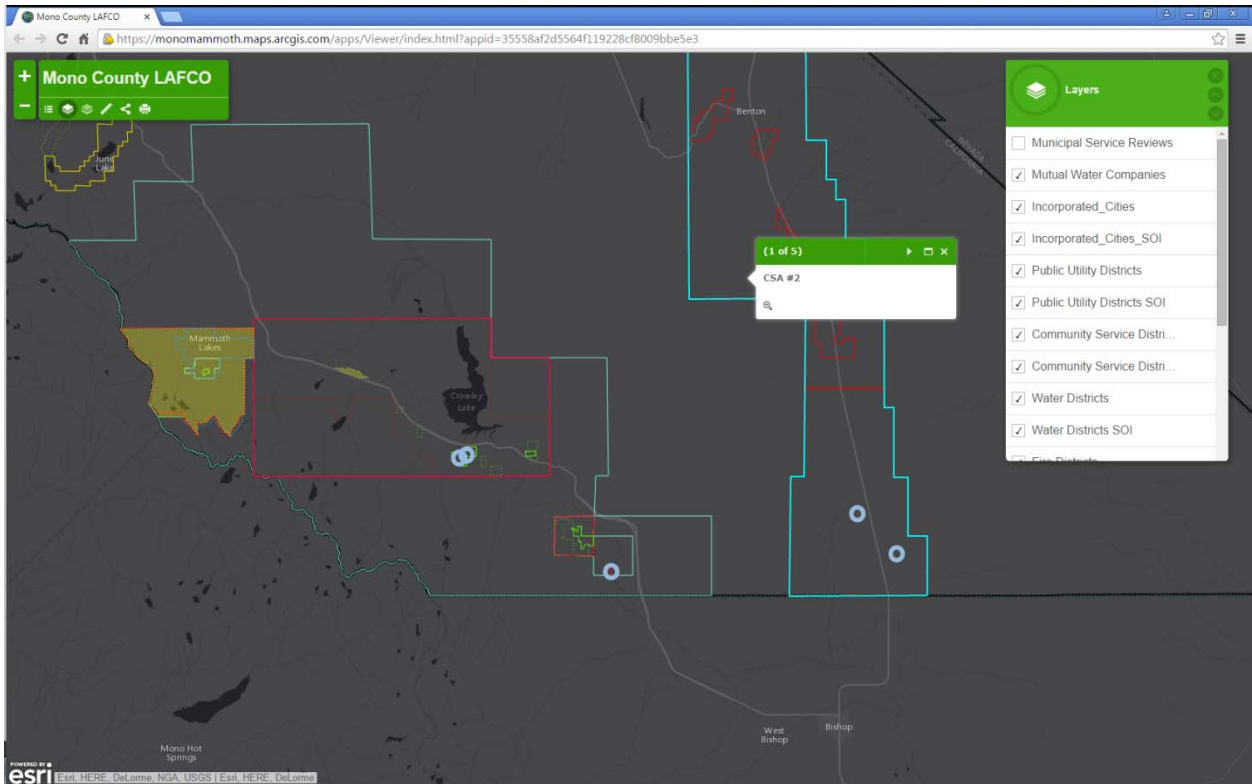
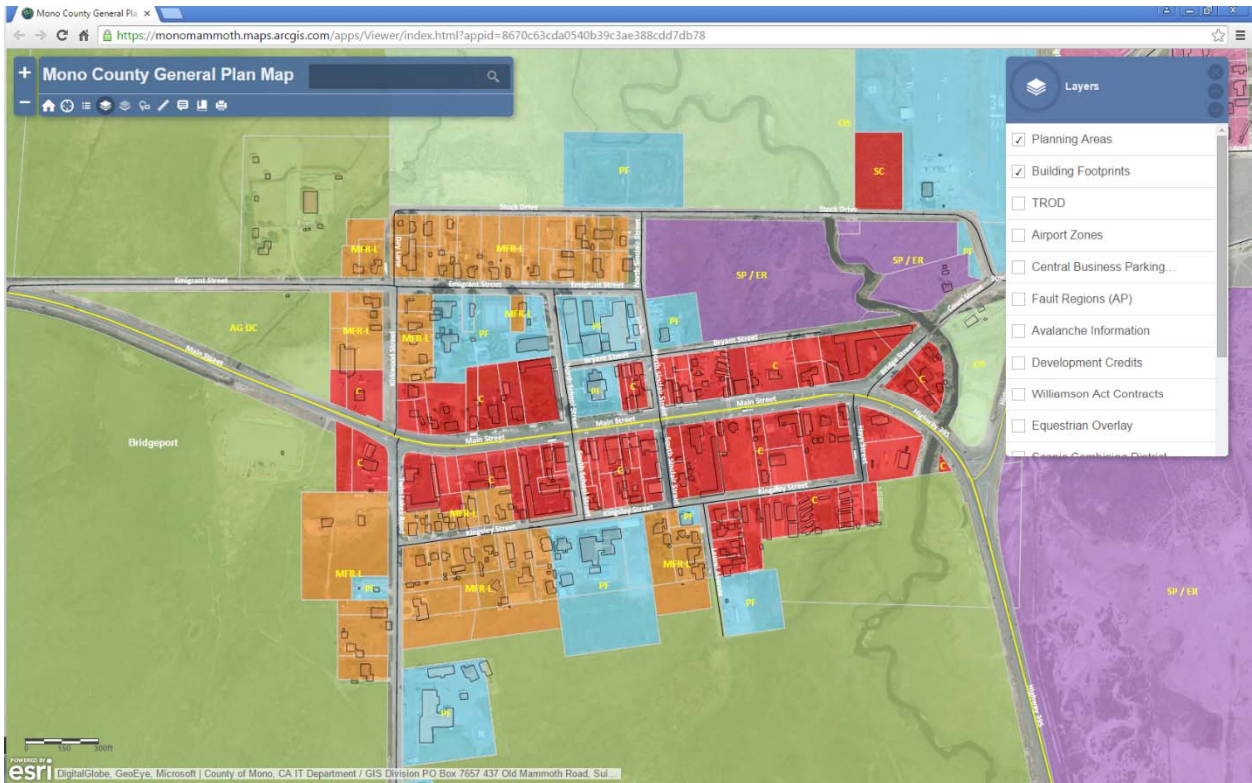
Mapping technology continues to change rapidly. The last major General Plan update (2007) was the first to utilize Geographic Information Systems (GIS) for the required Land Use Designation Maps, but many of the other required maps were not updated into electronic formats, and the LUD maps, while created with GIS, still required printed copies for interpretation. At that time, manipulating and even viewing electronic versions of GIS-based maps required very expensive software. Today, maps generated with GIS software can be published to web applications easily viewed and manipulated with any web browser. Using the Mono County arcgis.com account, maintained by the IT department, all of the General Plan mapping requirements, including much additional information and functionality, are proposed to be published into a few online mapping applications.

1. **Mono County General Plan Map:** This map will be the main source of General Plan information including data typically used by the planners and public when researching and planning a development project. All of the required maps for the Land Use Element and Safety Element will be included on this application.
2. **Transportation Map:** The transportation map will contain all of the data currently required for the Circulation Element. While much of the information available on this map will also be available from the General Plan map, this map will be a clean, easy and definitive map useful to determine the jurisdictional status of the complex countywide road network.
3. **Special Districts Map:** The Special Districts Map or LAFCO map will contain the official boundaries, spheres of influence, and other data about special districts and services required to be maintained by Mono LAFCO. Of course, this information is also very useful to planners and the public.
4. **Environmental Map:** This map will contain maps supporting the Conservation /Open Space Element and serve as a repository for all environmental data produced by the County. Due to the sensitive nature of some data, this map will not be published online, (but will be available to the public at County planning offices, similar to the current parcel viewer application with parcel ownership information).

In addition to replacing hundreds of pages of paper maps and adding an immeasurable amount of functionality and access to information, these mapping applications will position the Community Development Department well for the coming technological and cultural advances that are slowly changing the field of land use planning into a much more interactive and socially integrated decision-making process.

A few screenshots from the proposed mapping applications are included below, and the BETA versions can be accessed at <https://monomammoth.maps.arcgis.com/home/>





Mono County

Community Development Department

PO Box 347
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760.924.1800, fax 924.1801
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April 9, 2015

To: Planning Commission
From: Brent Calloway, Community Development Analyst
Subject: General Plan Yards & Setbacks Workshop

RECOMMENDED ACTION

Provide direction to staff

BACKGROUND

Setbacks and yards are required for many reasons, including providing utility and fire emergency access, protecting sensitive habitats, and maintaining community character. The current General Plan language devoted to setbacks and yards has been modified and reformatted multiple times over the decades and has become a complex section often requiring staff or Planning Commission interpretations of the regulations. Rather than attempting to edit individual sentences, staff is proposing a major rewrite and reorganization of this section that should clarify existing policy interpretations and otherwise retain existing regulations. As much of the language has been modified or relocated, both “existing” and “proposed” chapters are included as attachments rather than what would be a very confusing redlined version. In addition to a hopefully more readable and easier to use section, the significant issues that require discussion and direction from the Commission are as follows:

- 1) Clarify that accessory structures including sheds shall meet setbacks.
- 2) Replace “situation” table with simple land use designation table, and include numbered text for each special situation.
- 3) Clarify that a reduction from a required 10-foot to 5-foot side yard is allowed when snow shedding concerns are mitigated at elevations above 6,000’ on all residential lots less than one acre (not only on nonconforming lots).
- 4) Clarify that a reduction from a required 10-foot to 5-foot side yard is allowed at elevations below 6,000’ on all residential lots less than one acre (not only on nonconforming lots).
- 5) Add new language that required 10-foot side yards may be reduced to 5 feet on both sides with written approval of the Fire Protection District (and snow mitigation when above 6,000’).
- 6) Clarify that all lots greater than one acre are subject to the 30’ setbacks as required in Chapter 22, and a waiver for a reduction must be obtained from Cal Fire.
- 7) Clarify that when a residential use is proposed within a Commercial or Mixed Use district, the standard 10’ side and rear yards are required (reductions would still be allowed in accordance with items 3-5 above).
- 8) Consider addition of language referencing wildlife setbacks in Conservation/Open Space Element.
- 9) Consider elimination of the provision allowing setbacks to be modified with a Use Permit.

ATTACHMENTS

- Existing Land Use Element, Chapter 4, Section 04.120 (black text)
- Proposed Land Use Element, Chapter 4, Section 04.120 (blue text)

04.120 Yards.

The following minimum yard requirements are applicable to all designations, unless they differ from the provisions of a specific designation; then the provisions of the specific designation shall apply. Setbacks apply from the property line or road easement, whichever is more restrictive.

A. Residential designations; Specific Plan; and Rural Resort.

1. Front. Each lot shall have a front yard of not less than 20 feet deep.
2. Side and Rear. Communities of Sunny Slopes, Crowley Lake, Long Valley, June Lake, Virginia Lakes, Devils Gate, Rancheria and Twin Lakes and, if not otherwise indicated herein, any other development located at elevations 6,000 feet or above: side and rear yards of not less than 10 feet. Eaves into side yards shall be designed so that roofs will not shed snow onto adjoining property, vehicle parking, or public ways. It is determined by the Building Division that the design, pitch, etc., of the roof may cause any of the above shedding problems, the side yard shall be increased proportionately.

Communities of Wheeler Crest, Paradise, Tri-Valley, Lee Vining, Mono City, Bridgeport and Antelope Valley and, if not otherwise indicated herein, any other development located at elevations below 6,000 feet: shall have side yards of not less than 10 feet on one side and not less than five feet on the other side; rear yards shall be not less than 10 feet.

The side yard setback may be reduced to a minimum of five feet when sufficient documentation is presented to the Planning Division by the applicant showing that the roof design of the dwelling or accessory building is oriented so that snow does not shed toward adjacent properties, public parking areas, public walkways, public rights of way or private road easements. Pools may encroach five feet into the required rear yard unless other restrictions apply.

3. Exceptions. Buildings should be configured to reflect the physical limitations and constraints inherent with a substandard lot. Lots substandard in area (i.e., less than 7,500 sq. ft.) or lots measuring less than one of the minimum lengths by width measurements (i.e., 60' x 100') are subject to the following minimum side and rear yard requirements:
 - a. Side. Each side yard shall not be less than 10 feet. The side yard setback may be reduced from the required 10 feet when sufficient documentation is presented to the Planning Division by the applicant showing that the roof design of the dwelling or accessory building is oriented so that snow does not shed toward adjacent properties, public parking areas, public walkways, public rights of way or private road easements. In no case shall the side yard be reduced below five feet under this exception. On corner lots, the side yard abutting the street shall be not less than 10 feet;
 - b. Rear. Each lot shall have a rear yard of not less than 10 feet.

- B. Lots greater than one acre. Notwithstanding the above, lots greater than one acre are subject to 30-foot minimum setbacks pursuant to Chapter 22 - Fire Safe Regulations. Such setbacks are a state mandate and may be reduced only by obtaining a waiver consistent with Chapter 22. Upon receiving a waiver, properties exceeding one acre require a 20-foot front-yard setback, and 10-foot side and rear setbacks.

- C. Commercial designations.
1. Front. Each lot shall have a front yard of not less than 10 feet deep;
 2. Side. No requirement except:
 - a. When abutting a residential district, or proposing residential use of the property, see above section 04.120; A.
 - b. On corner lots - not less than 10 feet.
 3. Rear. Each lot shall have a rear yard of not less than five feet deep.
- D. The yard requirements as set forth above or in the specific designation shall apply, but may be modified by use permit issued pursuant to the provisions of subsection C of Section 04.110.

04.130 Special yard requirements.

- A. Double frontage lots. These are lots with public access on opposite sides of a lot, where front-yard setbacks shall be required on both frontages. On lots abutting upon two or more streets, no structure shall be erected so as to encroach upon the front or side yard abutting any street.
- B. Corner lots. These are lots that border intersecting streets or access easements. In this case, one street frontage shall require the applicable front-yard setback and the second street frontage shall require the applicable side-yard setback.
- C. Yard requirements on combined lots. Contiguous lots may be merged to create a single building site. Where two or more contiguous lots are merged, yards shall be established from the exterior boundaries of the newly created lot.
- D. Plan lines. If an official plan line is specified in the circulation element of this General Plan, any area plan or land use designation, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of land development regulations be construed as permitting any structure to extend beyond such official plan lines.
- E. Other yard regulations.
 1. Architectural features. Architectural features such as cornices, eaves, and canopies may extend not more than 30 inches into any required yard. Fireplaces, not exceeding 8 feet in breadth, may extend not more than 30 inches into any required yard.
 2. Porches. Open, uncovered porches, landing places or outside stairways may project not more than three feet into any required yard.
 3. Front-yard variation. In any residential designation where 50% or more of the building sites on any one block have been improved with buildings, the required front yard shall be not less than the average of the developed building sites, to a maximum of that specified for the designation in which the building site is located.
 4. Garage within front yard. Notwithstanding any part of the requirements of this section, in cases where the elevation of the front half of the lot at a point 50 feet from the centerline of the street is seven feet above or below the grade of the centerline, a private garage, attached or detached, may be constructed to within five feet of the front line; provided that no such structure shall

exceed 8 feet in height, measured from the finished floor line to the top plate line, nor more than 20 feet from finished floor line to the roof peak or other structural appurtenance.

5. Pools. Pools may not be located closer than five feet from any side or rear lot line, nor shall they encroach into any easements. On corner lots, no pool shall be located closer than 10 feet to the lot line abutting the side street.
6. Stables. The minimum building site area for the first two horses in a cooperatively or commercially owned stable is two acres. For each additional horse, 10,000 sq. ft. is required in addition to two acres. Stables and paddocks shall not be less than 50 feet from the front property line nor less than 50 feet from any dwelling unit. These requirements do not apply to horses kept for personal use in permitted designations or in an equestrian combining designation.
7. Streams/creeks. In order to minimize the impact to areas with lakes, streams and creeks, the following procedures shall be applicable (specific plans or area plans may be more restrictive or less restrictive, and shall take precedence):
 - a. Definitions. A major stream is shown as a permanent stream on a U.S. Geological Survey (USGS) map, and is a continuously flowing water body. A minor stream is shown as an intermittent stream on a USGS topographic map and is a permanent stream with low flow during all or part of the year. Seasonal streams not shown on a USGS map are not subject to this section, unless determined otherwise in accordance with subparagraph C of this subdivision. A lake is an accumulation of water, larger than a pool or pond, generally formed by a natural or man-made obstruction in the course of flowing water that is shown on a USGS map.
 - b. New development shall be subject to the following minimum setbacks from any lake, and major or minor stream. Any proposed structure, including associated impervious surfaces, shall be located a minimum of 30 feet from the top of the bank. Greater setback requirements may be imposed through the land division and/or environmental review process if determined necessary to protect the water body and riparian resource. 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. Such Director Review applications shall include a landscaping plan that illustrates all project site disturbance areas and specifies a comprehensive program for restoring the disturbed areas.

Structures and uses existing within these setback areas prior to January 1, 1990, shall be permitted to remain and, if necessary, be reconstructed. Such reconstruction within the setback area shall not result in:

1. An increase in lot coverage;
 2. A change in use;
 3. Increased runoff from impervious surfaces; or
 4. An adverse change in the drainage of the lot.
- c. If the Department of Public Works determines in the course of its review that a stream course not identified on a USGS map carries significant

flow (either continuously or intermittently), the building setbacks in this subdivision may be imposed.

8. Retaining Walls. Retaining walls of four feet or less above grade are permitted within required setbacks. Terraced retaining walls are measured from the base of the lowest section to the top of the highest section for the purposes of this chapter.
 - a. For retaining walls that exceed four feet in height above grade, the following restrictions apply: the base of the wall shall be placed at least as far from the property line as the wall exceeds four feet. Thereby, a six-foot wall requires a two-foot setback from the property line. An eight-foot wall, a four-foot setback, and so on.
 - b. Exceptions to these restrictions may be granted in accordance with section 04.120.

TABLE 04.020: REQUIRED YARDS

REQUIRED YARDS (Minimum setbacks)					
Situation	Front Yard	Rear Yard	Side Yard	Other	
Large Lots	-	-	-	Increased setbacks up to 100' may be required in order to comply with Chapter 22, Fire Safe Standards.	
Substandard Residential Lot <7,500 sq. ft. or less than the minimum width or length (60' - 100') (SFR, MFR-L, -M, -H)	20'	10'	5'	On substandard corner lots the minimum side yard abutting the street right of way and/or a road easement shall be 10' (see Permitted Encroachments).	
Residential Lot > 7,500 sq. ft. (SFR, RMH, MFR-L, -M & -H)	20'	10'	10'	See Residential Designations	
Residential Lots of 1 acre + (RR, ER, RMH)	50'	30'	30'	See Residential Designations	
Residential Lots of 5 acres	50'	30'	30'	See Residential Designations	
Corner residential lot with both sides meeting the minimum depth requirement	20'	10'	10'	One street frontage shall count as the front yard, the other shall count as a side yard. See Residential Designations	
Double-Frontage Lot	---	---	---	Front-yard setbacks shall be required on both frontages.	
Merged Lots	---	---	---	Where two or more contiguous lots are merged, all interior lot lines shall be eliminated, and yards shall be established from the exterior boundaries of the merged lot.	

TABLE 04.020: REQUIRED YARDS – continued

Situation	Front Yard	Rear Yard	Side Yard	Other
Lakes, Streams, Creeks	---	---	---	For new development, any proposed structure and associated impervious surfaces shall be located a minimum of 30' from the top of the bank (see 04.130 D 7b, Lakes, Streams, Creeks).
Kennels and Stables	---	---	---	See Animal Standards, 4.270, and Ch. 10 – Equestrian Overlay District.
Residential Lots – Side Yards	Communities of Sunny Slopes, Crowley Lake, Long Valley, June Lake, Virginia Lakes, Devils Gate and Twin Lakes and, if not otherwise indicated herein, any other development located at elevations 6,000 feet or above: 10'. The side yard may be reduced to 5' when sufficient documentation is presented showing that the design of the roof of the dwelling or accessory building is oriented so that snow does not shed toward adjacent properties, parking areas, walkways or roads. Communities of Wheeler Crest, Paradise, Tri-Valley, Lee Vining, Mono City, Bridgeport and Antelope Valley and, if not otherwise indicated herein, any other development located at elevations below 6,000 feet: one side yard of 10', one side yard of 5'. If it is determined by the Building Division that the design, pitch, etc. of the roof may cause any snow shedding problems onto adjoining property, vehicle parking, or public ways, the side yard shall be increased proportionately.			
Residential Lots – Front Yard Variation	In any residential district where 50% or more of the lots on any one block have been improved with buildings, the required front yard shall be not less than the average of the developed lots, to a maximum of that specified for the district.			
SFR	Cluster developments may propose zero lot lines for side yards as part of the use permit review process.			
Garage within Front Yard	Where the elevation of the building site at a point 50' from the centerline of the street is 7' above or below the grade of the centerline, a private garage, attached or detached, may be constructed to within 5' of the front property line, provided that no such structure exceeds 8' in height, measured from the finished floor line to the top plate line, nor more than 20' from finished floor line to the roof peak or other structural appurtenance.			

TABLE 04.020: REQUIRED YARDS – continued

Situation	Front Yard	Rear Yard	Side Yard	Other
ER, RR	50'	30'	30'	The side and rear setbacks may be reduced to 10' with Cal Fire waiver.
AG	50'	50'	50'	Accessory building uses such as barns or stables shall be not less than 30' from side or rear property line, nor less than 50' from any front property line.
NHP	30'	30'	30'	
OS				
RM	50'	30'	30'	
I				
IP	20'	Uses subject to a DR 5'* Uses subject to UP 10'*	Uses subject to a DR 0'* Uses subject to UP 10'*	When abutting any residential district, no yard shall be less than 20' along the abutting property. The minimum side yard abutting the street/road easement shall be 10'. *Side & Rear maybe modified by Director or Commission.
RU	30'	30'	30'	
PF				
Situation	Front Yard	Rear Yard	Side Yard	Other
Commercial (MU, C, SC, CL-M & -H)	10'	5'	0'	When abutting a residential district, or proposing residential use, see Residential Designations
CL-M, MFR-M,	Condominium, townhouse and similar developments requiring a concurrent subdivision application may propose zero lot lines for side yards.			

TABLE 04.020: REQUIRED YARDS – continued

Commercial Stables	Stables and paddocks shall not be less than 50' from the front property line nor less than 50' from any dwelling unit.
Plan Lines	If an official plan line is specified in the circulation element of an area plan, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan lines.
Commercial lots abutting a highway in June Lake, Lee Vining, Bridgeport	In areas where the majority of the commercial properties have previously been developed to less than the required 10' front setback (i.e., June Lake, Lee Vining, Bridgeport) the 10' setback requirement may be reduced provided that the applicant can demonstrate all of the following: a. The project provides a front yard of not less than the average front yard depth of the developed properties in the commercial district; and b. The reduced setback will not adversely impact or impair the ultimate development of streets or sidewalks; and c. The reduced setback will not adversely impact street snow removal and/or storage; and d. The reduced setback will not adversely impact driving visibility or adversely obstruct the line of sight from vehicles in the roadway or driveway(s); nor adversely impact the aesthetic integrity of the commercial area; and e. The reduced setback will not result in a significant adverse impact to the natural environment; and f. The otherwise required setback would result in a fragmented and disjointed development that would disturb the functional and aesthetic integrity of the immediate adjacent established commercial area.
Yard requirements	Yard requirements as set forth above or in the specific district shall apply, but may be modified by use permit.
ENCROACHMENTS	
Feature	Permitted Encroachment

TABLE 04.020: REQUIRED YARDS – continued

MONO COUNTY GENERAL PLAN

Cornices, Eaves, Canopies	Not more than 30" into any required yard.
Fireplaces	Fireplaces not exceeding 8' in breadth may extend not more than 30" into any required yard.
Decks, uncovered porches, landing places or outside stairs	Not more than 3' into any required yard.
Pools, Spas, Hot tubs	Pools, etc. may not be located closer than 5' from any side or rear lot line, nor shall they encroach into any easement. On corner lots, no pool shall be closer than 10' to the lot line abutting the side street or road easement.

04.120 Yards and Setbacks

A. Minimum Required Yards.

1. Minimum Front, Side and Rear Yards are required to maintain access, fire safety and community character and are specified for each land use designation. New construction including accessory structures and sheds, shall be set back from the property line or road easement, whichever is more restrictive, to preserve the required minimum yards. While numerous exceptions are detailed in this section, the following minimum yards are generally required:

LUD	Front	Rear	Side
SFR <1 acre	20'	10'	10'
SFR >1 acre	30'	30'	30'
ER	50'	30'	30'
RR	50'	30'	30'
RU	30'	30'	30'
RMH <1 acre	20'	10'	10'
RMH >1 acre	30'	30'	30'
MFR <1 acre	20'	10'	10'
MFR >1 acre	30'	30'	30'
MU <1 acre	10'	5'	0'
MU >1 acre	30'	30'	30'
CL	10'	5'	0'
C	10'	5'	0'
SC	10'	5'	0'
IP	20'	10'	10'
RM	50'	30'	30'
AG	50'	50'	50'
NHP	30'	30'	30'
OS	50'	30'	30'

NOTE: 30' front, side and rear yards are required on all lots greater than one acre regardless of the land use designation.

B. Snow Shedding Considerations.

1. When developing in areas and communities above an elevation of 6,000', including Sunny Slopes, Crowley Lake, June Lake, Twin Lakes and Virginia Lakes, extra consideration shall be taken in the design of structures to account for snow shedding. The Building Division may determine that the design, pitch, etc. of the roof may cause snow to shed onto adjoining property, vehicle parking areas or public ways and require greater than 10' minimum side or rear yards.

C. Side-Yard Reductions.

1. When developing in areas and communities above an elevation of 6,000' including Sunny Slopes, Crowley Lake, June Lake, Twin Lakes and Virginia Lakes a required minimum side yard of 10' may be reduced on one side to a minimum of five feet when sufficient documentation is presented to the Planning Division showing the roof design is oriented so that snow does not shed toward adjacent properties, required parking areas, or other public ways. A required minimum side yard of 10' may be reduced on both sides to a minimum of five feet when roof design is oriented so that snow does not shed toward adjacent properties, required parking areas, or other public ways, and when written approval of the reduction from the Fire Protection District is provided.

2. When developing in communities at elevations below 6,000' including Paradise, Tri-Valley, Lee Vining, Mono City, Bridgeport and Antelope Valley, a required minimum side yard of 10' may be reduced on one side to a minimum of five feet. A required minimum side yard of 10' may be reduced on both sides to a minimum of five feet when written approval of the reduction from the Fire Protection District is provided.

3. When developing in any community or area on a lot greater than one acre and within any land use designation, 30' minimum front, side and rear yards are required by state law and reflected in Chapter 22 – Fire Safe Regulations. A required minimum side or rear yard of 30' may be reduced on one or both sides to a minimum of 10' and a required minimum front yard of 30' may be reduced to a minimum of 20' upon receiving a waiver from Cal Fire consistent with Chapter 22.

D. Commercial and Mixed Use Designation Considerations.

1. When a proposed commercial use abuts a residential district, or a residential use is proposed within a commercial or mixed-use designation, the required minimum side and rear yards shall be 10'.

2. On corner lots, a 10' required minimum front and side yard shall be required for all uses.

3. Commercial and mixed-use lots greater than one (1) acre, 30' minimum front, side and rear yards are required by state law and reflected in Chapter 22 – Fire Safe Regulations. A required minimum front, side or rear yard of 30' may be reduced on one or both sides to a minimum of 10', and a required minimum front yard of 30' may be reduced to a minimum of 20' upon receiving a waiver from Cal Fire consistent with Chapter 22.

E. Non-Typical Lots

1. Corner lots are lots that border intersecting streets or access easements. In this case, one street frontage shall require the applicable front yard and the second street frontage shall require the applicable side yard.

2. Double frontage lots are lots with public access on opposite sides of a lot. Front yards shall be required on both frontages.

F. Habitat and Wildlife Setbacks.

1. Lakes, Streams/Creeks. In order to minimize the impact to areas with lakes, streams and creeks, the following procedures shall be applicable (specific plans or area plans may be more restrictive or less restrictive, and shall take precedence):

a. Definitions. A major stream is shown as a permanent stream on a U.S. Geological Survey (USGS) map, and is a continuously flowing water body. A minor stream is shown as an intermittent stream on a USGS topographic map and is a permanent stream with low flow during all or part of the year. Seasonal streams not shown on a USGS map are not subject to this section, unless determined otherwise in accordance with subparagraph C of this subdivision. A lake is an accumulation of water, larger than a pool or pond, generally formed by a natural or man-made obstruction in the course of flowing water that is shown on a USGS map.

b. New development shall be subject to the following minimum setbacks from any lake, and major or minor stream. Any proposed structure, **including associated impervious surfaces**, shall be located a minimum of 30 feet from the top of the bank. Greater setback requirements may be imposed through the land division and/or environmental review process if determined necessary to protect the water body and riparian resource. 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. Such Director Review applications shall include a landscaping plan that illustrates all project site disturbance areas and specifies a comprehensive program for restoring the disturbed areas.

Structures and uses existing within these setback areas prior to January 1, 1990, shall be permitted to remain and, if necessary, be reconstructed. Such reconstruction within the setback area shall not result in:

- I. Increase in lot coverage;
- II. Change in use;
- III. Increased runoff from impervious surfaces; or
- IV. Adverse change in the drainage of the lot.

c. If the Department of Public Works determines in the course of its review that a stream course not identified on a USGS map carries significant flow (either continuously or intermittently), the building setbacks in this subdivision may be imposed.

2. Wildlife

For sage grouse lek setbacks and deer migration corridors, refer to Conservation/Open Space Element for more details.

G. Other Setback Requirements

1. Architectural features. Architectural features such as cornices, eaves, and canopies may project not more than 30 inches into any required yard. Fireplaces, not exceeding eight feet in breadth, may extend not more than 30 inches into any required yard.

2. Porches. Open, uncovered porches, landing places or outside stairways may project not more than three feet into any required yard.
3. Front-yard variation. In any residential designation where 50% or more of the building sites on any one block have been improved with buildings, the required front yard shall be not less than the average of the developed building sites, to a maximum of that specified for the designation in which the building site is located.
4. Garage within front yard. Notwithstanding any part of the requirements of this section, in cases where the elevation of the front half of the lot at a point 50 feet from the centerline of the street is seven feet above or below the grade of the centerline, a private garage, attached or detached, may be constructed to within five feet of the front line; provided that no such structure shall exceed eight feet in height, measured from the finished floor line to the top plate line, nor more than 20 feet from finished floor line to the roof peak or other structural appurtenance.
5. Pools. Pools, spas and hot-tubs may not be located closer than five feet from any side or rear lot line, nor shall they encroach into any easements. On corner lots, no pool shall be located closer than 10 feet to the lot line abutting the side street.
6. Stables and paddocks for horses shall not be less than 50 feet from the front property line nor less than 50 feet from any dwelling unit other than a unit occupied by the horse owner. These requirements do not apply to horses kept for personal use in permitted designations or in an equestrian combining designation.
7. Retaining Walls. Retaining walls of four feet or less above grade are permitted within required setbacks. Terraced retaining walls are measured from the base of the lowest section to the top of the highest section for the purposes of this chapter. For retaining walls that exceed four feet in height above grade, the following restrictions apply: the base of the wall shall be placed at least as far from the property line as the wall exceeds four feet. Thereby, a six-foot wall requires a two-foot setback from the property line. An eight-foot wall, a four-foot setback, and so on.
8. Required or primary access structures including vehicular and pedestrian bridges may be permitted within required yard setbacks when such access structures are necessary due to topographic or other physical constraints and when developed in accordance with all other permitting requirements, including environmental reviews.
9. Cluster Developments. Cluster developments may propose zero lot lines for side yards as part of the use permit review process.
10. Accessory buildings in Agriculture (AG) designations such as barns and stables shall be not less than 30' from side or rear property line, nor less than 50' from any front property line.
11. Commercial lots abutting a highway in June Lake, Lee Vining and Bridgeport. In areas where the majority of the commercial properties have previously been developed to less than the required 10' front setback, the 10' setback requirement may be reduced provided that the applicant can demonstrate all of the following:

- a. The project provides a front yard of not less than the average front yard depth of the developed properties in the commercial district;
- b. The reduced setback will not adversely impact or impair the ultimate development of streets or sidewalk, street snow removal or snow storage or adversely impact driving visibility or obstruct the line of sight from vehicles in the roadway or driveway(s); and
- c. The reduced setback will not adversely impact the aesthetic integrity of the commercial area or result in an adverse impact to the natural environment.