

# MONO COUNTY PLANNING COMMISSION

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Mammoth Lakes, CA 93546  
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commdev@mono.ca.gov

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

## SPECIAL MEETING AGENDA

March 18, 2021 – 9:00 a.m.

### TELECONFERENCE INFORMATION

As authorized by Gov. Newsom’s Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast with Commissioners attending from separate remote locations. There is no physical meeting location. This altered format is in observance of recent recommendations by local officials that certain precautions be taken, including social distancing, to address the threat of COVID-19.

### Important Notice to the Public Regarding COVID-19

Based on guidance from the California Department of Public Health and the California Governor’s Office, in order to minimize the spread of the COVID-19 virus, please note the following:

#### 1. Joining via Zoom

There is no physical location of the meeting open to the public. You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below:

##### To join the meeting by computer:

**Visit:** <https://monocounty.zoom.us/j/92681386245>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” **Use Zoom webinar ID:** 926 8138 6245

To provide public comment (at appropriate times) during the meeting, press the “**Raise Hand**” hand button on your screen and wait to be acknowledged by the Chair or staff.

##### To join the meeting by telephone:

Dial (669) 900-6833, then enter **Webinar ID:** 926 8138 6245

To provide public comment (at appropriate times) during the meeting, press **\*9** to raise your hand and wait to be acknowledged by the Chair or staff.

#### 2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment **by visiting:**

[http://monocounty.granicus.com/MediaPlayer.php?publish\\_id=0e5c2c08-b08a-4cc2-9bf1-e903501f73bc](http://monocounty.granicus.com/MediaPlayer.php?publish_id=0e5c2c08-b08a-4cc2-9bf1-e903501f73bc)

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

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

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.
3. **MEETING MINUTES**
  - A. Review and adopt minutes of February 18<sup>th</sup>, 2021. **(p. 1)**
4. **Election of new Planning Commission Chair and Vice-Chair**
5. **PUBLIC HEARING**
  - A. **9:05 a.m. CONDITIONAL USE PERMIT 20-009/Gordon.** The proposal is for an owner-occupied short-term rental at 90 Aspen Place in Crowley Lake (APN 060-210-067). The existing four-bedroom/four-bathroom main residence would be rented while the owners occupy the detached accessory dwelling unit. Maximum occupancy is 10 people and seven vehicles (five vehicles for renters and two vehicles for the property owners). The parcel is designated Single-Family Residential (SFR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. *(Staff: Kelly Karll)* **(p. 5)**
  - B. **9:35 a.m. CONDITIONAL USE PERMIT 21-001/Hemmingner.** The proposal is for permitting the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element. The parcel is designated Rural Residential (RR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. This is a continuation of the public hearing at the February 18, 2021 Planning Commission meeting. *(Staff: April Sall)* **(p. 31)**
  - C. **10:05 a.m. Use Permit 21-002/Way.** The proposal is for a six-foot-tall front yard wooden fence at 30 Emigrant Street in Bridgeport (APN 008-091-049) within the front yard setback. General Plan, Land Use Element 04.160, allows for front yard fences greater than four feet within the setback, with approval of a Use Permit. The property is designated Multi-Family Residential – Low (MFR-L). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. *(Staff: Bentley Regehr)* **(p. 53)**
6. **WORKSHOP**

No items
7. **REPORTS**
  - A. **Director**
  - B. **Commissioners**
8. **INFORMATIONAL**

No item
9. **ADJOURN** to April 15, 2021

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

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

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available by request for public review by contacting the Community Development offices in Mammoth Lakes (760-924-1800). Agenda packets are also posted online at [www.monocounty.ca.gov](http://www.monocounty.ca.gov) on the Mono County calendar, and emailed to the distribution list. For inclusion on the e-mail distribution list, send a request to [hwillson@mono.ca.gov](mailto:hwillson@mono.ca.gov).

Commissioners participate from a remote location per COVID public health precautions. Interested persons may submit written public hearing comments prior to the start of the meeting at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) or with the Planning Commission Secretary, or appear before the Commission at the digital meeting to present testimony for public hearings. 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.

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## DRAFT MEETING MINUTES

February 18, 2021 – 9:00 a.m.

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

**STAFF:** Wendy Sugimura, director; Gerry LeFrancois, senior planner; Kelly Karl, planning analyst; April Sall, planning analyst; Becky Peratt, planning commission clerk, Christian Milovich, county counsel; Nick Criss, code compliance officer; Jake Suppa, code compliance, Sean Robison

**PUBLIC:** Fred Stump, Katy Buell, Lynne Hemminger, Mark Langer, Sshaw, William Mitchell, Vince Maniaci, 530-721-6489, 858-699-7440/James Kozack

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1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Scott Bush called the meeting to order at 9:00 a.m. in Zoom meeting room. Wendy Sugimura reviewed meeting procedures and format, and attendees recited the pledge of allegiance to the flag.
2. **PUBLIC COMMENT:** No public comment.
3. **MEETING MINUTES**
  - A. Review and adopt minutes of December 17, 2020.
    - **MOTION:** Approve the minutes of December 17, 2020  
*Bush/Lagomarsini. Roll-call vote- Ayes: Robertson, Lizza, Lagomarsini, Bush. Abstain: Roberts*
4. **PUBLIC HEARING**
  - A. **9:05 a.m. CONDITIONAL USE PERMIT 20-006/Schott & Reedy.** The proposal is for placement of a 116- square foot storage shed prior to construction of the primary residence at 3858 Crowley Lake Drive (APN 060-150-004) in Crowley Lake. The parcel is designated Single-Family Residential (SFR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. (*Staff: Kelly Karl*)
    - Kelly Karl presented project and answered questions from the Commission.
    - **The Public Hearing was opened at 9:50 a.m. and Chair Bush called for public comment.**
      - 7440/James Kozack: Requested to hear from Fire Chief, believes the shed is a fire hazard – could the fire department get a truck up there.
      - Fire Chief Maniaci: Discussed need for driveway to be well-signed and visible, access considerations, culverts withstanding the weight of fire equipment, water supply, and having a 30 ft defensible space clearance. The chief clarified that the fire safe standards need to be part of the approval for the shed and the conditions changed to require those standards.

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COMMISSIONER  
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- Commissioners and staff asked further questions of the Fire Chief and he responded. The chief clarified he would not send a unit to defend the shed, but if there is a generator being used out there and a fire started and spread, would need to gain access to send people out there to keep it from spreading. Staff also inquired about prohibiting generators and requiring the shed to remain vacant as just a shell until the main use is constructed. If no activity and no storage would that be okay to defer looking at the 30 ft defensible space issue? The chief said that would suffice.
- Fred Stump: Filed the complaint based on the principle of equanimity and following processes, and on behalf of constituents who had complained. Requested that if approved to adopt with modifications, particularly option 2.
- Shaw: Questioned if the shed would be allowed to remain on property if the owners sell, or if they do not comply with building within two years if the shed would be required to be removed. Also requested that if the shed remains that it be required for the doors and windows to be boarded up, and chainsaws removed.
- **The Public Hearing and public comment was closed at 10:15 a.m.** Commissioners made further comments on the project.
- **Break from 10:34 a.m. to 10:55 a.m.**
- Staff presented the revised Conditions of Approval and commissioners discussed.
  - Condition 4 revised to state that the shed shall be secured against unauthorized entry and flammable liquids/materials shall not be stored.
  - Condition 6 revised to include language that the submittal for a building permit for the main use must comply with fire safe standards, including but not limited to driveway standards. (Fire safe standards language also covers defensible space requirements).
  - Condition 7 deleted due to being covered by condition 6 language referring to fire safe standards.
- **DISCUSSION:** no further discussion
- **MOTION:** Find that the project qualifies as a categorical exemption under CEQA 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 20-006 subject to the revised Conditions of Approval.

*Lizza/Bush. Roll-call vote- Ayes: Roberts, Robertson, Lizza, Lagomarsini, Bush*

**B. 9:35 a.m. CONDITIONAL USE PERMIT 21-001/Hemminger.** The proposal is for permitting the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element. The parcel is designated Rural Residential (RR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. (Staff: April Sall)

- April Sall presented project and answered questions from the Commission.
- **The Public Hearing was opened at 12:15 p.m. and Chair Bush called for public comment.**
  - Applicants Lynne and Dean Hemminger provided the background and timeline of the issue.
  - Katy Buell: Commented on issues with the county permitting and inspection process, and the hazards posed by overground power.

- Mark Langer: Questioned whether Liberty Utility took action to put in overhead lines on their own or whether they were acting at direction of the owner. Questioned who dropped the ball on this. Inquired about the possibility of Inquired whether other estimates for the cost of undergrounding were obtained that could reduce cost. Questioned why the building permit was finalized when there was a pending complaint. (Staff responded). Expressed concern about the poles being a fire hazard. Expressed concern that given the out of order process neighbors were not able to submit their concerns sooner. Requested that the two poles that are on the property be required to be underground as a partial compromise.
- **The Public Hearing and public comment was closed at 12:38 p.m.**
- **DISCUSSION**
  - **Commissioner Lizza:** Would like more information on whether there is standard language in the Liberty Utility contract to comply with local ordinances, and would like to know the legal obligations of Liberty Utility before making a decision. Table until learn more about Liberty's obligations, but likes the idea of undergrounding the top two poles, but give the applicant time to work with Liberty, to finance it, to find a lower, and give them time to manage the process.
  - **Commissioner Roberts:** There is a distinction between extending community infrastructure to serve a property and the responsibility of the individual property owner. Was probably the intent at the time the subdivision was created for there to be overhead power.
  - **Commissioner Lagomarsini:** Need to shore up the county process and work with Liberty Utility so they know their responsibilities. Would like to see the poles on the owner's property to be underground – would be good for all of them to go underground but not sure they can make the applicant bear that burden. Need a report back on dealings with Liberty Utility, and perhaps send a letter to the Board of Supervisors. Prepared to move forward today with assurances that Liberty Utility will be dealt with by the county.
  - **Commissioner Robertson:** Require the applicant to comply with the site plan which showed underground power to the property line – that is two of the poles. Need a process for the county to coordinate with Liberty Utilities when putting in utilities on private roads or areas outside the property line.
  - **Chair Bush:** Posed another possible alternative – since last pole is the visually intrusive one, might be able to remove the one pole and underground from the other pole, and remove the visual. More worried about visual impact than overhead lines. They already exist in that neighborhood but understand the visual impact. Not sure of the cost to remove and underground just the one pole. Getting away from overhead power problem because even if all five were removed, there are still overhead poles in the area that pose a danger, so removing five doesn't remove the danger.
- **MOTION:** Move to table discussion until the Planning Commission has more information about the obligations of Liberty Utility, and a second and/or third estimate on the cost of trenching in the area.  
*Lizza/Robertson*

- **Further Discussion**
  - **Commissioners Lizza and Robertson:** Clarified that he would like to understand whether this is the obligation of Liberty Utility or the homeowner to underground utilities, why they didn't follow the approved site plan, and clarified that a new cost bid could be under similar parameters as described in the bid from Cruz Construction.
  - **County Counsel:** Clarified that the county does not have a claim against Liberty Utility; the property owner does but the county is excluded from. County counsel is not providing private legal advice to the applicant or to anyone on the call, is only acting in capacity as lawyer for the county.
  - **Commissioner Robertson:** Inquired about Liberty Utilities obligation to follow the code on a private road. County counsel responded that residents along a private road bear the burden of repairing and maintaining the road and remaining in compliance.
  - **Commissioner Lagomarsini:** No problem with the homeowner getting a new estimate, but think they only need to look at the two poles on their property. Doing the whole street not appropriate at this juncture. Get estimates for dropline trenching not the whole street.
  - **Commissioner Lizza:** New bid would be from third pole towards the house to undergrounding that already exists. One bid is sufficient.
- **MOTION as amended:** Move to table discussion until the Planning Commission has more information about the obligations of Liberty Utility, and have a new estimate on the cost of undergrounding the two poles on the property.  
*Lizza/Robertson*  
Wendy Sugimura noted that the public hearing would be continued at the next Planning Commission meeting on March 18 at 9:05 a.m.  
*Roll-call vote- Ayes: Roberts, Robertson, Lizza, Lagomarsini, Bush*  
**As amended at 1:15 p.m:** Amending the continuation of the Hemminger Use Permit public hearing on March 18 to 9:35 a.m.

## 5. REPORTS

### A. Director

- Discussed items on agenda for March Planning Commission meeting, ongoing Director Reviews, lot line adjustments, general plan amendments, seven use permits in progress, and provided an update on the status of the Tioga Inn specific plan.

### B. Commissioners

- **Chair Bush:** Will be recusing himself from the Way Use Permit.
- **Commissioner Lizza:** Declined to be reappointed to his local RPAC due to the nexus between role on Planning Commission and sitting on the RPAC.
- **Commissioner Robertson:** Mammoth Lakes Housing still has rent assistance due to impacts to income from COVID-19. State rental assistance funds will be administered via a national organization.
- **Commissioner Lagomarsini:** After speaking with the new supervisor for District 2, Commissioner Lagomarsini will be staying on the Planning Commission.
- **Commissioner Roberts:** After a year, misses in-person meetings.

## 6. ADJOURN to March 18, 2021

# Mono County Community Development Department

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## Planning Division

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March 18, 2021

To: Mono County Planning Commission

From: Kelly Karl, Associate Planner

Re: Use Permit 20-009/Gordon

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Hold a public hearing, receive testimony, deliberate, and make any desired changes.
2. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption;
3. Make the required findings as contained in the project staff report; and
4. Approve Use Permit 20-009 subject to Conditions of Approval.

Alternatively, find that the project does not meet the required findings and deny Use Permit 20-009. Staff may request a short recess to draft denial findings based on Commission direction.

### BACKGROUND

In March 2017, the Board adopted amendments to Chapter 25 as recommended by the Planning Commission, which regulated short-term rentals in certain residential land use designations. Subsequently, the Board enacted a 45-day, then a 10.5 month, followed by a one-year moratorium on not owner-occupied short-term rentals, and directed staff to 1) first complete a public process to revise the June Lake area plan to address specific short-term rental issues in this community; and 2) revisit area plan policy discussions with other communities on where not owner-occupied rentals should be allowed/not allowed.

In April 2018, the Board adopted a General Plan Amendment revising the June Lake area plan and short-term rental regulations, at the recommendation of the Planning Commission, to address issues specific to June Lake. These regulations established a two-part permitting process: 1) a use permit approval by the Planning Commission under Chapter 25 of the General Plan, and 2) a Short-Term Rental Activity Permit approval by the Board of Supervisors under Mono County Code Chapter 5.65.

Finally, Mono County adopted General Plan Amendment 19-01 on February 12, 2019, prior to the moratorium ending, which identifies the types and locations of acceptable short-term rentals in the county. Mono County Code Chapter 5.65 establishes a Short-Term Rental Activity Permit governing the operation of rentals and making the approval non-transferrable if ownership changes, and the new owner would need to apply for a new Activity Permit. The Short-Term Rental

Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to commencement of rental activity.

Under Mono County General Plan Land Use Element Chapter 25, short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, or RMH subject to Use Permit, if consistent with applicable Area Plan policies. In the Long Valley area plan, short-term rentals must be owner-occupied and are subject to a Short-Term Rental Activity Permit.

### PROJECT DESCRIPTION

UP 20-009/Gordon is a proposal for an owner-occupied short-term rental located at 90 Aspen Place (APN 060-210-067) in Crowley Lake (see Figure 1). The parcel is less than an acre (~0.34-acre) in size and is designated Single Family Residential (SFR). The project proposes to rent the four-bedroom and four-bathroom main house (see Figure 3) and the property owners will occupy the detached accessory dwelling unit (ADU). Maximum occupancy for the proposed four-bedroom rental is 10 people and seven vehicles (five vehicles for renters and two vehicles for the property owners). Only a single party of individuals may occupy the rental at a time.

The land use designations for the adjacent properties to the east and west are single-family residential (SFR), the large parcel to the north is Commercial (C) and Specific Plan (SP), and the parcels to the south are also (C) (see Figure 2).

A site visit was conducted on January 7, 2021, to verify site conditions (see Site Photos 1, 2, & 3), measure the dimensions of the proposed parking areas, and confirm the location of the closest fire hydrant. Please see the Parking and Fire Safe Regulations sections below for additional analysis.

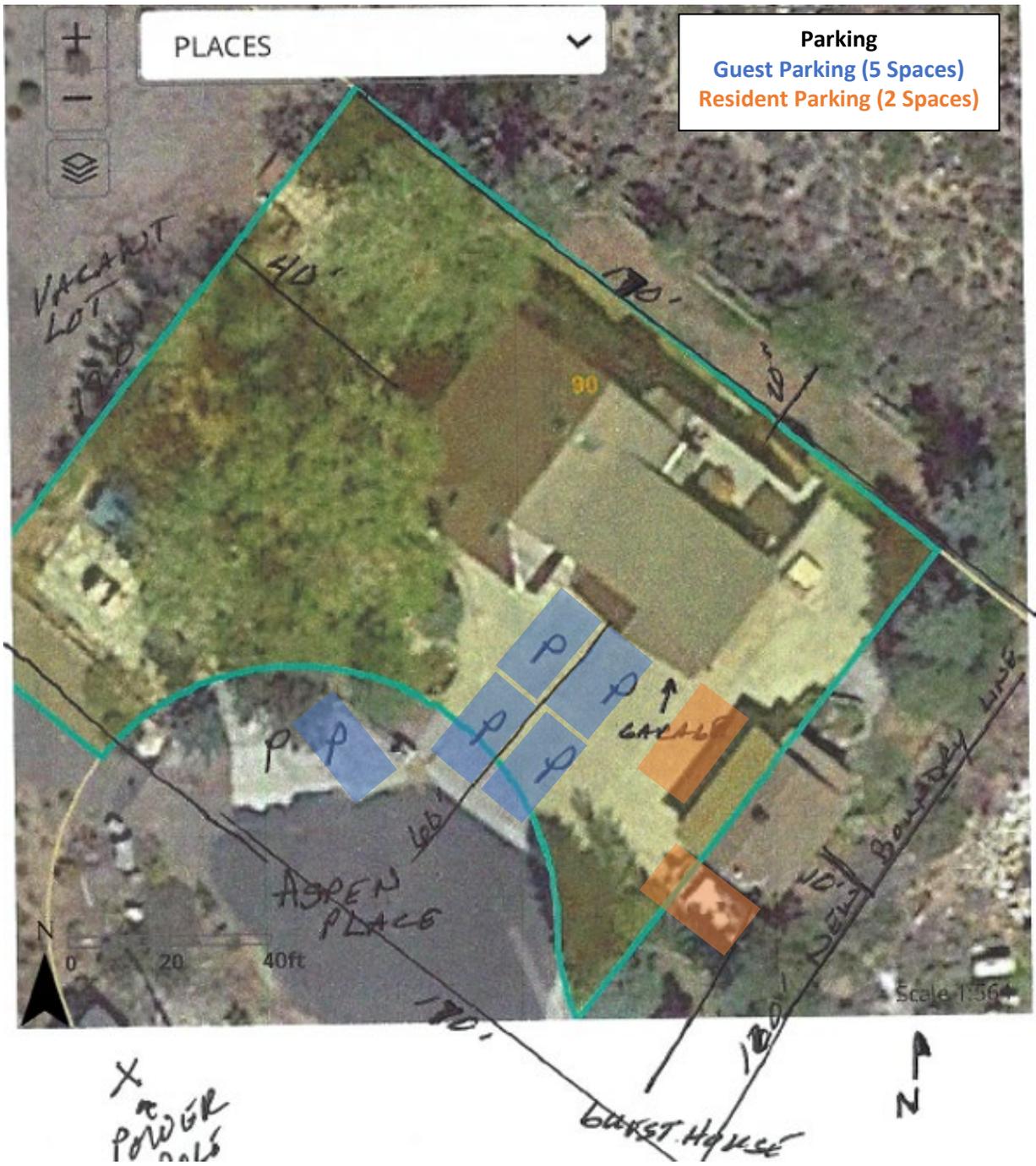
**FIGURE 1: PROJECT LOCATION**



**FIGURE 2: PROJECT LAND USE DESIGNATION**

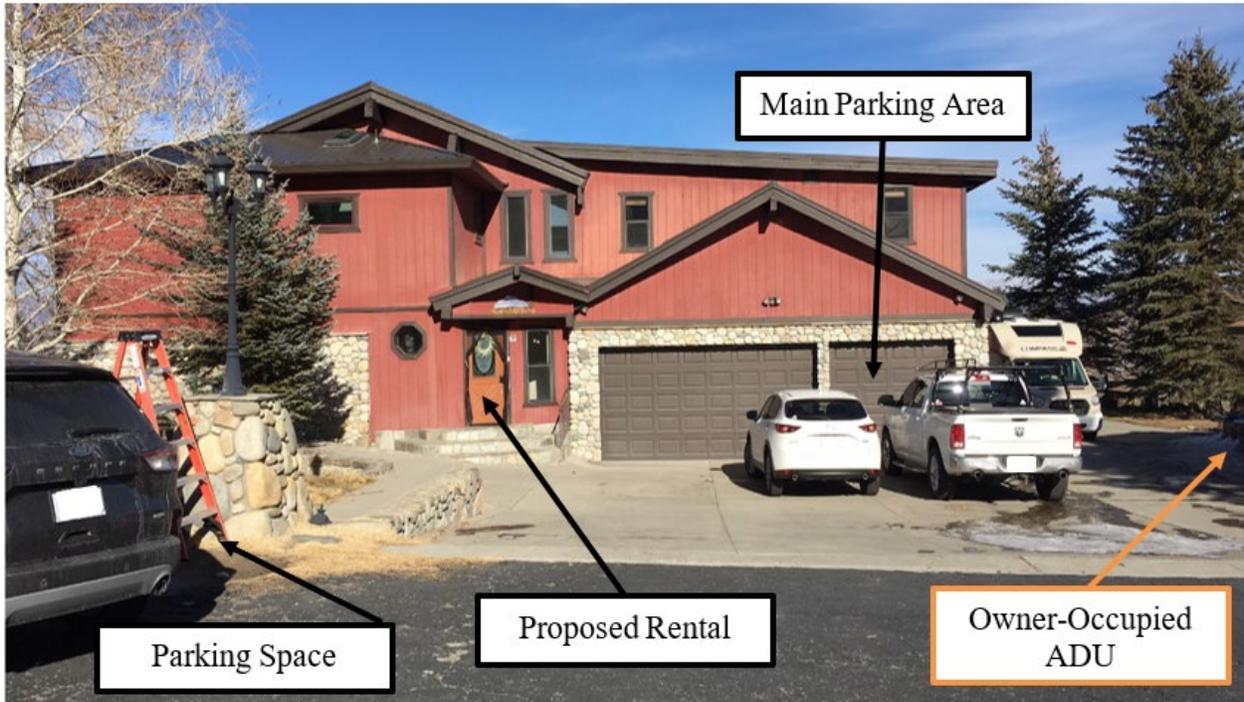


FIGURE 3: SITE PLAN



Site plan is not to scale. Parcel lines were redrawn by the property owners due to the inaccurate alignment shown in Mono County Parcel Viewer.

**SITE PHOTO 1 – 01/07/21**



*The proposed four-bedroom short-term rental and main parking area.*

**SITE PHOTO 2 – 01/07/21**



*Looking east at the owner-occupied ADU and the two parking spaces for property owners.*

**SITE PHOTO 3 – 01/07/21**

*Looking west at the additional parking space for short-term renters.*

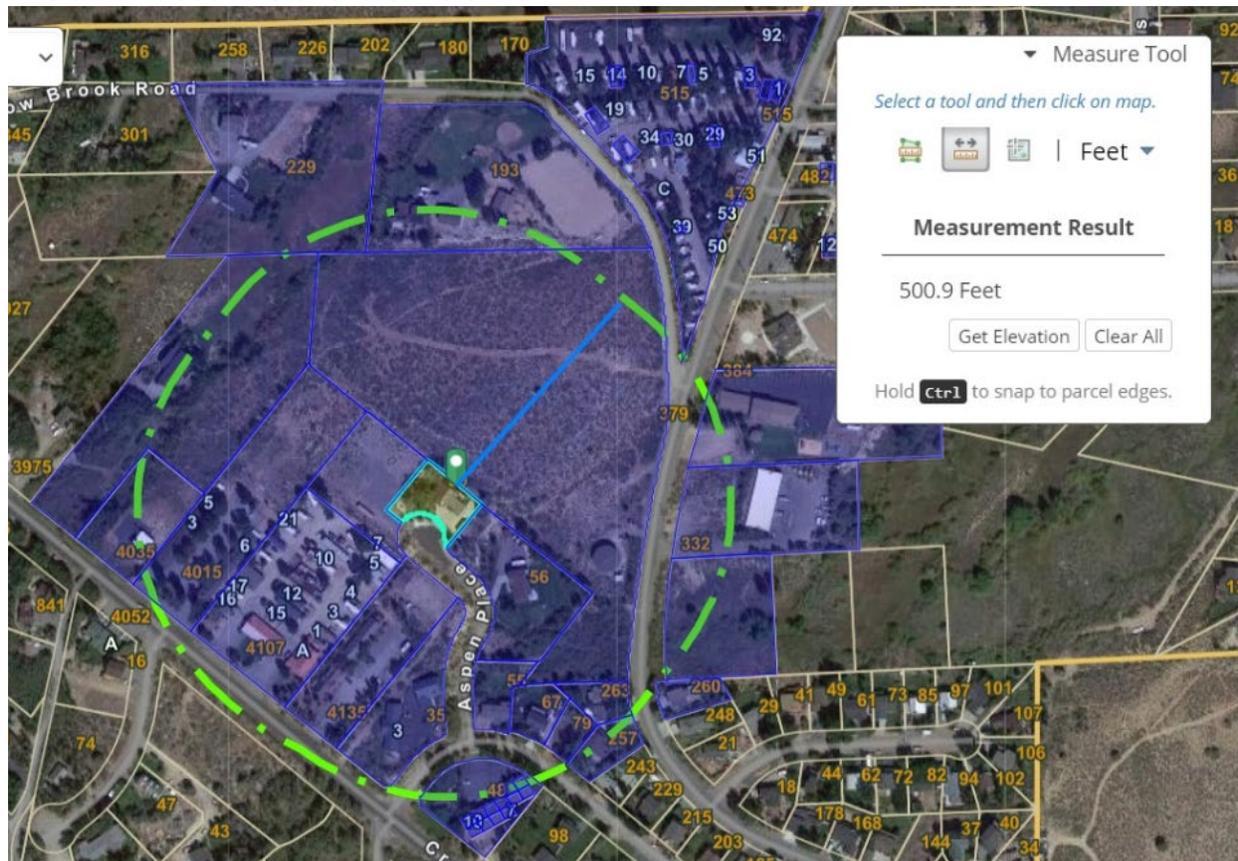
**LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)**

The LDTAC reviewed and approved the application for processing on October 5, 2020. The draft conditions of approval for this project were reviewed and approved with edits by LDTAC on March 1, 2021. LDTAC requested a condition of approval requiring a one-time bacteriological test for the existing well. The Long Valley Fire Protection District (LVFPD) requested that language specifying that only owner-occupied rentals are permitted should be added for clarity. The LVFPD expressed general concern about accessibility of the parcel in winter and noted general safety concerns associated with a not owner-occupied short-term rental.

**PUBLIC HEARING NOTICE**

A hearing notice was published in the February 13, 2021, edition of The Sheet (Attachment 1). Notices were mailed February 3, 2021, to property owners within a 500' radius of the site per Land Use Element Chapter 25 (Attachment 2). Seventy-six notices were mailed to the parcels within the 500' noticing buffer (see Figure 4) and four comments were received by staff by the March 10 publishing deadline (Attachment 3). One comment was in support of the project, two were opposed to the project and the other comment received was from the LVFPD. The two comments opposed were from property owners in the Whiskey Creek condo complex, located at the edge of the 500' boundary located on Aspen Terrace. Any comment letters received between the publication deadline and the public hearing will be provided to the Planning Commission along with a verbal update at the meeting.

**FIGURE 4: 500' NOTICING BOUNDARY**



Comment 1 – Opposed based on the following:

1. Vacationer & Neighbor Conflict: A commenter noted that short-term rentals were prohibited within a nearby condo complex due to vacationers not following posted rules (such as quiet hours, parking in designated unit spaces only, etc.) which created conflict between long-term residents. Vacationers need the freedom to relax and enjoy themselves and the best environment for this is in a traditional hotel or motel.

Comment 2 – LVFPD

1. Owner-Occupied Rental: LVFPD requested additional language specifying that only owner-occupied rentals occur on this parcel be added to the conditions of approval due to general safety concerns associated with not owner-occupied short-term rental use.

Comment 3 – Opposed based on the following:

1. Illegal Short-Term Rentals: The commenter noted that Crowley Lake is a high-density area, especially along Aspen Terrace, and an existing illegal short-term rental near the Whiskey Creek condo complex creates overflow traffic and parking issues along Aspen Terrace as well as noise disturbance (from parties).

2. Neighborhood Impacts: Allowing short-term rentals in a heavily populated area like Aspen Terrace will likely increase the impact to the overall environment of the community.
3. Parking/Snow Removal Concerns: The proposed rental provides parking for 5 vehicles for renters and 2 vehicles for property owners. If the private road is not plowed and kept clear on weekends and during large storms these renters could end up utilizing the privately maintained Whiskey Creek condo complex parking lot which has been the case with past short-term rentals.
4. Long-Term Rentals: The commenter noted that long-term rentals would benefit the community by providing housing as well as the property owners. This would also preserve the peaceful character of the Crowley Lake community.

The concerns above are addressed as follows:

1. Vacationer & Neighbor Conflict: Owner-occupied rentals require the owner to be onsite during all short-term rentals and closely monitor their renters to ensure compliance with regulations and therefore prevent impacts to neighbors and community character. Additionally, under the STR Activity Permit the onsite owners are required to post a 24-hour phone number. Neighbors can utilize this contact number to speak directly to the property owners if the renters are being disruptive. Violations by an active short-term rental are grounds for incurring fees and failure to correct violations is grounds for suspension or revocation.
2. Owner-Occupied Rental: The language of the conditions of approval have been updated to reflect the changes requested by the LVFPD.
3. Illegal Short-Term Rentals: The details provided in Comment 3 about the illegal short-term rental near Whiskey Creek condo complex has been forwarded to Mono County Code Compliance to investigate. Future violations should be reported to Mono County Code Compliance, more information on that process is available at following link. <https://monocounty.ca.gov/community-development/page/code-compliance>
4. Neighborhood Impacts: See Response #1 above.
5. Parking/Snow Removal Concerns: The use permit for this STR sets the maximum number of vehicles permitted for this owner-occupied STR at seven vehicles, five vehicles for renters plus two vehicles for property owners. All parking spaces meet requirements specified in Mono County Land Use Element, Chapter 6 – Parking and all parking must occur as shown in Figure 5 (please see Parking section for additional analysis). Mono County Code section 5.65 and the STR Activity Permit require that all parking occur on the property and prohibits off-site and on-street parking (full text below). In addition, this code section and the STR Activity Permit also requires the property owner to remove snow from “driveways, walkways, stairs, decks, and all exits, and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas” (full text below).
6. Long-Term Rentals: The property owners retain the right to conduct rent long-term rentals (30-days or more), these rentals are not regulated by Mono County and would not require any additional Planning Division approvals.

### **MONO COUNTY CODE SECTION 5.65 (§5.65.110)**

*D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil, and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.*

*F. Snow Removal. The property owner or manager shall ensure that snow removal from driveways, walkways, stairs, decks, and all exits, and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.*

### **CEQA COMPLIANCE**

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

Examples include but are not limited to:

- Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- Conversion of a single-family residence to office use.

Single-family homes that are rented on a short-term basis (as an owner-occupied rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, short-term rentals are subject to compliance with regulations governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

### **GENERAL PLAN CONSISTENCY**

The project is consistent with Chapter 25, Short-Term Rentals, which established a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

The project is consistent with both Countywide Land Use Policies that seek to maintain and enhance the local economy and allow for short-term rentals on ER parcels subject to Chapter 25.

The project is consistent with Long Valley Area Plan Policies which allow for owner-occupied rentals and seek to provide opportunity for commercial development in order to provide necessary services to local communities.

## **MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES**

The project is consistent with the following Countywide land use policies:

**Objective 1.I.** *Maintain and enhance the local economy.*

**Policy 1.I.1.** *Land use designations shall provide sufficient land for the economic development of community areas.*

**Objective 1.M.** *Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, or RMH, excluding MFR-M and MFR-H) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.*

**Policy 1.M.1.** *Approvals of Owner-Occupied and Not Owner-Occupied short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.*

**Action 1.M.1.a.** *The following permits are required to operate Owner-Occupied and Not Owner- Occupied short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.*

The Commission may deny an application based on the following Countywide policy or an inability to make the required findings:

**Policy 1.M.3.** *In addition to reasonable opposition by the neighborhood, short-term rental applications may be denied in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.*

**Action 1.M.3.a.** *Short-term rental applications may be denied where one or more of the following safety or infrastructure conditions exist:*

- *Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).*
- *Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.*
- *The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.*

- *Current water or sewer service is inadequate or unable to meet Environmental Health standards.*

The project is also required to comply with Mono County Code Chapter 5.65 and receive Board of Supervisors approval for the Short-Term Rental Activity Permit in a public hearing. The purpose of Chapter 5.65 is to implement procedures, restrictions, and regulations related to the operation of a short-term rental. It also provides enhanced enforcement tools to address unauthorized short-term rentals countywide.

## **MONO COUNTY LAND USE ELEMENT, LONG VALLEY AREA PLAN POLICIES**

The project is consistent with the following 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.***

***Action 23.B.1.d. Prohibit not-owner occupied short-term rentals (see Chapter 25) in the Long Valley Planning Area.***

***Policy 23.B.2. A mix of land uses (e.g., commercial and residential) may be allowed provided they do not adversely affect the rural residential character of the surrounding area.***

***Objective 23.C. Provide for commercial development that supplies the local community with convenient and necessary goods and services.***

***Policy 23.C.1. Provide adequate land for existing and future commercial needs.***

***Action 23.C.1.a Designate a sufficient amount of land to accommodate tourist and community commercial needs.***

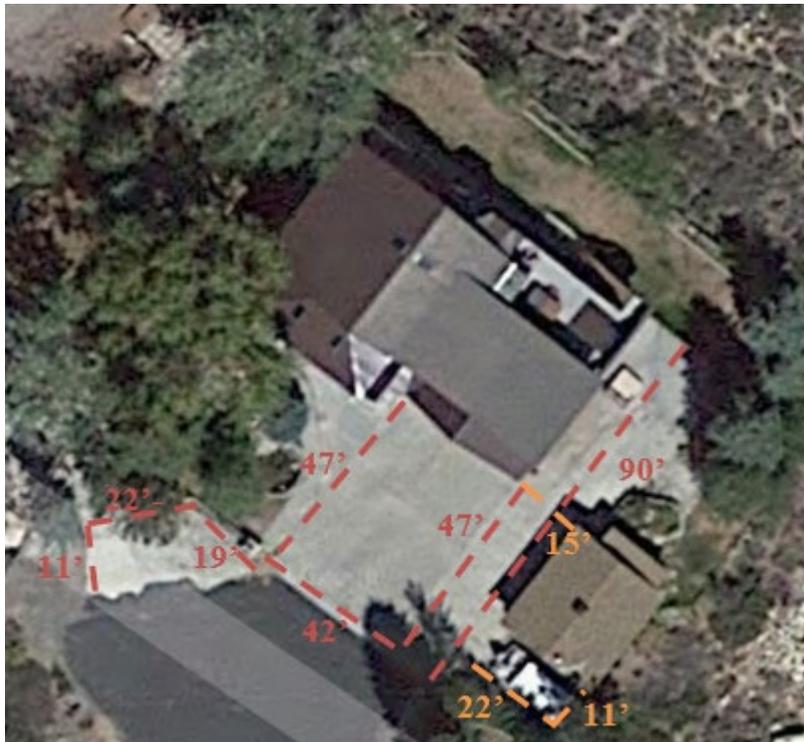
## **PARKING**

Owner-occupied rentals are required to provide adequate parking for both the property owners and potential renters. Per Chapter 5.65 of the County Code, the number of vehicles shall not exceed the number of parking spaces. The parcel is located at an elevation below 7,000 feet which requires 9' x 18' parking stall dimensions. The project provides a total of seven parking spaces, two paved/uncovered spaces for the property owners and five paved/uncovered spaces for renters. Four of the proposed parking spaces are located within the existing paved driveway and an additional guest parking space is located in a small, paved area near the top of the turnaround for Aspen Place (see Figures 5 & 6). A condition of approval for this project requires that all parking occur on the property and that the parked vehicles not obstruct the access to the turnaround on Aspen Place. Note in Figure 5 that the parcel lines are offset from the aerial photograph, and therefore structures and land features are not accurately located within the parcel boundary.

**FIGURE 5: PARKING PLAN**



**FIGURE 6: DIMENSIONS OF PARKING AREAS**



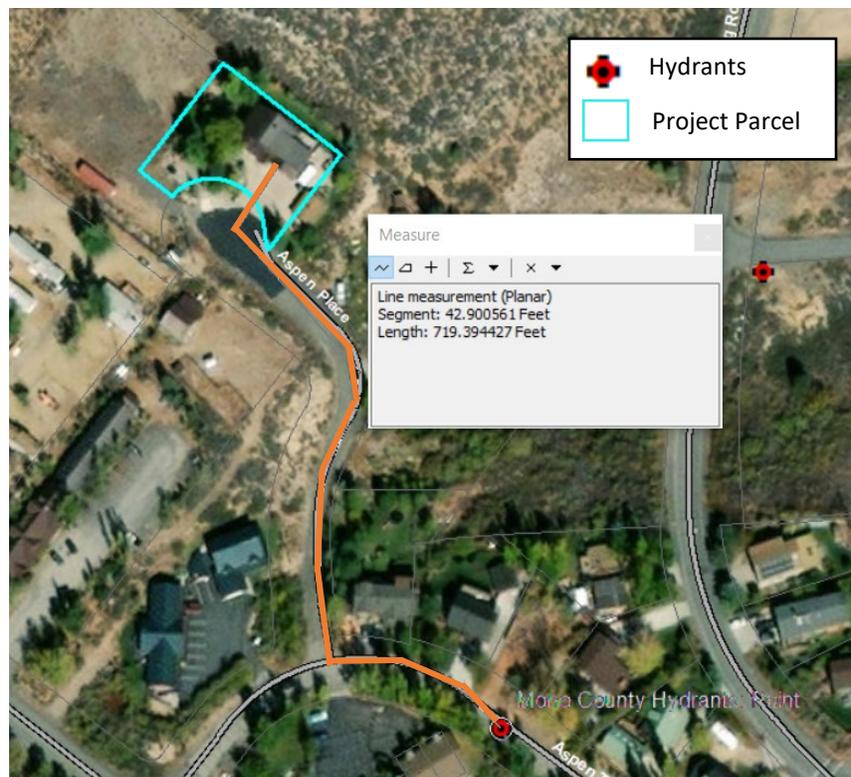
## FIRE SAFE REGULATIONS

The existing driveway meets all driveway width, length (no turnout or turnaround required), surface, and maximum grade requirements specified in Chapter 22- Fire Safe Regulations. The parcel complies with emergency water standards specified in Chapter 22 and is approximately 719' from an existing hydrant located on Aspen Terrace (see Figure 7). Per section 22.130.C.1.a. fire hydrants in the Long Valley Fire Protection District “shall not be less than 50 feet or more than 1,000 feet from the building it is to serve.”

The parcel is accessed by Aspen Place, a dead-end private road, that serves three parcels and is approximately 475' in length, with a turnaround located at its terminus. The road access and all of the parcels it serves were created by a 1988 Parcel Map and predates modern fire safe standards which were created in 1991.

Aspen Place is a private road that does not receive snow removal service from Mono County. The property owners will need to maintain snow removal on Aspen Place road to allow for property access to the parcel for the LVFPD, including keeping the turnaround clear of snow and free from obstruction for an emergency fire apparatus to turnaround. Please see response to comments #5 in the Public Comment section for a more detailed discussion of snow removal. The project received a provisional will serve letter from the Long Valley Fire Protection District (Attachment 4) and will be required to obtain a final will serve letter as a condition of approval.

**FIGURE 7: HYDRANT LOCATIONS IN CROWLEY LAKE**



## **NOISE ORDINANCE**

The project will be subject to the Chapter 10.16 of the Mono County Code that establishes thresholds for legal noise levels based on land use and time of day. According to Table 10.16.060(A) – Maximum Allowable Exterior Noise Levels, residential – low density land uses have a maximum allowable exterior noise level of 55 dBA or less during the day (7:00 am – 9:59 pm) and 50 dBA or less at night (10:00 pm – 6:59 am). A specific reference to this County Code section has been added to the conditions of approval for this owner-occupied short term rental.

## **COVID-19**

Short-term rentals have been prohibited under several “Regional Stay Home” Orders and have been subject to various operational restrictions depending on which California Department of Public Health’s Blueprint for Safer Economy Tier Mono County is in within a given time. Therefore, the proposed short-term rental at 90 Aspen Place shall be required to follow any State and local health directives related to COVID-19 now and into the future.

## **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 parcel is adequate in size and shape to accommodate the proposed owner-occupied short-term rental use.
  - b. Lot coverage is 52% which is existing nonconforming with the 40% maximum for the SFR designation. No new construction is proposed.
  - c. All setbacks are met for the existing main residence and ADU, SFR parcels less than one-acre in size are required to meet 20’ front, 10’ side, and 10’ rear setbacks.
  - d. Project meets parking standards for “Residential Units” category of Table 06.010 by providing a total of seven parking spaces, five uncovered paved 9’ x 18’ spaces for renters and two 9’ x 18’ uncovered paved spaces for the property owners.
  - e. The driveway and parking spaces are paved and meets driveway standards.
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 proposed rental is accessed from Aspen Place, a private road, and circulation patterns are not expected to be significantly increased through the use of a short-term rental. The use of the property for an owner-occupied short-term rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

- a. The proposed owner-occupied short-term rental of the existing 4-bedroom single-family home is not expected to cause significant environmental impacts.
  - b. The project has existing exterior light fixtures that will be analyzed for compliance with Chapter 23, Dark Sky Regulations as part of the Activity Permit process. A condition of approval for the Activity Permit will be to retrofit any noncompliant fixtures prior to operation.
  - c. The project will be subject to Chapter 10.16 of the Mono County Code which established thresholds for noise levels. According to Table 10.16.060(A) – Maximum Allowable Exterior Noise Levels, for daytime and nighttime in residential – low density land uses.
  - d. Project is required to comply with regulations of Mono County Code Chapter 5.65 which requires the applicants to be onsite during rentals to manage potentially disruptive behavior.
  - e. Project was noticed by mail to surrounding property owners within 500 feet and by newspaper 30 days prior to the public hearing. Four comments were received by the March 10 publishing deadline (Attachment 3). To view notices, refer to Attachments 2 and 3.
  - f. The Long Valley Fire Protection District issued a provisional will serve letter for this project and a condition of approval will require a final will-serve letter to be obtained from the District (Attachment 4).
  - g. The Activity Permit that will be considered by the Board of Supervisors addresses common disturbance issues through operational requirements.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a. The project is consistent with the 2019 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Long Valley Area Plan policies.
  - b. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property.
  - c. The proposed use is consistent with the General Plan, the Long Valley Area policies, and Countywide land use policies.

This staff report has been reviewed by the Community Development Director.

## ATTACHMENTS

- Attachment 1: Published Public Hearing Notice
- Attachment 2: Mailed Public Hearing Notice
- Attachment 3: Public Comments
- Attachment 4: Provisional Will Serve Letter Long Valley Fire Protection District

# MONO COUNTY

## Planning Division

### NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** UP 20-009

**APPLICANT:** Dan & Kara Gordon

**ASSESSOR PARCEL NUMBER:** 060-210-067

**PROJECT TITLE:** Owner-Occupied Short-Term Rental/Gordon

**PROJECT LOCATION:** 90 Aspen Place, Crowley Lake

#### CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

**DATE OF DECISION/USE PERMIT APPROVAL:** March 18, 2021

**EFFECTIVE DATE USE PERMIT:** March 29, 2021

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

#### MONO COUNTY PLANNING COMMISSION

**DATED:** March 18, 2021

- cc:   X   Applicant
- X   Public Works
- X   Building
- X   Compliance

## CONDITIONS OF APPROVAL

### Use Permit 20-009/Gordon Owner-Occupied Short-Term Rental

1. The owner-occupied short-term rental occupancy is limited to ten renters and five vehicles (plus two additional vehicles are permitted for the property owners). Not owner-occupied short-term rentals are prohibited.
2. Vehicle parking shall occur only on the property, off-site and on-street parking are prohibited. Vehicle(s) shall not obstruct the flow of traffic on or access to the turnaround on Aspen Place.
3. The project shall comply with provisions of the Mono County General Plan (including Chapter 25, Short-Term Rentals), Mono County Code (including but not limited to 10.16.060(A)), and project description and conditions.
4. All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
5. The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
6. Project is required to comply with any requirements of the Long Valley Fire Protection District. The applicant shall provide a final “will-serve” letter from the Long Valley Fire Protection District indicating the FPD will provide service to the project.
7. Per Mono County Environmental Health Department, a one-time bacteriological test shall be completed for the onsite water system prior to the operation of the short-term rental.
8. Compliance with any COVID-19 Public Health Orders for lodging and short-term rentals, whether existing now or ordered in the future, is required.
9. Property shall be maintained in a neat and orderly manner.
10. Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff’s office, Building Division, and Environmental Health.
11. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public 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.

12. Termination: Per section 32.060 of the Land Use Element, a use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
- 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - No extension is granted as provided in Section 32.070.
13. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.

**ATTACHMENT 1: PUBLISHED PUBLIC HEARING NOTICE**

**MONO COUNTY  
PLANNING COMMISSION**

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

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

February 3, 2021

To: The Sheet

From: Becky Peratt

Re: Legal Notice for **February 13** edition

Invoice: Becky Peratt, PO Box 347, Mammoth Lakes, CA 93546

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**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **March 18, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 926 8138 6245) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:05 a.m. CONDITIONAL USE PERMIT 20-009/Gordon**. The proposal is for an owner-occupied short-term rental at 90 Aspen Place in Crowley Lake (APN 060-210-067). The existing four-bedroom/four-bathroom main residence would be rented while the owners occupy the detached accessory dwelling unit. Maximum occupancy is 10 people and seven vehicles (five vehicles for renters and two vehicles for the property owners). The parcel is designated Single-Family Residential (SFR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Wednesday, March 17**, to ensure timely receipt, by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

# ATTACHMENT 2: MAILED PUBLIC HEARING NOTICE

## Mono County Community Development Department Planning Division

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

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

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **March 18, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 926 8138 6245) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:05 a.m. CONDITIONAL USE PERMIT 20-009/Gordon**. The proposal is for an owner-occupied short-term rental at 90 Aspen Place in Crowley Lake (APN 060-210-067). The existing four-bedroom/four-bathroom main residence would be rented while the owners occupy the detached accessory dwelling unit. Maximum occupancy is 10 people and seven vehicles (five vehicles for renters and two vehicles for the property owners). The parcel is designated Single-Family Residential (SFR).

In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling (760) 924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments by **8 am on Wednesday, March 17** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

For additional questions, please contact the Mono County Planning Division:

Kelly Karl, Associate Planner  
PO Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1809, [kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)



Planning / Building / Code Compliance / Environmental / Collaborative Planning Team (CPT)  
Local Agency Formation Commission (LAFCO) / Local Transportation Commission (LTC) / Regional Planning Advisory Committees (RPACs)

## ATTACHMENT 3: PUBLIC COMMENTS

### COMMENT #1

**From:** [Kelly Karl](#)  
**To:** [Kelly Karl](#)  
**Subject:** FW: CONDITIONAL USE PERMIT 20-009/Gordon  
**Date:** Monday, March 1, 2021 11:41:24 AM

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**From:** Steve ODP <[steveodp8@gmail.com](mailto:steveodp8@gmail.com)>  
**Sent:** Saturday, February 27, 2021 2:52 PM  
**To:** CDD Comments <[cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov)>; [steveodp8@gmail.com](mailto:steveodp8@gmail.com)  
**Subject:** CONDITIONAL USE PERMIT 20-009/Gordon

**[EXTERNAL EMAIL]**

**CONDITIONAL USE PERMIT 20-009/Gordon** is not good for the vacationers or the neighbors. As the President of the Whiskey Creek Condominium Association (48 Aspen Terrace), I would like to share that transient occupancy had to be eliminated (years ago) within our complex due to visitors repeatedly not following posted rules. Some example rules were:

- Quiet time between 10pm and 8am
  - o No unreasonably loud or annoying noises to include musical instruments
- No glass containers in the common area
- No smoking except in designated areas
- No draping of clothing or towels over balconies
- Parking permitted only in designated Unit spots

As a result, many homeowners who were not on vacation and had to go to work the next day and/or had young children with early bedtimes, were rightfully upset. Vacationers will want the freedom to relax and enjoy themselves and should do so from more appropriate hotel environments.

Kind Regards,  
 Steve O'Driscoll-Packer  
 (805) 709-4082  
 48 Aspen Terrace, Unit 2  
 Crowley Lake, CA

**COMMENT #2**

**From:** [Kelly Karl](#)  
**To:** [Kelly Karl](#)  
**Subject:** FW: Gordon  
**Date:** Monday, March 1, 2021 4:48:16 PM

---

-----Original Message-----

From: Vince Maniaci <longvalleyfd@gmail.com>  
Sent: Monday, March 1, 2021 11:11 AM  
To: Kelly Karl <kkarl@mono.ca.gov>  
Subject: Gordon

[EXTERNAL EMAIL]

Hello Kelly

I'm glad Fred caught this for me can you please make sure that the Gordon review expresses that owner must be on site. I believe it a Mono Code but want to make sure it's within the list of conditions. It's stated in the title but want to clarify throughout. Thank you.

Chief Maniaci  
Long Valley Fire

Sent from Vinnies iPhone

**COMMENT #3**

March 5, 2021

Mono County Planning Commission  
P.O. Box 347  
Mammoth Lakes, CA. 93546

Dear Planning Commissioners:

I am a resident of Crowley Lake and reside at 48 Aspen Terrace. I live in a multi family residence located directly across the street from Aspen Place. The majority of the owners in our condo are permanent residents with other owners occupying their units on regular basis. I would also note that our complex has CC&R's that prohibit transient or short term rentals.

I am responding to a notification for a hearing on Use Permit/20-009/Gordon applying for a short term transient rental at the Aspen Place residence. I am opposing this application with the following comments:

Generally speaking I opposed transient or short term rentals in most areas of Crowley Lake. I would consider Crowley Lake a high density area. This is the especially the case on Aspen Terrace where vehicles are parking along the sides of the road, many children playing along these roads, people walking their dogs, garbage and delivery trucks and an array of vehicles passing through daily. We also have a single family residence at the end of our complex that appear to be renting out their property to over night visitors without a permit on a regular basis. The result of this has been numerous vehicles parked on the narrow Aspen Terrace easements, parties, noise and overflow of traffic on Aspen Terrace. This is an example of disruption transient rentals can cause. Our owners have failed to report these circumstances but hopefully will in the future.

This particular application brings with it the usual complaints you will receive on all transient rentals properties. Impacts usually include parking issues, noise, cars in and out during all hours of the night, people migrating on foot throughout the area, parties and general disruption to the neighborhoods. Its of little comfort to me that the owner, who will lives, not in the house in question but a secondary housing unit, is where enforcement will reside. If he or she fails to consider the sensitivities of his surrounding neighbors, neighborhood issues potentially develop from there.

Another issue of concern is parking. The notification indicates that there is available parking on the property for the 5 vehicles including 2 additional vehicles for the owner. However, if the private road is not plowed (privately maintained) and kept clear particularly on weekends and during large storms when visitors are scheduled to arrive, we could see overflow parking which

ultimately will end up in our private parking area as has been the case in the past with rentals not permitted on Aspen Terrace.

I understand the owners desire to maximize the use of his property and the benefit of doing so. I also agree that some areas are suitable for transient rentals, but allowing overnight or short term rentals in a heavily populated area such as Aspen Terrace is likely to increase, impact and even change the overall environment of the community. In my opinion most people who live in Crowley live here to avoid the out of town visitors and crowding of our living areas. I can only hope that these permits can be limited and an effort made to keep our communities as peaceful and free of disruptions caused by the flow of out of town overnight visitors as possible.

In closing I would like to add that long term permanent rentals versus what is being proposed here is certainly a way that can not only benefit a property owner but also benefit the community as a whole. Something that would be far more agreeable to surrounding property property owners and would be more likely to preserve peace in our community.

Thank you for accepting my comments and I look forward to your hearing which I hope to attend. Virtual of course.

Sharon Carkeet  
sharcar@yahoo.com

cc: Kelly Karl  
Associate Planner

**COMMENT #4****CROWLEY LAKE CAMPLAND**

4107 Crowley Lake Drive  
Crowley Lake, CA  
Permit #26-0028  
Tele: 760-935-4343 E-mail contact: trina@schat.net

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March 4, 2021

To: Kelly Karl  
Associate Planner, Mono County

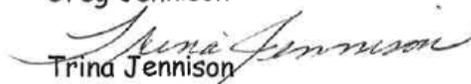
Dear Kelly:

The undersigned, Greg and Trina Jennison, own Crowley Lake Campland LLC, which is adjacent to APN: 060-210-067. The Gordons are applying for a conditional use permit for a short term rental. This letter is to advise you that we have no objections to this, and are supportive in their endeavor. We consider the Gordons excellent neighbors and good people.

Please feel free to call with any questions at the number in our letterhead.

Thank you,

  
Greg Jennison

  
Trina Jennison

**ATTACHMENT 4: PROVISIONAL WILL SERVE LETTER LONG VALLEY FPD****Long Valley Fire Protection District**

3605 Crowley Lake Drive •  
Crowley Lake • California 93546-1145  
Ph. 760.935.4545  
[longvalleyfd@gmail.com](mailto:longvalleyfd@gmail.com)

**Will Serve Letter**

December 09, 2020

Gordon residence

90 Aspen Place

Crowley Lake, Ca. 93546

APN# 060-210-067

The above project is within the boundaries of the Long Valley Fire Protection District service area. The above stated project will have no adverse effect on the fire department if the project has been built and maintained to the provisions of the International Fire Code and all local codes and ordinances. If all construction, planning, use permit components have been address and FINALED by local county building authority, then this letter serves as final acceptance letter for the above owner.

If you have any further question please let me know.

Sincerely,

*Vince Maniaci*

Vince Maniaci

Long Valley Fire Department-Chief

# Mono County Community Development Department

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

## Planning Division

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

March 18, 2021

To: Mono County Planning Commission

From: April Sall, Planning Analyst I

Re: Use Permit 21-001 / Hemminger – Update to Previous Staff Report

### RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Make the required findings that undergrounding the five power poles is an unreasonable financial hardship on the applicant as contained in the staff report from Feb. 18, 2021;
3. Approve Use Permit 21-001 allowing the overhead lines and poles to remain subject to Conditions of Approval.

Alternatively, the following options are also available:

- A. Make the required findings for the modified project alternative outlined below that the first three power poles in the project on Wunderlich Way are an unreasonable financial hardship for the property owner and that only the last two poles must be undergrounded in compliance with the project site plan for building permit 18-001; or
- B. Deny the use permit on the basis that the findings cannot be made and require all five power poles to be undergrounded. Staff may request a recess to draft findings based on Planning Commission direction.

### BACKGROUND

This public hearing is continued from the February 18, 2021, Planning Commission meeting when this project was presented to consider the unauthorized installation of overhead powerlines to a single-family residence (see Attachment A for the staff report). The Commission reviewed the staff findings and recommendations, discussed several components, and directed staff to 1) request a second bid for undergrounding the last two poles from the applicant, and 2) research Liberty Utilities' licensing requirements under the California Public Utilities Commission (CPUC). This staff report is intended to update the February staff report with the new information.

## **PROJECT DESCRIPTION SUMMARY**

For a full project description, please see the original staff report for the February 18, 2021, meeting (Attachment A). This summary is provided for convenience.

The Mono County General Plan (MCGP) requires that all utilities be installed underground per Chapter 11 “Utilities” of the Land Use Element (LUE). Chapter 11.010 Utilities requires lines to be undergrounded to an “Individual Development” but provides for overhead lines to be approved subject to a Director Review permit if at least one of four findings can be made. This project was elevated to a use permit due to potential controversy per MCGP LUE §31.010. The finding most appropriate for this Use Permit is that the installation would create an “unreasonable financial hardship on the applicant” (11.0101.D.3).

Use Permit (UP) 21-001 would permit the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element (§11.010.D.3.). Wunderlich Way is part of a subdivision and a private dirt road stemming off U.S. Highway 395 (US 395). The parcel is 9.57 acres and is designated Rural Residential (RR). The overhead power lines on five poles were installed in summer of 2019 to a 2,100-square foot (sf) single-family residence. Three poles extend the service along Wunderlich Way to the edge of the parcel, and then two poles bring the overhead lines onto the parcel. The line is then undergrounded the last 100 feet to the residence, as shown in the photo in Attachment A and in Figure 1 below. Figure 1 also shows the potential underground alignment as approved on the building permit site plan.

## **DISCUSSION**

At the February 18, 2021, public hearing, the Commission directed staff to obtain a second bid for undergrounding the lines for the last two power poles and research on Liberty Utilities’ licensing requirements under the CPUC.

### Second Bid

The February staff report provided a cost estimate to underground the utility lines for all five overhead poles, which was approximately \$95,000 unless costs are shared with the adjacent property. The cost estimate did not breakout the price to underground just the last two poles, but staff generally estimates approximately \$42,000 based on the complete estimate.

As requested by the Commission, the applicant submitted a second bid to underground the last two poles. The bid is from ScottDale Plumbing and Excavation for \$44,800 (see Attachment B) to trench the new alignment and lay conduit and support structures. An additional cost to pull new underground line through the newly installed conduit in the trench has not yet been provided by Liberty Utilities.

### CPUC Licensing

CPUC licensing is very complicated and generally pre-empts local jurisdictional authority, and has been the subject of litigation. Fully researching the licensing agreement and case law would take quite a bit of time, which would result in a delay of possibly several months for this permit. Further, if Liberty Utilities violated the CPUC’s licensing agreement, the CPUC would be the enforcing agency. If the violation provided an opportunity for the County to take legal action against Liberty Utilities, the County could consider such action; however, any claim against the utility company could result in a cross claim against the applicant by Liberty Utilities, and is therefore not advisable. In either case, the potential outcomes do not appear to affect the decision before Planning Commission.

An alternative is for the Commission to direct staff to file a complaint with the CPUC about Liberty Utilities’ violation of local regulations. Staff has been currently attempting to coordinate with Liberty Utilities and sent an email to schedule a meeting on March 1, and have not received a response as of the drafting of this staff report. Reporting the violation of local regulations to the CPUC could elevate the issue.



## 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. The findings to approve the Use Permit and authorize the five overhead power poles and associated lines are included in the February staff report (Attachment A).

Alternatively, the Commission could make the determination that the first three poles installed on Wunderlich Way are an unreasonable financial hardship for the property owner and instead require the applicant to underground only the last two poles on the property. This alternative would also be consistent with the site plan that was submitted with the building permit for the residence. The findings from the February staff report would continue to apply to this alternative project with the following modifications to the findings under MCGP LUE §11.010.D.3.:

**a. *Is the cost of the line to be installed excessive?***

The total cost to construct the home was approximately \$450,000, which includes approximately \$38,000 for the existing overhead lines. Attachment A (see Attachment 4 to the February staff report) outlines the cost estimate of undergrounding all five poles, including the extension of the lines up Wunderlich Way. The estimate ranged from \$77,500 to \$95,000, depending on if costs are shared with the adjacent property. Those estimates represent approximately 17-21% of the total cost to build the home. On the other hand, cost estimates for undergrounding only the two last poles range from \$42,000 to 46,000 and represent approximately 9.3-10 % of the total home cost, or about half the cost of undergrounding all five poles.

The property has unique physical characteristics due to the fact that the subdivision infrastructure does not extend to the boundary of the property, and thus electric utilities first needed to be extended along Wunderlich Way (first three poles in Figure 1). More recently approved subdivisions would typically be required to provide for shared utilities prior to finalizing the parcel map. Further, the site also has a rocky soil type and Liberty Utilities referred to the difficulties of trenching due to very large, “Volkswagen-sized boulders” (Attachment A, see emails from Liberty Utilities). Based on these extenuating circumstances, the finding can be made that undergrounding the first three poles to extend the service to a property at the “end of the line” is an unreasonable financial hardship for a single property owner to bear. As noted above, this alternative would require that the last two poles, located at the property boundary and on the property, be undergrounded consistent with the approved building permit site plan.

The cost estimate for undergrounding the last two poles to this home includes trenching the underground line and laying conduit. An additional unknown cost to pull approximately 380-400 feet of new line through the underground conduit would be billed by Liberty Utilities. For further detail, see the attached bid from ScottsDale Plumbing and Excavation.

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

Possibly. The top three to four feet of ground consists of rocky and gravelly soil type from alluvial fan deposits. Additionally, the bid and corresponding emails from Liberty Utilities (see Attachment A) indicate that digging was a problem because of “Volkswagon size boulders.”

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

This staff report has been reviewed by the Community Development Director.

**ATTACHMENTS**

- Attachment A: Staff Report for UP 21-001 Hemminger dated February 18, 2021
- Attachment B: Second bid from ScottDale Plumbing and Excavation for undergrounding the last two power poles on Hemminger property

February 18, 2021

To: Mono County Planning Commission

From: April Sall, Planning Analyst I

Re: Use Permit 21-001 / Hemminger

### **RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 21-001 subject to Conditions of Approval.

### **BACKGROUND**

The Mono County General Plan (MCGP) requires that all utilities be installed underground per Chapter 11 "Utilities" of the Land Use Element. Approval of overhead powerlines requires a Director Review permit prior to construction. The unauthorized installation of overhead powerlines along a private road in Coleville came to the Community Development Department's (CDD's) attention when an adjacent property received a formal complaint for a similar situation, resulting in an investigation by Mono County Code Enforcement. To provide a Certificate of Occupancy for the building permit for the single-family residence project, Code Enforcement required a Compliance Agreement to be signed that requires the property owner to either underground the lines or submit a Use Permit application for the non-compliant overhead powerlines. Per the requirement in Mono County General Plan §31.010 (MCGP), if a project is controversial, it is upgraded from a Director Review to a Use Permit. A Use Permit application was accepted by the Land Development Technical Advisory Committee (LDTAC) on January 20, 2021.

## PROJECT DESCRIPTION

Use Permit (UP) 21-001 would permit the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029; Figure 1) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element. Wunderlich Way is a private dirt road stemming off U.S. Highway 395 (US 395). The parcel is 9.57 acres and is designated Rural Residential (RR). The overhead power lines were installed in summer of 2019 to a 2,100-square foot (sf) single-family residence. An unpaved dirt driveway from Wunderlich Way provides access to the residence, and all yard setbacks and lot coverage requirements are met. Five overhead power poles were installed by Liberty Utilities at the owner's request (see Figure 2 and 4) extending the existing overhead power line service along Wunderlich Way. The line was then undergrounded the last 100 feet, as shown in the photo below (Figure 3). The electrical service was not installed as shown on the approved site plan under the building permit (see Attachment 1), which showed no overhead poles on the parcel and represented the entire line on the property would be undergrounded about 250-300 feet to Wunderlich Way.

The new overhead poles on Wunderlich Way resulted in a complaint, initiating an investigation. Code Enforcement contacted the owners informing of them of the requirements to underground all utilities serving an individual residence per the MCGP.



**FIGURE 1. Project location: 194 Wunderlich Way, Coleville**

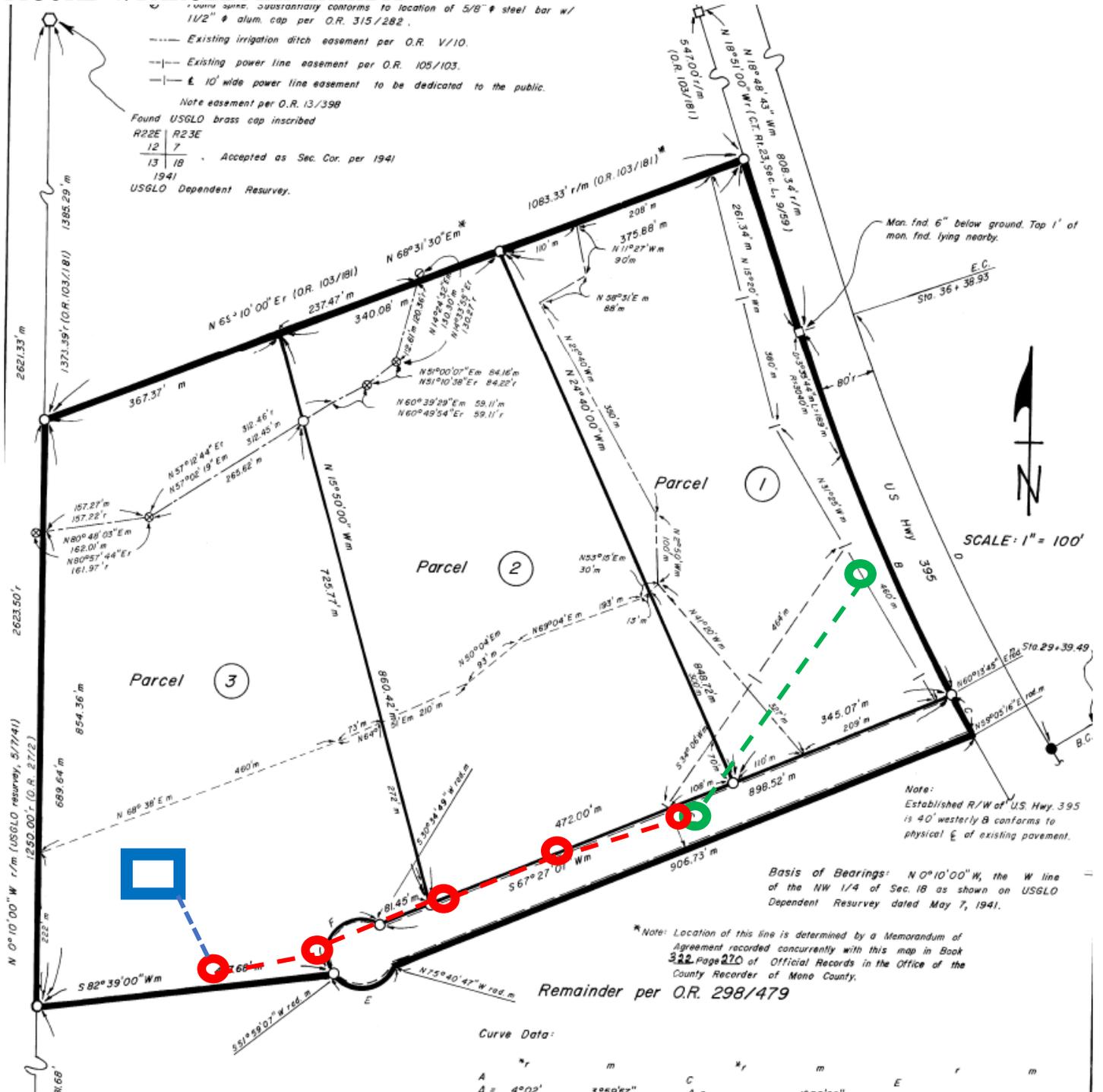


**FIGURE 2:** Hemminger Residence showing 3 of the 5 new unauthorized overhead power poles.



**FIGURE 3:** Hemminger Residence from the south looking north. Picture shows the last of the 3 poles and then the line is undergrounded the last 100+ feet to the residence.

**FIGURE 4: PARCEL MAP EXHIBIT**



- New overhead power line extension
- New Power poles
- Pre-existing/ original power poles
- Undergrounded line from last/5<sup>th</sup> new pole to house
- New Residence/ Hemminger

## DISCUSSION

Chapter 11.010 Utilities requires lines to be undergrounded to an “Individual Development” but provides for overhead lines to be approved subject to a Director Review permit if at least one of four findings can be made.

### *D. Utility Distribution Lines to Individual Development.*

*Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.*

*Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible.*

*In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) shall make at least one of the following findings in addition to the required Director Review or Use Permit findings, and shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:*

1. *The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:*
  - a. *In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.*
  - b. *Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.*
  - c. *Are there other potential alignments that would have less visual impact?*
  - d. *Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.*

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

2. *The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:*
  - a. *Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;*
  - b. *Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, above-*

*ground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);*

- c. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;*
- d. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;*
- e. Are there other potential alignments that would avoid potential environmental impacts?; and*
- f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.*

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

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

- a. Is the cost of the line to be installed excessive?*
- b. Will the installation of underground utilities require trenching under a stream bed?*
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?*
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?*

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

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

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

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

The applicant prepared a use permit application under provision 11.010.D.3. above for financial hardship and contacted Liberty Utilities and a private contractor to collect bids for undergrounding the existing service. After receiving bids, the applicant submitted a Use Permit application at the end of December.

The cost estimate for under grounding the utilities for this home site is approximately \$95,000 unless costs are shared with the adjacent property. The estimate includes approximately \$80,000 for trenching the underground and laying conduit, provided by Cruz Construction. In addition, there would be approximately \$15,000 additional cost to Liberty Utilities to pull approximately 700 feet of new line through the underground conduit.

If the costs were shared with the adjacent property owner, the estimate would be approximately \$77,500 in total cost (\$62,500 to trench and install the underground conduit by Cruz Construction – see Attachment 4 – and \$15,000 to Liberty Utilities).

Liberty Utilities is the utility company for Mono County north of Sonora Junction and Planning staff contacted them as part of this project. Liberty Utilities' position is that they are a contractor and the responsibility of following all MCGP requirements falls solely on the landowner. However, the building permit site plan indicates undergrounding of electrical lines "per Liberty Energy," which indicates the utility was aware of the requirement prior to installation. Regardless of Liberty Utilities' responsibility in this matter, the County's enforcement action for non-compliance is taken against a property owner. Staff will continue to outreach to Liberty Utilities on overhead line issues with the intent of reducing future compliance situations.

#### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)**

The LDTAC reviewed and approved a Use Permit application for processing on January 20, 2021. The draft conditions of approval for this project were reviewed and approved by LDTAC on February 17, 2021.

#### **PUBLIC HEARING NOTICE**

A hearing notice was published in the February 6, 2021, edition of The Sheet (Attachment 2). Notices were also mailed February 3, 2021, to property owners within a 300' radius of the site (Attachment 3). No comments were received at the time this staff report was written.

#### **GENERAL PLAN CONSISTENCY**

The project is consistent with the intent and permitted uses of the Rural Residential (RR) land use designation which allows for a single-family residence. While the General Plan requires all utilities to be undergrounded to residences, Chapter 11 "Utilities" also allows power lines to go overhead with approval of a Director Review prior to construction. Again, because of the perceived controversy of this project, it was elevated to a Use Permit. The project is consistent with Antelope Valley Area Plan Policies which seek to maintain, protect, and enhance the livability of community areas.

#### **CEQA COMPLIANCE**

The project qualifies for a categorical exemption under California Environmental Quality Act (CEQA) Guideline 15303, New Construction or the Conversion of Small Structures. The exemption allows for construction of new facilities and water main, sewage, electrical, gas, and other utility extension of reasonable length to serve new construction.

*CEQA Guidelines 15303 construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:*

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

Therefore, the extension of overhead utility lines to a new single-family residence as proposed under this use permit qualifies under this exemption.

#### **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:*

The property has a land use designation of Rural Residential (RR) which allows for residential uses, and the proposed use can comply with all applicable requirements of the RR designation and Land Development Regulations. In addition to the required Use Permit finding, overhead utilities require one of the four findings (see Discussion above for the list of options) to be made pursuant to Chapter 11 Development Standards – Utilities. This use permit is proposed under the finding for financial hardship, which requires the following findings (§11.010.D.3):

- a. *Is the cost of the line to be installed excessive?*

The cost estimate for undergrounding utilities to this home site is approximately \$95,000 total cost if costs are not shared with the adjacent property. The estimate includes approximately \$80,000 for trenching the underground line and laying conduit provided by Cruz Construction and a cost of approximately \$15,000 to Liberty Utilities to pull approximately 700 feet of new line through the underground conduit. See attached bids from Cruz Construction and letters from Liberty Utilities, Attachment 5.

If the costs were shared with the adjacent property owner, the estimate would be approximately \$77,500 in total cost (\$62,500 to trench and install the underground conduit by Cruz Construction and the \$15,000 to Liberty Utilities).

The cost of the home was in total about \$450,000 to construct, including approximately \$38,000 for the existing overhead lines. Cost estimates for undergrounding range from \$77,500 to \$95,000 and represent approximately 17-21% of the total home cost. If the Use Permit is denied and the applicant is required to underground the lines, they would absorb the initial overhead installation cost in addition to the undergrounding for a grand total of \$128,000 to \$133,000, or approximately 30% of the total home construction cost.

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

No, no streambeds exist along the path of underground trenching for this project.

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

No, however the soil type is rocky and gravelly from alluvial fan deposits for the top three to four feet.

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

No, the proposed route is the most direct path available, with trenching occurring alongside Wunderlich Drive, a private road.

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

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:*

No new impacts to streets and highways are expected. The property has a residential land use designation, with a constructed single-family residence. The overhead or undergrounding of power is not expected to impact the traffic in any way.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

The area is a residential neighborhood, and the original electrical services to this neighborhood were via overhead utilities. The addition of five new poles is not viewed as a significant visual impact since the existing area already has overhead utilities, and this is the last property on the road.

Fire hazard associated with overhead power lines has been an increasing concern and Mono County is aware of that risk. However, past incidents and increased risk appear to be associated more significantly with transmission lines that are under the jurisdictional authority of the Public Utilities Commission of California, which pre-empts Mono County authority, and not smaller distribution lines associated with individual developments under the County's jurisdiction.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- The property has a land use designation of Rural Residential (RR). The existing use is for a single-family residence. This use permit analysis and the findings under 11.010.D.3 provides for the required findings to allow for the installation of an overhead line. The overhead power lines would result in a financial hardship if they were required to be installed underground.

The proposed use is consistent with the General Plan, the Antelope Valley Area policies, and Countywide land use policies.

This staff report has been reviewed by the Community Development Director.

#### **ATTACHMENTS**

- Attachment 1: Hemminger building permit site plan (BP18-001)
- Attachment 2: Published Public Hearing Notice
- Attachment 3: Public Hearing Notice Mailer
- Attachment 4: Construction bids from Cruz Construction and Liberty Utilities

**MONO COUNTY  
Planning Division**

**NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 21-001

**APPLICANT:** Dean Hemminger

**ASSESSOR PARCEL NUMBER:** 002-440-029

**PROJECT TITLE:** Conditional Use Permit 21-001/Hemminger

**PROJECT LOCATION:** 194 Wunderlich Way, Coleville, CA 96107

**CONDITIONS OF APPROVAL**  
See attached Conditions of Approval

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

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

**DATE OF DECISION/USE PERMIT APPROVAL:** February 18, 2021

**EFFECTIVE DATE USE PERMIT:** February 29, 2021

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION**

**DATED:** February 18, 2021

- cc:   X   Applicant
- X   Public Works
- X   Building
- X   Compliance

**CONDITIONS OF APPROVAL**  
**Use Permit 21-001/Hemminger**

- 1) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 2) 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.
- 3) Termination: A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - a. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - b. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - c. No extension is granted as provided in Section 32.070.
- 4) Extension: If there is a failure to exercise the rights of the Director Review within one year 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.
- 5) Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public 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.
- 6) Appeals: Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.



*Attachment 2 (Feb 18 staff report)***Mono County  
Community Development Department**

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

**Planning Division**

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

February 2, 2021

To: The Sheet  
From: Becky Peratt  
Re: Legal Notice for **February 5<sup>th</sup>** edition  
Invoice: Becky Peratt, PO Box 347, Mammoth Lakes, CA 93546

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**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **February 18, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 991 4587 0745) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:35 a.m. CONDITIONAL USE PERMIT 21-001/Hemminger**. The proposal is for permitting the unauthorized installation of overhead powerlines at 194 Wunderlich Way (APN 002-440-029) in Coleville pursuant to the undergrounding exemptions provided in Chapter 11 – Utilities of the General Plan Land Use Element. The parcel is designated Rural Residential (RR). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at

<https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Wednesday, February 17**, to ensure timely receipt, by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

## Attachment 3 (Feb 18 staff report)

**Mono County  
Community Development Department  
Planning Division**

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

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
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In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling (760) 924-1800.

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For additional questions, please contact the Mono County Planning Division:

April Sall, Planning Analyst  
P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 932-5423, [asall@mono.ca.gov](mailto:asall@mono.ca.gov)



 <p><b>CONSTRUCTION CO., INC.</b> 19 Cygnet Drive Mound house, NV 89706 Tel: (775)883-6161 Fax: (775)246-5556</p>	<p align="center"><b>Proposal/Contract</b></p> <p align="right">General Contractor Commercial - Industrial - Residential NV License No. 41648 CA License No. 741126</p>
Submitted to: <b>Dean Hemminger</b>	Telephone: Email:
Street: <b>194 Wunderlich Way</b>	Job Description <b>Overhead Electrical To Underground</b>
City, State, Zip: <b>Coleville, Ca 96107</b>	Job Location: <b>Same</b>
Estimator: <b>Billy Dunn</b>	Date: <b>11/06/2020</b>
<p align="center"><u>Job Description:</u></p> <p><b>Mobililzaiton: In/Out (Shared Portion)</b> <span style="float: right;">\$2,000.00</span></p> <p><b>Electrical Trenching: Shared 365/lf section and 424/lf section to residence.</b></p> <p>Excavate and install 4" conduit and 7ea. secondary pullboxes with sweeps. Install rigid pipe at telephone pole including standoffs (supplied by others) and weather head.</p> <p>Note- Shared Portion Price: \$18,195.00 + Resident Portion \$42,272.00= \$60,467.00 <span style="float: right;">\$60,467.00</span></p>	
<p>We hereby agree to furnish material and labor to complete job in accordance with the above specifications for the sum of: <span style="float: right;">\$62,467.00</span></p> <p align="right"><b>30% down - \$18,740.10</b></p>	
<p><b>Payment Terms: 30% deposit due upon acceptance of proposal. Balance due upon completion of work.</b></p> <p>A service charge of 0.75% bi-weekly or 18% annually will be assessed for payments over 15 days. There is a \$20.00 returned check fee.</p> <p><i>Cruz rejects any requirement that payment shall be delayed until Hiring Party is paid by others.</i></p> <p>All material is guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard practices. All extra work done beyond the above job description will be an addition to this Proposal/Contract. We are not responsible for any damage caused by snow removal equipment, structural settling, erosion, or Acts of God. No Warrantee for crack patching and crack filling.</p>	
Authorized Signature: <i>Billy Dunn</i>	Date: 11/06/2020
The offer on this Proposal/Contract is good for ten days only from the above stipulated date if accepted and signed by client.	
Client Signature:	Date:
<p>Acceptance of Proposal/Contract:</p> <p>The above prices, specifications, and conditions are satisfactory and are hereby accepted. Cruz Construction Co. Inc. is authorized to do the work as specified. Payment will be made as outlined above</p> <p align="center"><b>ALL WORK GUARANTEED FOR ONE YEAR</b></p>	

**Attachment 4 (Feb 18 staff report)**

Andrew Gregorich <andrew.gregorich@libertyutilities.com>  
To: Dean Hemminger  
Wed, Dec 9 at 2:18 PM

Hello Mr. Hemminger,

In reference to your property, and what it would take to convert from overhead to underground, you'd be looking at a ballpark estimate from Liberty of approx. \$15,000.00. This estimate includes the removal of the existing facilities, and the addition of the new underground facilities. The total does not include any cost to trench in the area. I know you guys had a heck of a time digging out there due to the Volkswagen sized boulders in the ground. Please keep in mind that this is a ballpark estimate and may change either way by plus or minus 25%.

Thanks,

Andrew Gregorich | Liberty Utilities (California) | Planner  
P: 530-543-5278 | C: 530-721-2203 | E: Andrew.Gregorich@libertyutilities.com

Andrew Gregorich | Liberty Utilities (California) | Planner  
P: 530-543-5278 | C: 530-721-2203 | E: Andrew.Gregorich@libertyutilities.com  
933 Eloise Ave, South Lake Tahoe, CA 96150

# ScottsDale Plumbing & Excavation

1390 Centerville Ln Gardnerville, NV 89410 Ph: 775-782-3778 Fax: 775-782-2778  
 NV Lic #30095 – 30095A CA Lic #809747  
[scottsdaleplumbing@yahoo.com](mailto:scottsdaleplumbing@yahoo.com)

## PROPOSAL

Date: March 3, 2021

To: Mike Bailey Construction

Job Name: Hemminger Residence  
 Location: 194 Wonderlick Rd. #3  
 Coleville, CA. 96107  
 Phone: 530-308-0786  
 mbconstruction08@yahoo.com

Excavation proposal which includes:

Mark & Notify USA Dig  
 Move in/ out equipment

Trench from 3<sup>rd</sup> pole down from 194 Wonderlick approximately 400 LF.  
 Provide 10' schedule 80 4" pipe, 20' of schedule 40 4" pipe, 4" weather head, schedule 80 sweep at pole.  
 Install 4" DB120 conduit with 3 N36 boxes, 8 extension and 4 lids.

(Tie into existing electric serving house from end pole by Liberty.)

Import sand for pipe bedding.  
 Backfill with native onsite materials.

**This bid does not include**

**compaction testing fees, transformer, T pads if required, flag men, permit fees or inspection fees. Import or placement of type 2 road base on existing road.**

**Bid does not include possible changes once Liberty does final map.**

**WE PROPOSE** hereby to furnish material and labor – complete in accordance with these specifications, for the sum of:

**Forty-Four Thousand, Eight Hundred Dollars and 00/100 \$44,800.00**

**Payable as Follows:**

**50% down and 50% upon completion.**

All Material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra change over and above the estimate.

**Authorized Signature:**  Dale Armstrong

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**Acceptance of Proposal:** The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# 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](http://www.monocounty.ca.gov)

March 18, 2021

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Re: Use Permit 21-002/Way

### Recommendation

It is recommended that Planning Commission take the following actions:

1. Hold the public hearing, receive public testimony, deliberate the project, and make any desired changes.
2. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301 and instruct staff to file a Notice of Exemption;
3. Make the required findings as contained in the project staff report; and
4. Approve Use Permit 21-002 subject to Conditions of Approval.

### Background

General Plan Land Use Element §04.160 provides standards for front yard fences. Any fence, hedge or wall that is located in the front yard setback of a property shall not exceed four feet in height. Higher fences may be permitted subject to use permit if they do not obstruct the line of sight from vehicles in roadways or driveways. The following staff report describes the proposed fencing at 30 Emigrant Street in Bridgeport (APN 008-091-049) and the relevant findings required for Use Permit approval.

### Project Description

The parcel is designated Multi-Family Residential – Low (MFR-L) and contains a single family residence. Setbacks for the MFR-L land use designation are 20' front, 10' side, and 10' rear. The fence will be placed within the 20' front setback. Adjacent parcels are also MFR-L. Facilities associated with the Mono County Sheriff's Office are located across the street and are on a parcel designated as Public Facilities (PF). See Figure 3 for surrounding land use designations.

The project proposes a six-foot tall wooden fence with two gates, each 12' wide. See Figure 2 for the complete site plan. The eastern-most gate will provide access to the main driveway, with the other gate providing access to an RV pad. The fence will run the entire length of the front property line, or approximately 120'. The fence will be setback 13' from the front property line. A lock box will be located outside the fence, which allows for emergency response (fire, police, etc.). The purpose of the fence is for increased privacy and security.

Chapter 04.160 states that any fence within the front yard setback exceeding four feet in height may be permitted through Use Permit if the fence does not obstruct the line of sight from vehicles. Given that the fence has a setback of 13' from the property line and is not located on a corner (where turning movements might be made), the line of sight for drivers should not be significantly impacted.

The Mono County General Plan, Conservation/Open Space Element, provides guidance on the design of fences:

*Policy 20.C.2. Future development shall be sited and designed to be in scale and compatible with the surrounding community and/or natural environment,*

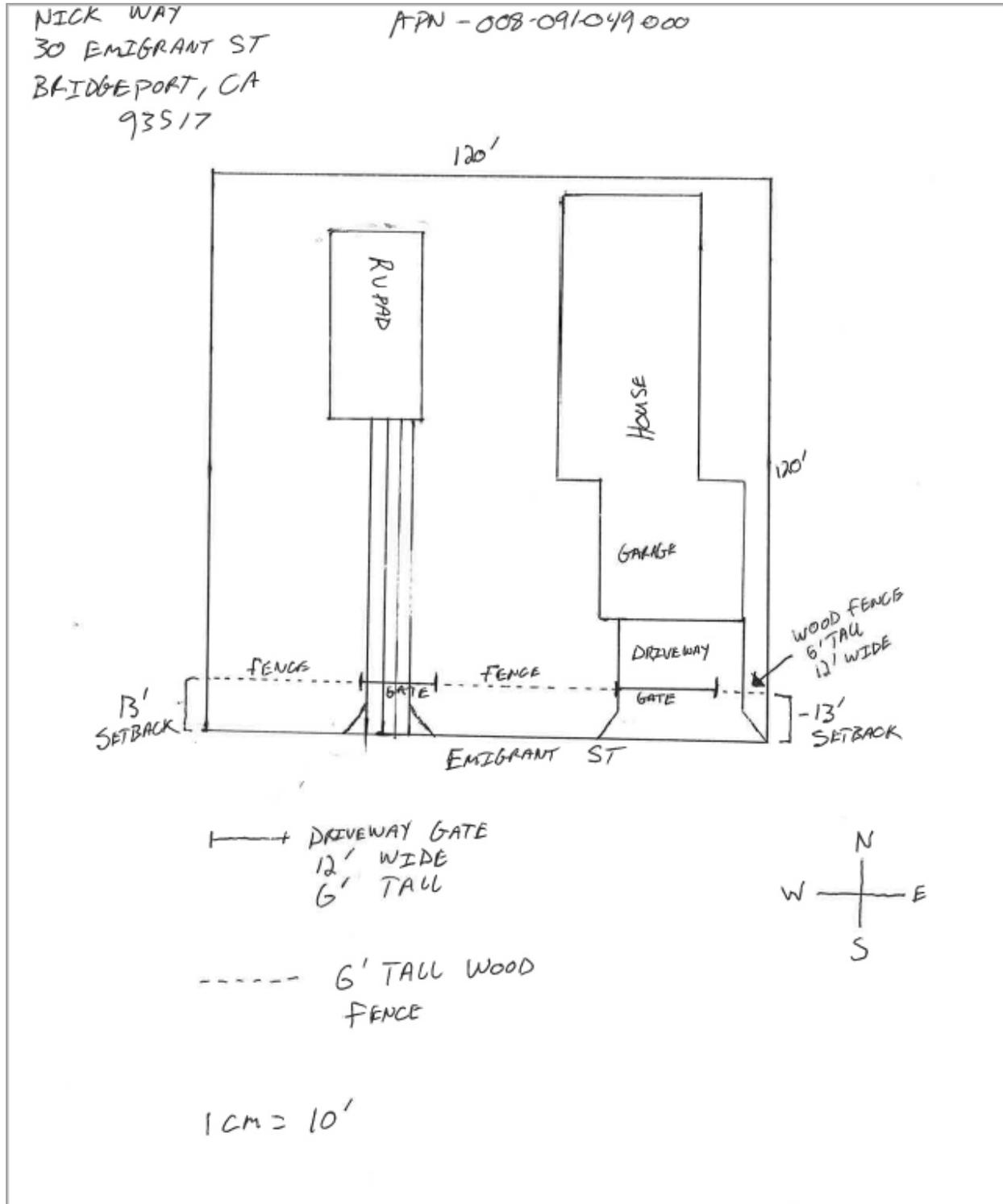
*Action 20.C.2.a.(d) The design, color, and building materials for structures, fences, and signs shall be compatible with the natural environment and/or surrounding community.*

The fence will be solid wood, with a natural brown wood color. The color and design of the proposed fence is not expected to be obtrusive and is reasonably compatible with the residential neighborhood.

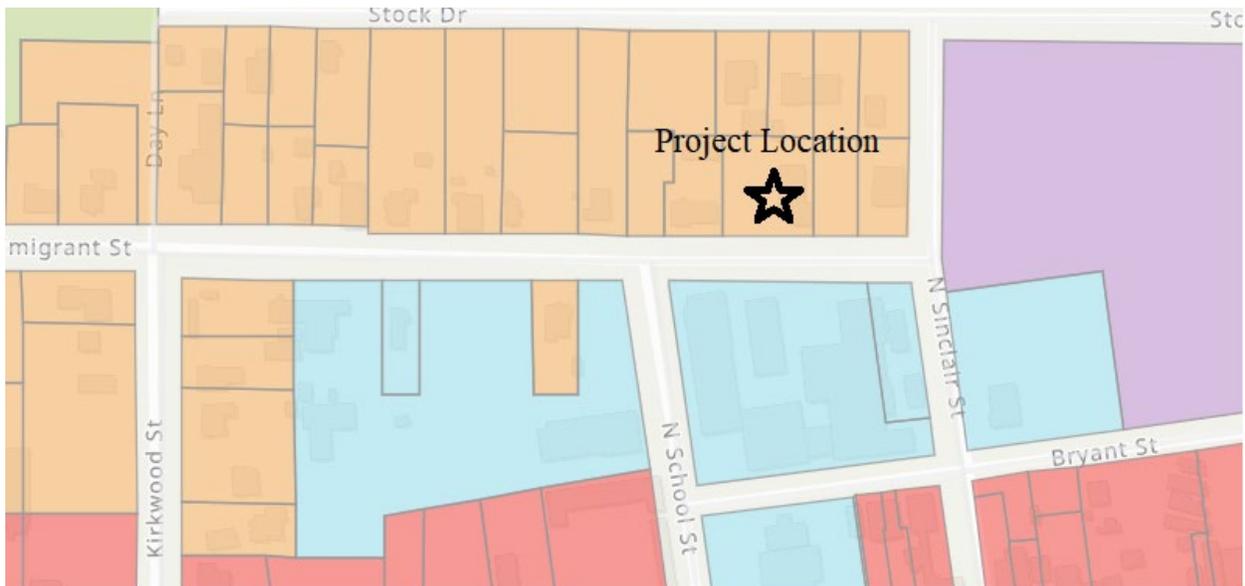
**Figure 1: Project Location, 30 Emigrant Street, Bridgeport (APN 008-091-049)**



Figure 2: Site Plan



**Figure 3: Surrounding Land Use Designations**



Multi-Family Residential -Low (MFR-L)  
 Public Facilities (PF)  
 Estate Residential , Specific Plan (ER, SP)  
 Commercial (C)

#### **Land Development Technical Advisory Committee (LDTAC)**

The LDTAC reviewed and approved the application for processing on February 1, 2021. The draft conditions of approval for this project will be reviewed at the LDTAC meeting on March 15, 2021.

#### **Public Hearing Notice**

A hearing notice was published in the March 7, 2021, issue of The Sheet (see Attachment 1). Notices were also mailed to surrounding property owners within 300 feet of the proposed project. No public comments were received as of the drafting of this staff report.

#### **CEQA Compliance**

This Use Permit qualifies for a Class 1 Categorical Exemption under CEQA Guideline 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and includes the addition of fencing. There are no other proposed changes other than construction of the fence.

#### **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:*

The existing single-family residence is in compliance with General Plan standards, including parking, lot coverage, and setbacks, with the exception of the proposed six-foot tall fence within the front yard setback. The proposed location and height of the fence will not interfere with any existing uses on the property or surrounding properties. Parking, access, and roadway or driveway line of sight will not be affected by the construction of this front yard fence. The fence will provide two access gates and a lock box for emergency services access.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The property is accessed from Emigrant Street in Bridgeport. Emigrant Street serves traffic from residences and public facilities (County offices). The proposed fence would not increase the amount of traffic generated and access to the property would not be significantly affected.

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:*

In order to qualify for Use Permit approval, any fence over four feet in height located in a front yard setback must not interfere with the line of sight for vehicles, in accordance with Land Use Element 04.160. Given the 13' setback from the front property line and that the property is not located on a corner lot where vehicular turning movements may be prevalent, the fence is not expected to obstruct the line of sight of drivers.

The fence will also comply with design guidelines set forth in Policy 20.2.C. of the Conservation/Open Space Element, as referenced in the project description section above. The fence will be made from natural materials and is not expected to be incongruent with the surrounding neighborhood.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property or traffic.
  - b. The proposed use is consistent with Land Use Element and Conservation/Open Space Element policies, including Land Use Element 04.160, which allows for front yard fences greater than four height in height with a Use Permit.

This staff report has been reviewed by the Community Development Director.

## ATTACHMENTS

Attachment 1 – Public Hearing Noticing

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** 21-002 **APPLICANT:** Nick Way

**APN:** 008-091-049

**PROJECT TITLE:** Residential Fence/Way

**PROJECT LOCATION:** 30 Emigrant Street, Bridgeport, CA

#### CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

**DATE OF DECISION/USE PERMIT APPROVAL:** March 18, 2021

**EFFECTIVE DATE USE PERMIT:** March 28, 2021

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

#### MONO COUNTY PLANNING COMMISSION

**DATED:** March 18, 2021

cc:

- Applicant
- Public Works
- Building
- Compliance

## CONDITIONS OF APPROVAL

### Use Permit 21-002/Way

1. All 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 and Public Works requirements.
3. Project shall be in substantial compliance with project description and site plan in the staff report.
4. The fence shall not obstruct the vision of drivers, in accordance with Land Use Element 04.160.
5. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public 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.
6. Termination: Per section 32.060 of the Land Use Element, a use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - No extension is granted as provided in Section 32.070.
7. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.
8. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

**ATTACHMENT 1 – PUBLIC HEARING NOTICING**

March 3, 2021

To: The Sheet

From: Heidi Willson

Re: Legal Notice for **March 6** edition

Invoice: Stephanie Butters, PO Box 347, Mammoth Lakes, CA 93546

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**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing at a Special Meeting on **March 18, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 926 8138 6245) where members of the public shall have the right to observe and offer public comment, to consider the following: **10:05 a.m. Use Permit 21-002/Way**. The proposal is for a six foot tall front yard wooden fence at 30 Emigrant Street in Bridgeport (APN 008-091-049). General Plan, Land Use Element 04.160, allows for front yard fences greater than four feet, with approval of a Use Permit. The property is designated Multi-Family Residential – Low (MFR-L). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling (760) 924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, **by 5 pm on Wednesday, March 16**, to ensure timely receipt, by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

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For additional questions, please contact the Mono County Planning Division:

Bentley Regehr  
 PO Box 347  
 Mammoth Lakes, CA 93546  
 (760) 924-1809, [bregehr@mono.ca.gov](mailto:bregehr@mono.ca.gov)

