# HILTON CREEK COMMUNITY SERVICES DISTRICT MEMORANDUM

**TO:** BOARD OF DIRECTORS

FROM: BILLY CZESCHIN

**SUBJECT:** EASEMENT – CROWLEY LAKE DRIVE

**DATE:** OCTOBER 11, 2022

The owners of 3858 Crowley Lake Drive intend to have overhead power poles installed to their property from 3860 Crowley Lake Drive. Mono County Department of Public Works was concerned that there may be an unmapped Hilton Creek Utility Easement along the portion of road in question.

Ms. Czeschin researched and advised that the sewer easement gravity line continues in both directions along Crowley Lake Drive.

The Mono County Analyst, Michael Draper, presented recommendations to the Board and the Use Permit was approved as follows on October 3, 2022 with the following

2) A survey shall be performed to clearly identify the applicant's access easement boundary, private property boundaries, easements held by Hilton Creek Community Services District, and the County Right-of-Way. If additional easements are necessary, the applicant shall be responsible for obtaining legal access through properties for the purpose of access and utilities.

#### Motion made and Passed by a 4/1 vote.

"Motion to follow the staff's recommendation and find that the project qualifies as a categorical exemption CEQA Guideline 15303 and instruct the staff to follow the notice of exemption and make the required findings as contained and approve the use permit 22-005 subject to the conditions of approval."

On October 5, 2022, an email was sent to the property owner stating the following:

"From: Michael Draper < mdraper@mono.ca.gov >

Sent: Wednesday, October 5, 2022 11:48 AM

To: Hilton Creek < districtmanager@hiltoncreekcsd.com >; Timothy Rafferty

< <u>Timothy.Rafferty@sce.com</u>>

Cc: Melanie Reedy < melanietravels@yahoo.com >; Sean Robison

<srobison@mono.ca.gov>

Subject: 3858 Crowley Lake Drive

Hello,

On Monday, the Mono County Planning Commission approved a Use Permit for three power-poles to be placed in the County right-of-way to serve the subject property.

Prior to the meeting, Public Works staff, Sean Robison, noted that Hilton Creek Community Services District has an easement along Crowley Lake Drive north of project site containing lines. We did not find an easement running south of 3812 Crowley Lake Drive, in the project area, however Dave noted the lines do continue south.

While the County does not enforce easements, it is our goal to avoid conflict between private parties. With this in mind, we included the condition to encourage SCE, Hilton Creek CSD, and the applicants to work together to avoid any illegal trespassing or impacts to existing equipment.

We will be satisfied with whatever solution is agreeable by all parties.

Thank you,

Michael Draper Mono County Planning Analyst PO Box 347 Mammoth Lakes, CA 93546 760-924-1805"

Staff does not feel there is any intent to attach the District with survey costs; however, the email from Mr. Draper leaves room for such interpretation.

Staff feels it is in the best interest of the Hilton Creek Community Services District to document the findings, provide the Board with the information in the form of a formal memorandum for historical understanding of this use permit.

Staff has requested an official signed order from the planning commission for record.

REQUESTED ACTION: Information Only

Attachments: Staff Recommendations, Mono County Planning

Notice of Decision Presented to the Mono County Planning

Commissioners, October 3, 2022

Parcel Map

# 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

October 3, 2022

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst III

Laura Stark, Planning Analyst I

Re: Use Permit 22-005 / Schott-Reedy

#### 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 22-005 subject to Conditions of Approval.

#### PROJECT DESCRIPTION

The project is located at 3858 Crowley Lake Drive (APN 060-150-004) on a parcel designated as Single Family Residential (SFR) (see Figure 1). The project is a request for overhead power on Crowley Lake Drive along the county right-of-way where the proposed overhead powerline would cross two streams before the power lines go underground.

The power line will be underground from the edge of Crowley Lake Drive to the property, following an existing easement before connecting to the owner's recently installed manufactured home (see Figure 2).



Figure 1. Project location.

The existing easement providing access to the parcel is located on the contiguous northwest property, undeveloped at this time, and designated Mixed Use. The easement contains a dirt/gravel driveway and conduit for underground utilities, installed by the applicant.

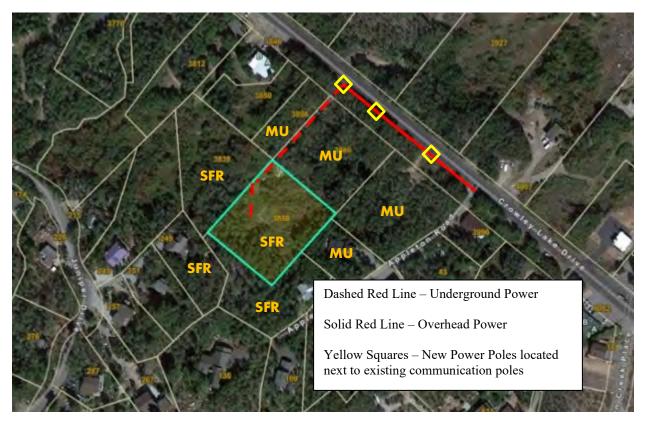


Figure 2. Proposed overhead power line and pole alignment.

The property is 1.04 acres and surrounding contiguous parcels are a combination of developed and undeveloped properties designated as either SFR or Mixed Use (MU). The adjacent parcel located to the north is undeveloped and designated MU. The property to the northwest is undeveloped and designated SFR. The parcel to the south is developed and designated SFR; the parcel to the southeast contains a single-family residence and is designated MU; and the parcel adjacent to the southeast corner is undeveloped and designated MU.

Section 11.010 of the Mono County General Plan, Land Use Element (MCGP LUE) requires utility lines to be undergrounded to an individual development but allows for overhead lines subject to a Director Review permit if at least one of four findings can be made.

#### **BACKGROUND**

The property currently contains a 120-sf shed and manufactured home. Use Permit 20-006 was approved for the property, allowing the applicants to construct a shed prior to the main use. Building Permit 21-311 was then approved for the installation of a manufactured home. Subsequently, the owners applied for, and received, Director Review Permit 22-004 to place a recreational vehicle on the property to support construction of the primary residence. (See Attachment 1). This project was elevated from a Director Review to Use Permit when neighbors expressed concern about the potential fire danger resulting from overhead power.

All conditions of the Use Permit, Building Permit, and Director Review Permit have been fulfilled, and the last step in finaling the Building Permit is to complete the electrical connection, Underground conduit has been placed from the manufactured home, through the access easement

to Crowley Lake Drive, in anticipation of undergrounding the utility. However, the recorded access easement for the property does not include language allowing the use of the easement for utilities and must be amended to allow the use of the easement for utilities (see Condition of Approval #1).

#### DISCUSSION

The applicant is asking for the approval of overhead power in the County right of way along Crowley Lake Drive. Underground installation would disturb two seasonal waterways and cost approximately three times more than overhead power which would cause financial hardship for the applicants. The overhead placement will entail use of three new utility poles, installed by Southern California Edison (SCE). Separately owned poles exist in the right of way which are owned and operated by the communication utilities. SCE will offer the communication utilities interest in the new poles, but they are not obligated to attach to them, or remove the old poles. See Attachment 4 for an enlarged site plan.

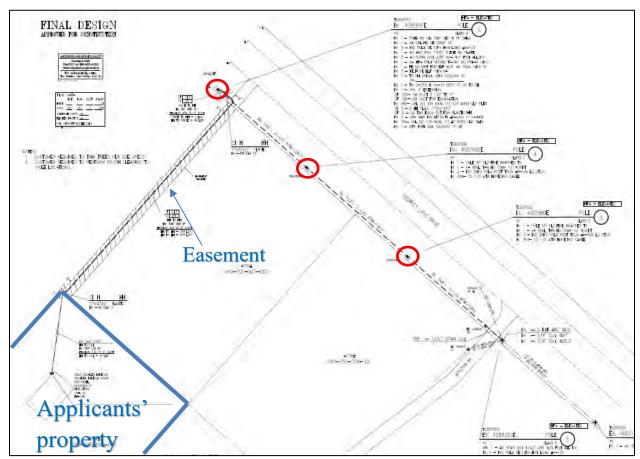


Figure 3. Location of new poles.

In granting a permit for overhead utility lines, the Planning Commission shall make <u>at least one</u> of the following findings from MCGP LUE Ch. 11 in addition to the required 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.

Overhead power lines would run adjacent to existing communication lines, and SCE will allow the communication company to co-locate their lines onto the new poles. The area is currently impacted by the existing communication lines, therefore the proposed line will not add a significant visual impact. Future development of parcels in this area may benefit for this project. See Attachment 3 for additional photos of the area.

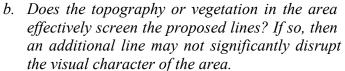




Figure 4. Site photo.

New overhead powerlines are proposed to be adjacent to existing communication lines, which are screened within the dense vegetation of the area. Installation and maintenance of the power lines will result in the removal of vegetation within 12' of the power poles so the poles will be more visible. However, undergrounding the utilities would require more extensive removal of vegetation and thus would more significantly affect the visual character of the area; therefore the proposal for overhead power will better protect the visual character of the area.

- c. Are there other potential alignments that would have less visual impact? No
- 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.

Overhead power lines are planned to be adjacent to the existing communication lines and will not have a significant impact on the visual character of the area. Three new poles which will be wood or patina to blend with the surroundings will be added to the alignment and the communication company will have the option to colocate their lines onto the new poles.

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;

Yes, underground placement would disturb habitat in the area. The area contains seasonal runoff, moist soils and a grove of Aspen trees thus overhead placement is 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, aboveground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);

The area does not contain Sage-Grouse habitat.

c. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;

Yes, underground placement will disturb seasonal waterways; therefore, above ground placement is 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;

Yes, underground placement requires disturbing seasonal waterways and may increase exposure to flood hazards; therefore, above ground placement is preferable.

- e. Are there other potential alignments that would avoid potential environmental impacts?; No.
- f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.

The overhead power lines will be maintained by Southern California Edison (SCE) in compliance with their standards for reducing fire mitigation. SCE provides vegetation clearance 12' from a power line.

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?

Expense to install underground power is approximately three times more than overhead power and will cost property owners \$45,000 more than overhead power. The cost for underground power would reflect 35-40% of the total project cost; while overhead power would only reflect about 16% of the total project cost.

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

  Underground utilities would require trenching in an area that is affected by seasonal run-off and occasional flooding.
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?

Yes, it will require trenching through moist soils that flood seasonally.

- 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.

  No.
- 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. Aboveground 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 SageGrouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

Not Applicable.

Therefore findings 1, 2 and 3 can be made in support of authorizing overhead power in this location. Only one finding is required.

#### **USE PERMIT FINDINGS**

MCGP LUE - Section 32.010, Required Findings:

Use permits may be granted by the Planning Commission only when <u>all</u> of the following findings can be made in the affirmative:

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 General Plan Land Use Designation for this property is Single Family Residential (SFR). According to the Mono County General Plan, the SFR designation is intended to provide for the development of single-family dwelling units in community areas. To install overhead power, at least one finding is required to be made, per MCGP Chapter 11.D. This use permit is proposed under the finding for financial hardship as well as the finding that

overhead power is preferable to avoid disturbing two stream beds. These findings are discussed in further detail in the previous section of this report. Use Permit Finding #1 can be made in the affirmative.

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 lines will be adjacent to existing communication lines existing in the area adjacent to the road. The existing lines do not obstructed the roadway and new lines are not anticipated to generate a new obstruction. The site is adequate in width and type to support the use and would not disrupt traffic or existing uses of the County right-of-way. Lines will not cross Crowley Lake Drive; therefore Use Permit Finding #2 can be made in the affirmative.

- 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:
  - Installation of overhead power lines spanning 445' in the County Right-of-Way along Crowley Lake Drive will not disrupt traffic or existing uses as evident by the existing overhead communication lines. Installation of overhead power for the short section along the road prevents the disturbance of seasonal runoff, moist soils and an Aspen tree grove. After this section, power will be undergrounded across the private properties. Three new power poles will be installed and co-located with the existing communication infrastructure. Communication utilities will be offered interest in using the new poles, but they are not obligated to attach to them or remove the old poles. SCE will be responsible for maintaining the vegetation around the poles for fire safety; therefore the proposed addition of overhead powerlines in the County Right-of-Way would be considered consistent with typical use in the area and Use Permit Finding #3 can be made in the affirmative.
- 4. The proposed use is consistent with the map and text of the Mono County General Plan because:

The General Plan Land Use Designation for this property is Single Family Residential (SFR). According to the Mono County General Plan, the SFR designation is intended to provide for the development of single-family dwelling units in community areas; therefore Use Permit finding #4 can be made in the affirmative.

The General Plan provides a means to allow overhead power through the permitting process. Findings to allow the use can be met, as stated above.

#### **COMMENTS RECEIVED**

Two comments were received in opposition of the project and presented at LDTAC when accepting the application for processing. Concerns were primarily related to potential fire danger from overhead power lines; however it was not clear to at least one opponent that power would be underground on the property and the only overhead power would be in the County Right-of-Way along Crowley Lake Drive. There was also a concern from that opponent about when the shed on the property would be completed. The project proponent advised that they completed the shed on September 2, 2022.

At the September 19, 2022, LDTAC meeting, the Long Valley Fire Department Chief provided written comments in opposition to the project. They would like the applicant to continue

undergrounding services rather than allowing the above-head power poles, due to fire threat. An adjacent neighbor also spoke in opposition to the project. She is concerned the addition of three new power poles will increase risk of wildfire in the area.

Response: While wildfire is a concern for communities, SCE has implemented and established new procedures to maintain the safety of overhead lines which mitigates the risk of wildfire, including vegetation clearance, public safety power shutoffs, and additional system measures as detailed in their wildfire safety planning.

Notice of the project was mailed to property owners within 300' feet of the site on September 21, 2022, and noticed in the newspaper, The Mammoth Times, on September 22, at least 10-days prior to the hearing. See Attachment 2 for public comments on the project.

#### **CEQA COMPLIANCE**

This project may be categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303(d).

15303 (d). New Construction or Conversion of Small Structures
Class 3 consists of 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.

The project is a utility extension to serve the construction of a new structure; therefore it meets the criteria of 15303(d) for categorial CEQA exemption.

#### Attachments:

Attachment 1. Existing Land Use Entitlements

Attachment 2. Public Comment

Attachment 3. Area Photographs

Attachment 4. Site Plan

### **MONO COUNTY**

### **Planning Division**

### **NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 22-005 **APPLICANT:** Matthew Schott and Melanie Reedy

ASSESSOR PARCEL NUMBER: 060-150-004

**PROJECT TITLE:** Conditional Use Permit 22-005/Schott-Reedy

PROJECT LOCATION: 3858 Crowley Lake Drive, Crowley Lake, CA

#### **CONDITIONS OF APPROVAL**

See attached Conditions of Approval

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

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: October 3, 2022

**EFFECTIVE DATE USE PERMIT:** October 18, 2022

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 <u>date of approval</u> 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:	
	cc: X Applicant
	X Public Works
	X Building
	X Compliance

#### CONDITIONS OF APPROVAL

Use Permit 22-005 /Schott-Reedy

- 1) Document #2008003488, recorded legal description of the existing easement, shall be modified to include language allowing the use of the easement for utilities.
- 2) A survey shall be performed to clearly identify the applicant's access easement boundary, private property boundaries, easements held by Hilton Creek Community Services District, and the County Right-of-Way. If additional easements are necessary, the applicant shall be responsible for obtaining legal access through properties for the purpose of access and utilities.
- 3) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 4) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations.
- 5) The property is required to be in compliance with all applicable conditions of approval from previously approved Director Review Permits and Use Permits.
- 6) Project is required to comply with any requirements of the Long Valley Fire Protection District.
- 7) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 8) The use of the RV as a residence shall be discontinued after construction of the residence. If there is a demonstrated need, the Director Review Permit may be renewed for one year following application submittal and noticed to contiguous property owners.
- 9) If the trailer is to remain on the site following construction of the residence, it must be disconnected from utilities, be in operable condition, and remain vacant when parked on the property.
- 10) Appeal. The Director Review permit shall become effective 10 days following the issuance of the Director's decision. During the 10-day period, an appeal may be filed in accordance with Chapter 47. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission. (Section.31.060)
- 11) Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review. B.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.

- C. No extension is granted as provided in Section 31.080.
- 12) 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.
- 13) Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted 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.

# Mono County Community Development Department

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 www.monocounty.ca.gov

# NOTICE OF DECISION Director Review 22-004/Reedy & Schott

**Applicants:** Melanie Reedy & Matthew

Schott

#### **Subject Property:**

3858 Crowley Lake Drive, Crowley Lake APN 060-150-004

**Proposal:** Residential use of an RV during construction of permanent residence.

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, and Chapter 04.040 and based upon the following findings, you are hereby notified that Director's Review 22-004 has been:



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

#### **BACKGROUND**

Approval of an accessory use (116-square foot storage shed) was approved prior to a main use via Use Permit 20-006 on February 18, 2021. The 116-square foot shed was exempt from a building permit and the subject of a formal complaint filed with Mono County Code Compliance for an accessory use prior to the main. A Notice of Violation was issued in 2020 and to abate the violation, the property owners were advised to submit a Use Permit application for the non-compliant accessory use. A condition of approval of UP 20-006 required the property owners to submit a Building Permit application for the main residential use within two-years of the decision date. A building permit application for placement of a manufactured home was submitted on November 19, 2021, and a building permit was issued on February 3, 2022.

#### PROJECT DESCRIPTION

The proposal is for the residential use of a Recreational Vehicle (RV) during the construction of a single-family residence at 3858 Crowley Lake Drive, Crowley Lake (APN 060-150-004). The parcel is over an acre (~1.04) in size and is designated for Single Family Residential (SFR). The RV will be occupied on site during placement of a manufactured home under building permit B21-311 (Attachment 1 – Site Plan). The property will be served by an onsite well and Hilton Creek Community Services District will provide a sewer connection. During RV placement and construction of the main residence, the property owners intend to utilize an offsite domestic

water supply to fill the RV's potable water tank and the RV dump station in Tom's Place for waste water disposal.

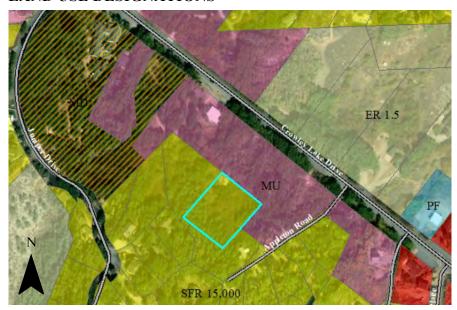
The RV is a 24.4' x 8.4' 2004 Four Winds RV (see Photo 1). This parcel is not governed by local CC&R's. The applicant intends to occupy the unit during construction of the primary residential use on this property. Mono County General Plan (MCGP), Land Use Element, Chapter 04, Section 04.040 allows for placement and residential use of an RV for up to a year, subject to Director Review permit.

The project parcel is surrounded by SFR-designated parcels to the south and west and Mixed Use (MU) parcels to the north and east (see Figure 1).





FIGURE 1 – LAND USE DESIGNATIONS



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

The LDTAC reviewed and approved the application for processing on December 20, 2021. The draft conditions of approval for this project were reviewed and approved by LDTAC on February 23, 2022. During the discussion of this item, LDTAC members suggested that a condition of approval be added requiring the property owners to finish the shed prior to RV placement. Environmental Health requested language be added to the water and sewage disposal condition of approval to better reflect the applicant's proposed methods of obtaining potable water and disposing of sewage.

One public comment opposed to the project was received prior to the LDTAC meeting concerned with the property being out of compliance with Use Permit 20-006 (Attachment 2). The commenter indicated that the storage shed approved under that Use Permit had not been finished and requested that no additional approvals be granted until the property is in full compliance with the pervious permit.

The property owners indicated that most of the conditions of approval for Use Permit 20-006 have been complied with, including securing the shed from unauthorized entry; that no flammable liquids/materials were being stored in the shed; removal of dead or dying tree branches adjacent to or overhanging the storage shed as well as any leaves, needles, or other vegetative growth on the roof of the shed during non-snow months; received a letter from Lahontan Regional Water Quality Control Board indicating a permit was not required (Attachment 3); the U.S. Army Corps of Engineers and California Department of Fish and Wildlife also found that approvals/permits were not required (Attachments 4 & 5); and obtaining a building permit for a residence within two-years of the approval of UP 20-006 (B21-311 issued February 3, 2022). Further the property owners explained that they did not complete construction of the storage shed (see Site Photo 1, the roof and siding need to be completed) because they wanted to obtain their building permit prior to resuming construction activities on the parcel.

#### SITE PHOTO 1 – STORAGE SHED 09/30/2020



#### **DIRECTOR REVIEW FINDINGS**

Under MCGP Chapter 31.030, the Community Development Director may issue a Director Review permit after making findings regarding required factors. The following factors and associated findings apply to DR 22-004:

1. All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.

The proposed use of the RV during construction will not limit or alter the eventual primary use of a single-family residence. The property is adequate in size to accommodate the 24.4' RV and the footprint for the main residence while maintaining setbacks and parking (see Attachment 1- Site Plan). Conditions of approval require that upon completion of the main residence, the RV use will cease.

2. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.

The existing access and traffic along Crowley Lake Drive will not be impacted by the placement and temporary residential use of the trailer, as the impacts will be like that of a single-family residence. Traffic generation will be similar to a typical single-family residential property under construction.

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

The proposed RV placement is setback from front, side, and rear property lines in conformance with SFR setback standards. The property is located in an aspen stand and is hidden behind another parcel that fronts Crowley Lake Drive so the RV will not create any visual impacts along Crowley Lake Drive. Project conditions constrain the residential use to the RV unit, and minimize associated residential RV activity, noise and night light impacts to surrounding properties.

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

The use of the RV during construction of the main residence is permitted for up to one year. The residential use is consistent with the single-family residential land use designation of the MCGP. The standard conditions of section 04.040 of the MCGP for temporary RV placement have been incorporated as project conditions.

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

The use of an RV during construction is an allowable use subject to a Director Review under section 04.040 A3 of the MCGP. Required factors have been considered and applicable regulations applied in project conditions.

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

The proposed RV uses qualifies for a Class 4 Categorical Exemption – Minor Alterations to Land (15304 (e)): Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, vehicle storage, etc.

#### **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Public Comment (Opposed)
- Attachment 3: Lahontan Regional Water Quality Control Board Letter
- Attachment 4: U.S. Army Corps of Engineers Letter
- Attachment 5: California Department of Fish and Wildlife Letter

#### CONDITIONS OF APPROVAL

#### DR 22-004 is issued with the following conditions:

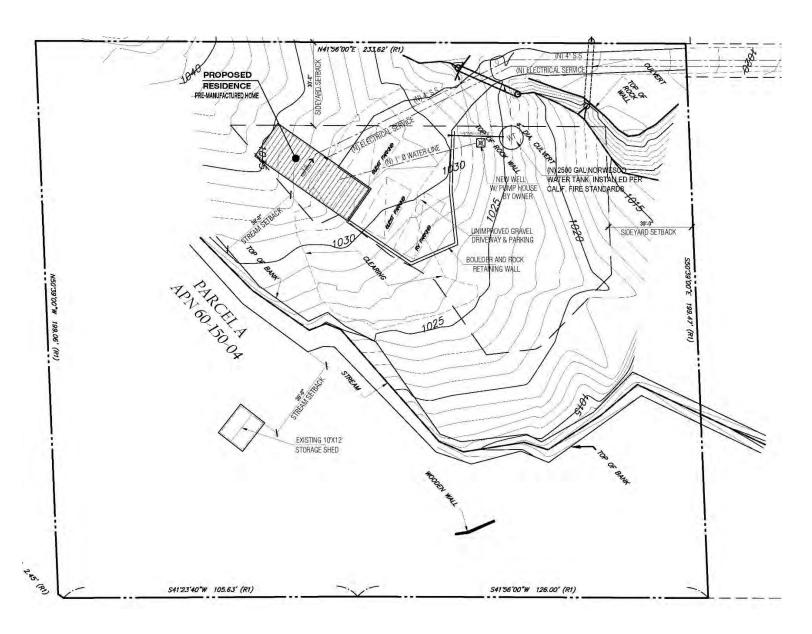
- 1. Environmental Health Department shall review and approve sanitation methods for the RV use, in this case obtaining drinking water from an approved potable source and disposing of the RV's wastewater tanks, as needed, at an approved RV dump station, such as the USFS dump station at Tom's Place or at the MCWD RV dump station.
- 2. RV placement shall not occur until construction of the storage shed is completed.
- 3. The applicant shall obtain a building permit for the primary building, and any necessary permits for the RV use, such as a temporary building permit for electrical hookup, prior to RV placement.
- 4. The use of the RV as a residence, limited to one year per Chapter 04.040, shall be discontinued after construction of the residence. If there is a demonstrated need, the Director Review may be renewed for one year following application submittal and notice to contiguous property owners.
- 5. The RV shall be placed in a manner that minimizes visual impact to nearby properties. The property shall be maintained in a neat and orderly fashion during construction of the residence.
- 6. If the trailer is to remain on the site following construction of the residence, it must be disconnected from utilities, be in operable condition, and remain vacant when parked on the property.
- 7. The RV shall be placed in a manner and the property maintained in a fashion that minimizes noise and residential activity impacts to neighboring residences. Residential uses shall be contained in the RV, outside camping activities such as a campfire are prohibited, and use of night lighting on and outside the trailer shall be minimized, in accordance with Mono County Dark Sky regulations (Chapter 23 of the Mono County General Plan).
- 8. All applicable conditions of approval contained in Use Permit 20-006 shall apply.
- 9. Any future accessory dwelling unit on the property shall obtain necessary planning permits prior to construction of the second unit.
- 10. Appeal. The Director Review permit shall become effective 10 days following the issuance of the Director's decision. During the 10-day period, an appeal may be filed in accordance with Chapter 47. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission. (Section.31.060)
- 11. Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights

- shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
- B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
- C. No extension is granted as provided in Section 31.080.
- 12. 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.
- 13. Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

This Director Review Permit shall become effective fifteen (15) days following the issuance of the Director's decision. This decision may be appealed within ten (10) days by filing a written notice of appeal with the Secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission.

PREPARE	D BY: Kelly Karl, Associate Planner	DATE OF DECISION:
CICNED		
SIGNED:		
	Wendy Sugimura, Community Devel	opment Director

#### ATTACHMENT 1 – SITE PLAN



8 DR 22-004/Reedy & Schott

#### ATTACHMENT 2 – PUBLIC COMMENT (OPPOSED)

From: Sharon Shaw <sshaw3243@gmail.com> Sent: Friday, February 18, 2022 10:08 AM

To: Wendy Sugimura <wsugimura@mono.ca.gov>
Cc: Rhonda Duggan <rduggan@mono.ca.gov>

Subject: LDTAC Special Meeting Wed 2/23 at 1:30 p.m. Reedy/Schott Matter

#### [EXTERNAL EMAIL]

Hello Wendy,

My name is Sharon Shaw and I live next door to the Reedy/Schott property. I attended the original Planning Commission Meeting held virtually in this matter. I see that they are applying to have an RV placed on their property during construction. My issue with them being given this permission is their failure to comply with the Planning Commissions original request of finishing the <u>unsightly</u> shed that should never have been build to start with.

When Ms. Reedy originally came on our property to introduce herself when they purchased the property several years ago, she indicated at the time that they had purchased the property to have their RV on it in the nice months of the year. This appears to be exactly what they hope to gain by this request. I do appreciate the no campfire requirement noted in the conditions set forth if the request is granted. I really think they should have to comply with the original conditions before they are granted additional concessions and that they should be required to have a building permit issued before being allowed to park an RV on the property.

I will be traveling at the time of the Wednesday meeting and will attempt to call in but would appreciate this email being included in the packet regarding the director review in case I am unable to call in.

Thank you

Sharon Shaw

# ATTACHMENT 3 – LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD LETTER

 From:
 Melanie Reedy

 To:
 Kelly Karl

Subject: Fw: SPL-2021-00225 (3858 Crowley Lake Drive SFR)

Date: Friday, April 9, 2021 4:58:56 PM

#### [EXTERNAL EMAIL]

---- Forwarded Message -----

From: "Steinert, Tiffany@Waterboards" <Tiffany.Steinert@Waterboards.ca.gov>

To: "melanietravels@yahoo.com" <melanietravels@yahoo.com>

Cc: "Marquez, Alyssa@Wildlife" <Alyssa, Marquez@Wildlife, ca.gov >, "Zimmerman,

Jan@Waterboards" <jan.zimmerman@waterboards.ca.gov>,

"Gerardo.L.Hidalgo@usace.army.mil" < Gerardo.L.Hidalgo@usace.army.mil>

Sent: Fri, Apr 9, 2021 at 4:41 PM

Subject: RE: SPL-2021-00225 (3858 Crowley Lake Drive SFR)

Hi Melanie,

After the virtual site visit conducted on April 8, 2021, the Water Board has determined that a 401 Water Quality Certification is not required as long as all construction remains within the existing development footprint at 3858 Crowley Lake Road.

Please feel free to contact me if you have any questions.

Tiffany Steinert Engineering Geologist

Regional Water Quality Control Board - Lahontan Region 6 15095 Amargosa Road – Bldg 2, Ste 210 Victorville, CA 92394 Direct (760) 241-7305 Front desk (760) 241-6583 Fax (760) 241-7308

The majority of Lahontan Water Board staff are teleworking due to an Executive Order from Governor Newsom. However, we are available via email and voicemail. We are responding to emails throughout the workday. Responses to voicemail may take more than one business day.

#### ATTACHMENT 4 – U.S. ARMY CORPS OF ENGINEERS LETTER

From: Hidalgo, Gerardo L CIV USARMY CESPL (USA) <Gerardo.L.Hidalgo@usace.army.mil> Sent;

Friday, April 9, 2021 4:30 PM

To: melanietravels@yahoo.com

Cc: Steinert, Tiffany@Waterboards <Tiffany Steinert@Waterboards.ca.gov>; Marquez, Alyssa@Wildlife

<Alyssa.Marquez@Wildlife.ca.gov>

Subject: SPL-2021-00225 (3858 Crowley Lake Drive SFR)

#### EXTERNAL:

Ms. Reedy:

After a review of our records, the best available information, and a virtual site visit conducted on April 8, 2021, the Corps has determined that a development footprint for a single family residence (SFR) has already been established by the previous property owners of 3858 Crowley Lake Drive. It is the Corps, understanding, that the SFR you intend to build will remain within the existing development footprint and no additional impacts to waters of the U.S. are proposed. Subsequently, the Corps has determined no new permit is required for the development of a SFR on 3858 Crowley Lake Road. All work done on property was authorized under NWP SPL-2012-00564.

Thank you for participating and coordinating with the U.S. Army Corps of Engineers Regulatory Program. If you have any questions, please contact me at (805) 585-2145 or via e-mail at <a href="Merceta-Bernhausses-Bernhausse

Sincerely, Jerry Hidalgo

Gerardo L. Hidalgo Project Manager Regulatory Division, North Coast Branch Ventura, CA Field Office Los Angeles District, U.S. Army Corps of Engineers Gerardo L. Hidalgo@usace.army.mil

Office: 805-585-2145

Government Mobile: 213-320-8992

\* During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:

https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory\_SPN.pdf?ver=2020-03-19-134532-833

**Building Strong** 

http://www.spl.usace.army.mil/Missions/Regulatory.aspx

Assist us in better serving you! You are invited to complete our customer survey, located at the following link: https://regulatory.ops.usace.armv.mil/customer-service-survey/

#### ATTACHMENT 5 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LETTER

From: Melanie Reedy

To: Kelly Karl

 Subject:
 Fw: SPL-2021-00225 (3858 Crowley Lake Drive SFR)

 Date:
 Friday, April 9, 2021 5:09:06 PM

#### [EXTERNAL EMAIL]

---- Forwarded Message ----

From: "Marquez, Alyssa@Wildlife" <Alyssa.Marquez@Wildlife.ca.gov>

To: "Steinert, Tiffany@Waterboards" < Tiffany.Steinert@Waterboards.ca.gov>,

"melanietravels@yahoo.com" <melanietravels@yahoo.com>

Cc: "Zimmerman, Jan@Waterboards" <jan.zimmerman@waterboards.ca.gov>, "Gerardo.L.Hidalgo@usace.army.mil" <Gerardo.L.Hidalgo@usace.army.mil>

Sent: Fri, Apr 9, 2021 at 5:06 PM

Subject: RE: SPL-2021-00225 (3858 Crowley Lake Drive SFR)

Hello Melanie,

After consultation with the Regional Water Quality Control Board regarding the April 8 virtual site visit, the California Department of Fish and Wildlife (CDFW) has determined that if the construction and all associated ground disturbing activities (e.g. staging of equipment, stockpiles, etc.) remain in the existing development footprint at 3858 Crowley Lane Drive, then a Notification to CDFW for a Lake and Streambed Alteration Agreement is not required.

Please note that if your Project changes in any way that could result in any of the following impacts, you will need to notify CDFW for a Lake or Streambed Alteration Agreement through our online permitting portal (EPIMS). Please note that "any river, stream or lake" includes those that are dry for periods of time as well as those that flow year round and the "bank of any river, stream or lake" includes the associated riparian area and floodplain, not just the low flow channel.

- · diverting or obstructing the natural flow of any river, stream, or lake,
- · change the bed, channel, or bank of any river, stream or lake
- · use material from any river, stream or lake; or
- · deposit or dispose of material into any rive, stream, or lake

Thank you,

Alyssa Marquez

Environmental Scientist

California Department of Fish and Wildlife - Inland Deserts Region 6

787 North Main Street Suite 220

Bishop, CA 93514

Cell: (760) 567-0332

# 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

February 18, 2021

To: Mono County Planning Commission

From: Kelly Karl, Associate Planner

Re: Use Permit 20-006/Schott & Reedy

#### 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 20-006 subject to Conditions of Approval.

#### **BACKGROUND**

Approval of an accessory use prior to a main use requires a Director Review permit. The existing 116-square foot (sf) shed is exempt from a building permit and the subject of a formal complaint filed with Mono County Code Compliance for an accessory use prior to the main. A Notice of Violation was issued in 2020 (Attachment 1). To abate the violation, the property owners were advised to submit a Use Permit application for the non-compliant accessory use. A Use Permit application was submitted on August 3 and after which the project was downgraded to a Director Review due the minor nature of the project and a subsequent Director Review application was submitted on August 26. The Director Review application was accepted by the Land Development Technical Advisory Committee (LDTAC) on September 9. Shortly after the LDTAC meeting, staff received public comments from neighboring property owners expressing concern about the project. The project was then upgraded to a Use Permit due to the significant number of comments received that indicated that this project was controversial to the neighborhood (Attachment 2).

#### PROJECT DESCRIPTION

UP 20-006/Schott & Reedy would permit a 116-sf existing non-permitted shed to remain at 3858 Crowley Lake Drive (APN 060-150-004) as an accessory use prior to the construction of the main residential use (see Figure 3, Site Plan). The parcel is over an acre (~1.04-acre) in size and is designated Single-Family Residential (SFR). The shed was constructed in 2020 by the property owners and came to the attention of Code Enforcement when a formal complaint was submitted. The shed is exempt from a building permit under the California Building Code because it is less than 120-sf and has no utility connections (e.g., water and power) and would have been permitted outright if a main use had existed on the property. The property owners are seeking a Use Permit to allow the shed to remain on the property while they move forward

with the design process for the main residence. The parcel is surrounded by SFR-designated parcels to the south and west and Mixed Use (MU) parcels to the north and east (see Figure 2).

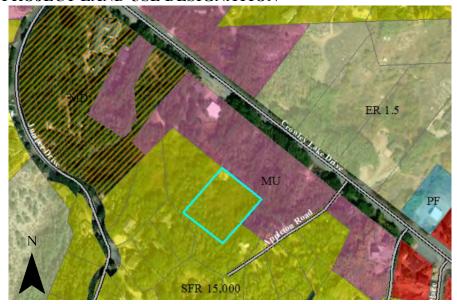
A site visit was conducted by Planning and Code Compliance staff on September 30, 2020, to verify site conditions (see Site Photo 1). Staff verified that there are no utility connections to the existing structure and that the structure is mostly complete except for exterior siding. Code Compliance verified that the existing shed is 30' from the Hilton Creek tributary stream that passes through the parcel. The applicants' intended use of the shed, per their Use Permit application, is "storage for tools and personal items, building materials in preparation for main house build."

The order of development occurring on this parcel is resulting in the shed triggering standards that are typically associated with a main use. In a more traditional development scenario, the main use would have been constructed first which would have been subject to General Plan development standards and a building permit which includes a Long Valley Fire Protection District will serve letter. The shed in this scenario would not have required a building permit and no part of this project would have been subject to County approval.

FIGURE 1: PROJECT LOCATION



FIGURE 2: PROJECT LAND USE DESIGNATION

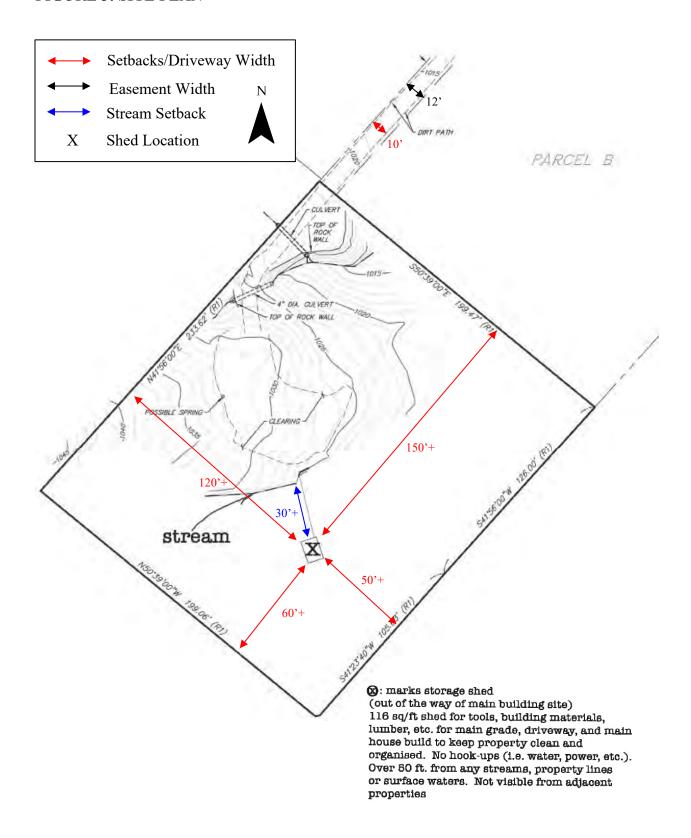


### SITE PHOTO $1 - \frac{09}{30}/\frac{2020}{20}$



Existing 116-square foot shed, looking west. UP 20-006/Schott & Reedy

**FIGURE 3: SITE PLAN** 



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

The LDTAC reviewed and approved a Director Review application for processing on September 9, 2020. The draft conditions of approval for this project were reviewed and approved with edits by LDTAC on February 1, 2021. LDTAC members did not have edits to the final conditions of approval, however, the Long Valley Fire Protection District and a member of the public submitted verbal comments and requested additions to the conditions of approval.

Below is a summary of comments received during LDTAC:

- Long Valley Fire Protection District:
  - 1. Locked Gate Access: The District requested that a copy of the key to the lock that holds the chain across the driveway be provided to allow emergency access to the parcel should they be required to respond to an incident on the parcel.
  - 2. Driveway Access: The District cited concerns that the driveway does not meet driveway width and surface material load capacity requirements for safe and effective emergency access to the parcel.
  - 3. Hazardous Fuels: The District cited concerns about hazardous vegetation on the property. In particular, the encroaching vegetation along the driveway might prevent proper emergency access and the heavy fuel loading immediately adjacent to the existing shed could increase fire hazard risk.
  - 4. Storage of Hazardous Materials: The District is concerned about the potential storage of hazardous materials in the shed (such as: gasoline, paint thinner, etc.) as storage of these materials will increase the fire risk to the project parcel as well as neighboring parcels.
  - 5. Emergency Water: The District noted that an emergency water source will be needed as the property owners proceed to the Building Permit process for the main residence.
- Public Members:
  - 6. Storage of Hazardous/Flammable Materials: A member of the public cited concerns that the potential storage of hazardous and flammable materials in the shed could increase the fire hazard of the parcel and the surrounding properties.
  - 7. Hazardous Fuels: A member of the public cited a concern for the fuel loading on the property.
  - 8. Illegal Construction: A member of the public cited concerns about approving an illegally constructed shed through the Use Permit process.

The concerns above are addressed as follows:

1. Locked Gate Access: The property owners confirmed that the chain across the driveway located at the driveway entrance does not have a lock. The chain across the driveway is simply wrapped around the tree to indicate private property and deter potential trespassers (see Owner Site Photos #1 and #2 below). Access to the parcel by the Fire Protection District is not impeded by a lock.

In addition, the easement that allows access to the project parcel does not allow the property owners of 3858 Crowley Lake Drive to place a chain across the section of driveway that is on their neighbor's property. A condition of approval for this project will require the property owners of 3858 Crowley Lake Drive to either obtain

- permission for the chain to remain from the property owners at 3860 Crowley Lake Drive or move it to the section of driveway that is on their property.
- 2. Driveway Access: The driveway will be required to meet current standards in land Use Element Chapter 22, Fire Safe Regulations, including but not limited to, surface material load capacity, driveway width, and turnout requirements as part of the Building Permit for the future residence.
- 3. Hazardous Fuels: Maintaining proper horizontal and vertical clearance along the driveway is required for this project and minor vegetation clearance pertinent to an unoccupied storage structure is also required. However, the defensible space requirement is not required for an unoccupied shed and will only be required as part of the building permit for the residence. Please see the sections below on driveway vegetation clearance and hazardous fuels reduction requirements near the shed for a more detailed analysis.
- 4. Storage of Hazardous Materials: The utility occupancy in the Building Code includes one-story detached accessory structures and is the same occupancy classification that is applied to residential garages. As long as typical household substances associated with residential uses such as gasoline, thinners, etc. are stored in approved containers in an approved environment and in reasonable quantities, they are permitted to be stored in the shed just as they would be permitted to be stored in a residential garage. The storage shed does not have an electrical hook-up which should further reduce the likelihood of ignition of any flammable substances from an electrical source. In addition, this project will be required to adhere to hazardous fuels reduction conditions immediately around the shed to further reduce the fire hazard (see analysis in the Fire Safe Regulations section below).
- 5. Emergency Water: This standard will be required as part of the building permit for the main use. Please see Emergency Water section below for a detailed analysis.
- 6. Storage of Hazardous/Flammable Materials: Please see Item 4 above.
- 7. Hazardous Fuels: Please see Item 3 above.
- 8. Illegal Construction: The subject of this use permit is related to a Notice of Violation for construction of an accessory use prior to a main use; however, it should be noted that the property owners contacted the Community Development Department prior to constructing the shed to ask whether a building permit was required for a shed under 120-square feet without utilities. Staff indicated that a building permit is not required in this case but were unaware no primary use existed on the parcel. Regardless, the SFR designation allows for the construction of an accessory use prior to a main use subject to approval of a use permit by the Planning Commission.

#### PROPERTY OWNER SITE PHOTO #1 – 02/10/2021



Existing chain across the driveway entrance at the junction with Crowley Lake Drive looking towards the property.

#### PROPERTY OWNER SITE PHOTO 2 – 02/10/2021



Existing chain across the driveway is wrapped around a nearby aspen without a lock.

#### PUBLIC HEARING NOTICE

A hearing notice was published in the January 30, 2021, edition of The Sheet. Notices were also mailed January 25, 2021, to property owners within a 300' radius of the site (Attachments 3 & 4). Initial comments were received shortly after application acceptance, however, as of the drafting of this staff report one comment has been received (Attachment 6).

#### INITIAL COMMENTS RECEIVED (SEPTEMBER)

As noted above, a number of comments from neighboring property owners were received shortly after the LDTAC application acceptance (Attachment 2). Comments from two neighboring property owners and the Long Valley Fire Protection District are included in the packet. However, it should be noted that a third neighboring property owner commented initially and requested to remove their comments from any future formal comment packet provided to the Planning Commission.

#### Comment 1 – Opposed based on the following:

1. Tiny Home: One commenter cited concerns that the existing structure on the parcel was being used as a tiny home by the property owners.

#### Comment 2 – Opposed based on the following:

- 2. Fire Hazards: One commenter cited concerns regarding existing fire hazards on the property and the use of chainsaws and generators (which require gasoline a flammable substance) and no infrastructure exists to suppress any potential fire. The same commenter noted concerns about the existing driveway not meeting emergency access/egress requirements for the Fire Protection District.
- 3. Camping & Improper Use of Stream: Concerns were also expressed regarding the property being camped on illegally without proper sanitation facilities and the potential impacts to and improper use of the creek that runs through the property.

#### Comment 3 – Long Valley Fire Protection District:

4. Relevant Fire Codes: The LVFPD submitted a letter with no stated opinion (in support or opposition) about the project that provided a list of fire codes the parcel and specifically the U/Group R-3 occupancy must abide by.

#### These concerns are addressed as follows:

- 1. Tiny Home: The existing structure lacks utilities and is intended to be used by the property owners as a storage shed for personal property as well as building materials and supplies for construction of a main residence. Storage sheds are classified as a utility occupancy and this type of occupancy is prohibited from being used as a habitable structure. A condition of approval for this project prohibits living on the property prior to receiving a certificate of occupancy for the main residence.
- 2. Fire Hazards: Please see analysis in Fire Safe Regulations section.
- 3. Camping & Improper Use of Stream: A condition of approval for this project prohibits living on the property prior to receiving a certificate of occupancy for the main residence. A condition of approval for this project requires compliance with Lahontan Regional Water Quality Control Board water quality regulations.

4. Relevant Fire Codes: LVFPD provided relevant fire codes as a reference for this project which will be required through the building permit, which will also require a will-serve letter from the fire district.

#### **COMMENTS RECEIVED (RECEIVED BY FEBRUARY 10)**

One additional comment opposed to the project was received by staff by the February 10 publishing deadline (Attachment 6).

Comment 1 – Opposed based on the following:

1. Violation Precedent: Concerns over issuing the permit and forgiving the existing violation as potentially setting a precedent for future violations and continued noncompliance with codes and laws. Based on the above the commenter asserts that removing the shed from the property is the correct solution.

These concerns are addressed as follows:

1. Violation Precedent: The General Plan, specifically the SFR designation, allows for approval of an accessory use prior to a main use through the Planning Commission's approval of a use permit. A common means for remedying a Code Violation is to apply for a use permit to approve the noncompliant accessory use prior to a main use. There is a well-established history of other storage structures throughout the County that have applied for a use permit approval to abate this type of violation.

#### **WETLANDS**

The project parcel is in a potential wetland area (see Figure 4) and construction activities in wetlands are regulated by the U.S. Army Corps of Engineers (USACE) and Lahontan Regional Water Quality Control Board (LRWQCB). Construction projects in wetland areas are typically required to obtain a Nationwide Permit 29 from the USACE and a Clean Water Act Section 401 Water Quality Certification from LRWQCB. Both agencies were formally notified about this project and the comment received from USACE is included in Attachment 5.

USACE determined that the shed does not require authorization from the USACE; "based on the pictures and plans I've determined the shed is not a discharge of dredged or fill material nor does it have the effect of fill. Consequently, the shed does not require authorization for the Corps." In addition, the USACE noted that the property owners have already reached out about permitting the single-family residence.

LRWQCB was notified but did not submit a formal determination on whether a Clean Water Act Section 401 Water Quality Certification is required for the existing shed. A condition of approval for this project requires the property owners to obtain proper approval from LRWQCB for the existing shed.

Mono County has policies in both the Land Use Element and the Conservation/Open Space Element that encourages protection of wetlands and coordination with LRWQCB & USACE as the agencies with jurisdiction over construction in wetland areas. Therefore, while the County typically adds a condition for compliance with these agencies, the Mono County approval is not withheld for a determination. The project applicant/owner is responsible for obtaining required approvals, and the agency is responsible for enforcing its own regulations.

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

**Policy 21.C.3.** Preserve, maintain and enhance surface and groundwater resources in the planning area.

**Action 21.C.3.c.** Develop a Special Area Management Plan<sup>9</sup> in cooperation with the US Army Corps of Engineers for wetlands in Long Valley.

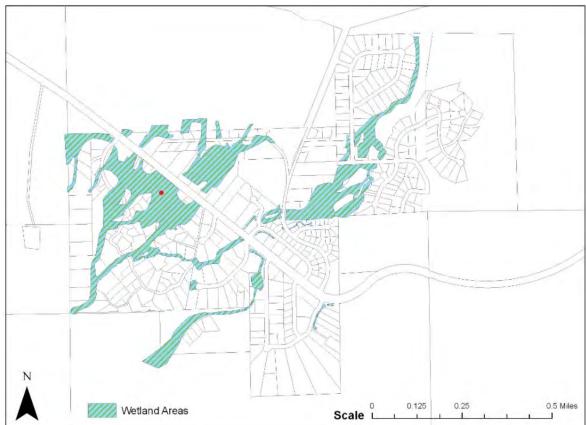
#### MONO COUNTY CONSERVATION/OPEN SPACE, WETLANDS POLICIES

**Policy 4.A.7.** Continue to support "no net loss" of wetlands at a regional scale.

**Action 4.A.7.a.** Establish policies for the management of wetlands in Mono County, including cooperation and compliance with state and federal agencies that manage wetlands.

Action 4.A.7.b. Continue collaborating with applicable agencies to monitor the status of wetlands, such as annual reporting to the Lahontan Regional Water Quality Control Board.

#### FIGURE 4: CROWLEY LAKE WETLAND AREAS



Project parcel location indicated with red dot.

#### STREAMS, CREEKS, & WATERWAYS

In addition to the wetlands discussed above, the project parcel also has a tributary stream that passes through the parcel. The California Department of Fish and Wildlife (CDFW) requires any

person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. CDFW was formally notified about this project and CDFW's comment is included in Attachment 5. CDFW was unable to determine based on information included in the formal notification sent by County staff whether an LSA would be required for this project and requested that the property owners submit an LSA notification via CDFW's Environmental Permit Information Management System (EPIMS) portal.

#### FIRE SAFE REGULATIONS

Mono County's fire safe standards are set forth in the Mono County General Plan, Land Use Element, Chapter 22, Fire Safe Regulations. However, the State Board of Forestry and Fire Protection is in the process of completing a legislatively mandated comprehensive update to Title 14 of the California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5 "State Minimum Fire Safe Regulations." The 2021 update to Title 14 is anticipated to be completed in June or July of this year which will supersede all regulations in Mono County's existing Chapter 22. The fire safe regulations analyzed in this section reference the current Chapter 22 standards and the conditions of approval related to fire safe standards use the phrase "most recently adopted standard" to mean the standards in effect when a building permit is submitted for the main residence (i.e., Chapter 22 or the 2021 version of Title 14).

#### Existing Driveway & Vegetation Clearance

The existing access to the project parcel is provided via an approximately 350' long dirt driveway that is 10' wide and well below the maximum grade of 16%. To access the project parcel, the existing driveway crosses through a neighboring parcel (3860 Crowley Lake Drive) via a 12' wide easement for "ingress, egress and road purposes over the northerly 12 feet" of the parcel. There is a chain in place across the entrance to the driveway that is wrapped around a nearby aspen as a deterrent to trespassing. There is no lock holding the chain in place, so it does not prevent emergency access by the LVFPD. However, the existing access easement does not allow placement of a chain so the property owners of 3858 Crowley Lake Drive will need to either obtain permission from their neighbors for the chain to remain in its current location or move the chain to the section of driveway at the entrance to their property.

General Plan Land Use Element Section 22.110.J. of Chapter 22, Fire Safe Regulation, requires that all driveways be constructed to provide a minimum of one 10-foot traffic lane. The existing access is compliant with this standard per the site plan (Figure 3). Per section 22.150.B. of Chapter 22, Fire Safe Regulations the minimum clearance requirements for driveway access is a minimum of 7' of unobstructed horizontal clearance from the centerline (for a total of 14' of horizontal clearance) and unobstructed vertical clearance of 15'. However, since the project parcel is accessed through a neighboring parcel (3860 Crowley Lake Drive) via a 12' wide easement the property owners cannot meet the full horizontal clearance standard as it extends past the boundary of their easement on a neighbor's property. Per section 22.150.B3., "no person shall be required to

maintain any clearing on any land if that person does not have the legal right to maintain that clearing." Therefore, the project is required to meet a 12' wide vegetation clearance on the section of driveway provided by the easement and shall be required to provide the full 14' width on the section of driveway that occurs on their property. The 15' vertical clearance will be required on the entire length of the driveway.

#### **Defensible Space Standards**

In addition to the vegetation clearance required for proper emergency access/egress on the existing driveway, defensible space clearance will also be required near the existing shed. Per section 22.150.A.2.(b)-(c), dead or dying tree branches adjacent to or overhanging a building as well as any leaves, needles, or other vegetative growth on the roof of any structure need to be removed (full text below). Section 22.150.A.2.a. and d-f are not triggered for this project as it is not an occupied structure and a propane tank is not currently installed on the parcel. An optional condition of approval has been provided for consideration by the Planning Commission that would require flammable vegetation clearance within 30 feet of the shed (section 22.150.d.). However, implementing this requirement may be problematic since the 30' clearance requirement abuts the existing creek and could impact wetlands and the existing streambed which are under the authority of the USACE, LRWQCB, and CDFW.

- "2. The existence or maintenance of any of the following conditions is prohibited:
  - a. Tree branches within 10 feet of a chimney outlet or stovepipe outlet;
  - b. Dead or dying tree branches adjacent to or overhanging a building;
  - c. Leaves, needles, or other dead vegetative growth on the roof of any structure;
  - d. Flammable vegetation or other combustible growth within 30 feet of an occupied dwelling or structure that prevents the creation of a firebreak;
  - e. Brush, flammable vegetation, or combustible vegetation located between 30 and 100 feet of an occupied dwelling or structure that prevents the creation of a Reduced Fuel Zone; or
  - f. Brush or other flammable material within 10 feet of a propane tank."

#### **Driveway Turnout Standard**

The driveway is approximately 350' in length and is existing nonconforming with the requirement for turnouts on driveways exceeding 150' in length. General Plan Land Use Element Section 22.110.J. of Chapter 22, Fire Safe Regulation, requires driveways exceeding 150' in length to provide a turnout near the midpoint of the driveway. Turnouts are required to be a minimum of 12' wide and 30' long with a minimum 25' taper on each end. A turnout near the midway point of the driveway will not be possible for this project due to the halfway point occurring on the neighboring property and the width of the access easement on that property does not allow for a turnout to be legally constructed in that area. The property line occurs at approximately 246' from the junction with Crowley Lake Drive (Figure 5, below), the precise halfway point for the approximately 350' driveway would be at 175' from the junction with Crowley Lake Drive. This requirement will be triggered as part of the Building Permit for the future main residence as the existing shed is a utility occupancy that does not allow for habitation and thus, will not create a need for occupants to evacuate in the case of an emergency. Additionally, the vegetation clearance requirements discussed above should allow for proper emergency access/egress by the Long Valley Fire Protection District should they need to respond to an incident on the parcel.

3812

3850

175° - Halfway Pt

56

3800

246° - Property Line

FIGURE 5: DRIVEWAY TUNROUT MEASUREMENTS

-350' - End Point

The most recently adopted standard for driveway access and turnouts will be applied to this project when the building permit application for the main residence is submitted. Four options for future compliance with the turnout requirement are provided below, however selecting an option is outside the purview of this use permit and will be completed at the building permit stage:

- 1. Option 1: The property owners can work with the owners of 3860 Crowley Lake Drive to adjust the existing easement to allow for the additional dimensions necessary to implement a turnout near the midway point of the driveway.
- 2. Option 2: A turnout could be provided close to the property line at 246' (a 71' difference from the true midpoint of the driveway). Given the constraints of the easement, such a turnout could be deemed to meet the intent of the Chapter 22 regulations and must be approved by the LVFPD through a will-serve letter for the building permit.
- 3. Option 3: The property owners could apply to CALFIRE for an exception to the turnout standard. An exception is defined in section 22.091 as "an alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem."
- 4. Option 4: The property owners could apply for an exemption to the turnout standard. One possible exemption is for the property owners to present documentation that the parcel was created before January 1, 1991 by a parcel map or tract map and that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map.

#### **Driveway Surface**

The existing access to the parcel is currently nonconforming with driveway surface standards. Section 22.110.B. specifies that driveways be designed and maintained to support at least 75,000 pounds and provide an aggregate base. To meet this standard, the road surface of the existing access will need to be upgraded. A variety of driveway surface materials could be used to meet

this standard, provided that the engineering specifications that indicate this surface material can support the required load is submitted to the Community Development Department. This requirement will be triggered as part of the Building Permit for the future residence and will be subject to the load requirement specified in the most recently adopted regulations.

### **Emergency Water Standards**

Per section 22.130.A. of Chapter 22, Fire Safe Regulations (full text below) emergency water standards apply to all parcels being developed in Long Valley. The project parcel is located in an area without access to fire hydrants (see Figure 6) and installation of a water tank is the most common way to meet emergency water standards. However, there are a variety of ways to meet this standard. Per section 22.130.B., "such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, as long as the specified requirement is immediately available." Due to the existence of wetlands and a creek on the property, proper placement of any emergency water source will require consultation and approval from the USACE, LRWQCB, & CDFW. In addition, proper placement of an emergency water source will also need to take into account the buildable area of the future main residence, the driveway requirements discussed above (turnout, width, and an upgraded driveway surface), as well as coordinating with LVFPD for proper placement for the best access for emergency use. Thus, including the emergency water source as part of the Building Permit process for the main residence allows for proper site planning. The water source will be required to meet the National Fire Protection Associate (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting" 2012 Edition.



FIGURE 6: CROWLEY LAKE HYDRANT LOCATIONS

#### **CEQA COMPLIANCE**

This Use Permit qualifies for a Class 3 Categorical Exemption under CEQA Guideline 15303(e):

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:

- (a) One single-family residence, or a second dwelling unit in a residential zone may be constructed or converted under this exemption.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

This project qualified as a Class 3 exemption because it consists of the installation of a small accessory structure and the use of a storage shed is not substantially different from the use of other non-occupied structures such as a garage, which is specifically listed as exempt. The property owner will also be required to obtain proper approval for construction in wetlands and near streams/waterways from the USACE, LRWQCB, & CDFW and comply with any mitigation or remediation requirements from these agencies. The project is not expected to cause any significant environmental impacts.

#### GENERAL PLAN CONSISTENCY

The project is consistent with the intent and permitted uses of Single-Family Residential (SFR) land use designation, which permits construction of a secondary use (e.g., a storage shed) prior to the main use with approval of a Use Permit.

The project is consistent with Countywide Land Use Policies that seek to accommodate future growth in a manner that preserves and protects the area's scenic resources by regulating future development in a manner that minimizes visual impacts. The project is consistent with Long Valley Area Plan Policies which seek to maintain, protect, and enhance the livability of community areas.

# MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

#### Objective 1.A.

Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

**Policy 1.A.6.** Regulate future development in a manner that minimizes visual impacts to the natural environment, to community areas, and to cultural resources and recreational areas.

**Action 1.A.6.a.** Implement the Visual Resource policies in the Conservation/Open Space Element.

#### 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.a.** Future residential development in community areas shall have a minimum lot size of 15,000 sq. ft. except for areas adjacent to existing development with lot sizes of 7,500-10,000 square feet, where the minimum lot size may be 10,000 square feet if individual septic disposal systems are not required.

#### **SETBACKS**

The existing shed meets the setback requirements for SFR parcels greater than one-acre in size which are 30' front, 30' side, and 30' rear setbacks. The waterway running through the property is a tributary of Hilton Creek and is USGS blue-line stream. Mono County's 30' stream setback requirement is triggered, and Community Development Department staff confirmed during a September 2020 site visit that the shed is more than 30' from the stream.

#### **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 existing 116-square foot storage shed as well as the future main use.
  - b. Lot coverage is well below the 40% maximum for the SFR designation.
  - c. The SFR designation allows for the construction of an accessory building prior to a main use with approval of a Use Permit.
  - d. The shed meets setbacks for the 30' front, side, and rear yard setbacks for the SFR designation.
  - e. The shed is setback more than 30' from the existing Hilton Creek tributary stream and meets County stream setback requirements.
- 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. No new impacts to streets and highways are expected from the construction of a 116-square foot storage shed. The existing dirt driveway will be required to meet current fire safe standards under a future building permit for the main residence. There are four options for this parcel to potentially comply with this requirement at the building permit stage.
- 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 shed is a minor property improvement that is typically exempt from planning and building permits because of the low likelihood that it would impact adjacent properties.

- b. Although already required by the General Plan, a condition of approval for this project prohibits camping or otherwise living on the property prior to construction of the main residence.
- c. The construction of a main residence will require a building permit from Mono County as well as appropriate permits and approvals from LRWQCB, CDFW, and USACE.
- d. The shed will be required to follow Mono County Design Guidelines, including the use of non-reflective materials and painting the shed a solid color that blends into the surrounding landscape (see Condition of Approval #5) which will mitigate potential visual impacts to surrounding property owners.
- e. Proper storage of tools and supplies necessary for the construction of the primary residence will also be required as a condition of approval further minimizing any detrimental impacts to neighboring properties.
- 4. The proposed use is consistent with the map and text of the Mono County General Plan because:
  - a. The SFR designation is intended to provide for the development of single-family dwelling units and permits the construction of accessory buildings prior to the main use with approval of a Use Permit. The shed will provide storage for personal items as well as tools and supplies for future home construction on the parcel consistent with the SFR designation.
  - 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: Notice of Violation
- Attachment 2: Initial Public Comments (September)
- Attachment 3: Public Hearing Notice Mailer
- Attachment 4: Published Public Hearing Notice
- Attachment 5: USACE & CDFW Comments
- Attachment 6: Public Comment (Received by February 10)

# MONO COUNTY

# **Planning Division**

## **NOTICE OF DECISION & USE PERMIT**

USE PERMIT: UP 20-006 APPLICANT: Matthew Schott & Melanie Reedy

**ASSESSOR PARCEL NUMBER: 060-150-004** 

**PROJECT TITLE:** Accessory use (116-squaure foot storage shed) prior to construction of main use.

PROJECT LOCATION: 3858 Crowley Lake Drive, 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 <u>WITHIN TEN (10) DAYS</u> OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE <u>MONO COUNTY BOARD OF</u> 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:** 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 <u>date of approval</u> 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 20-006/Schott & Reedy**

\*Planning Commission edits in red

- 1. The project shall comply with provisions of the Mono County General Plan, Mono County Code, and project conditions.
- 2. The 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.
- 3. Camping or living on the property is prohibited until the main residence has been constructed and receives a Certificate of Occupancy from the Building Division.
- 4. The shed shall be completed and secured against unauthorized entry. Flammable liquids/materials shall not be stored in the shed.
- 5. The shed shall follow Mono County Design Guidelines, including the use of non-reflective materials. The shed shall be painted a dark solid color that blends into the surrounding landscape, vegetation, and/or structures.
- 6. A complete Building Permit application for the residence shall be submitted within (2) twoyears of the decision date of this Use Permit. This submittal shall be compliant with the most recently adopted fire safe standards, including but not limited to, driveway standards (including but not limited to width, turnout, & surface load) as well as provide an emergency water source compliant with the most recently adopted standard.
- 7. The project shall remove dead or dying tree branches adjacent to or overhanging the storage shed as well as any leaves, needles, or other vegetative growth on the roof of the shed during non-snow months to reduce hazardous fuel loading immediately around the project site.
- 8. The property owners shall either obtain permission from the owners of 3860 Crowley Lake Drive for the chain across the driveway to remain in its current location or move it to the section of driveway on their property (3858 Crowley Lake Drive).
- 9. The property owners shall submit a Lake and Streambed Alteration (LSA) Agreement notification via California Department of Fish & Wildlife's Environmental Permit Information Management System (EPIMS) portal and receive any necessary approvals from this agency.
- 10. The property owners shall contact and receive Clean Water Act Section 401 Certification approval, if applicable, from the Lahontan Regional Water Quality Control Board for the existing shed.
- 11. Property shall be maintained in a neat and orderly manner. Storage of materials and equipment shall occur only within the storage shed.
- 12. 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.
- 13. 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.
- 14. 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: NOTICE OF VIOLATION

# Mono County Community Development Department

P.O. Box 347 Mammoth Lakes, CA 93546 (760) 924-1826, fax 924-1801 ncriss@mono.ca.gov

#### **Compliance Division**

P.O. Box 8 Bridgeport, CA 93517 (760) 932-5424, fax 932-5431 jsuppa@mono.ca.gov

July 9, 2020

Melanie Reedy & Mathew Schott PO Box 9157 Mammoth Lakes, CA 93546

#### **NOTICE OF VIOLATION**

Complaint No. 2020/020 – Regarding violations of the Mono County General Plan and the Mono County Code, 3858 Crowley Lake Drive, Crowley Lake, CA, Assessor's Parcel No. 060-150-004.

To: Melanie Reedy & Mathew Schott,

The Mono County Compliance Division has received complaints regarding the unpermitted construction accessory structures on the aforementioned property. In response, the Mono County Compliance Division performed a site inspection and it was observed that a small accessory structure was in fact being constructed on site. Based on the recent inspection, the following violations were observed to exist on your property – Assessor Parcel No. 060-150-004:

<u>Violation No. 1</u> – Mono County General Plan Section 04.020 – Uses Permitted B. Buildings, structures and land <u>shall be used</u>, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the land use designation in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law.

Your property is designated Single Family Residential (SFR) within the Mono County General Plan Land Use Element. While accessory buildings and uses are generally permitted in the SFR designation, accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building or through the Use Permit process. At this time Mono County records indicate this is a vacant unimproved parcel and no use permit has been issued to construct an accessory structure prior to the main use. Construction or placement of accessory structures on vacant parcels without obtaining the required permits is a violation of Mono County General Plan Section 04.020.

<u>Violation No. 2</u> – Mono County Code Section 7.20.020 Nuisance Prohibition.

No person shall commit, create or contribute to the creation of a public nuisance in the county, nor shall anyone allow a condition constituting a public nuisance to exist on property in the county that is within their ownership or control. Mono County Code Section 7.20.010 D.1 defines a "Public Nuisance" as any violation of any provision of the Mono County Code, the Mono County General Plan, any county area or specific plan, airport land use plan, any variation or subpart of the foregoing, or any other land-use planning document duly approved by the board of supervisors or the planning commission. Mono County Code Section 7.20.010 D.4 defines a "Public Nuisance" as any violation of state law, including but not limited to the State Housing Law (commencing with Section 17910 of the California Health & Safety Code).

Violation 1 is determined to be "Public Nuisance" and is a violation of the Mono County Code Section 7.20.020.

You are hereby ordered to abate the violations and comply with the following directives:

#### Directive No. 1

On or before <u>August 14, 2020</u>, demolish and remove the accessory structure along with all associated demolition/construction material and debris from the property.

As per Mono County Code Sections 1.12.010, 1.12.020 and 1.12.030, failure to comply with a County Regulation may result in the issuance of an Administrative Citation (fines & penalties).

An Administrative Fine amounts to \$100.00 per day for each violation of a County Regulation, applicable for each of the first five days of noncompliance. After the initial five-day period, the fine will then be \$500.00 per day for each violation for each day thereafter.

If you have any additional questions or would like to schedule a site field meeting, please do not hesitate to call me at (760) 924-1826 M-F.

Thank you for your attention to this matter, and I look forward to your voluntary compliance with the Mono County codes.

Sincerely,

Nick Criss, Code Compliance Officer Mono County Compliance Division

CC: File 2020/020

Wendy Sugimura, Community Development Director

Fred Stump, District 2 Supervisor

Via: Certified Mail:

Melanie Reedy & Mathew Schott

PO Box 9157

#### ATTACHMENT 2: INITIAL PUBLIC COMMENTS (SEPTEMBER)

#### **COMMENT #1**

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

From: Bill Mitchell <br/>
<br/>billmitchellconstruction@gmail.com>

Sent: Thursday, September 10, 2020 1:27 PM

To: Wendy Sugimura <wsugimura@mono.ca.gov>

Cc: Fred Stump <fstump@mono.ca.gov>

Subject: Reedy-Schott property illegal Structure

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

Hi Wendy, I am an adjacent property owner of the property under consideration for approval of what appears to be a Tiny Home disguised as a Shed. I would encourage you to definitely visit the structure so you can see for yourself the intended use. I recently sold a house which is also adjacent to 3858 Crowley Lake Drive, the address of the subject property. I would guess their property tax is north of \$600 per month. Their neighbors have attempted to build a tiny home illegally, pay no taxes for it, and use it for a getaway. You will have a very clear picture I'd the situation If you visit the site. Fred Stump will be happy to give you a tour. Also please touch base with Nick regarding my compliance requirements on my property.

Thank You for your attention to this issue. BILL AND MAGGIE MITCHELL

bmitchell iphone

#### **COMMENT #2**

From: Gordon Shaw <gshaw@qnet.com>
Sent: Monday, September 14, 2020 1:49 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>

Cc: Fred Stump <fstump@mono.ca.gov>; billmitchellconstruction@gmail.com; Kelly Karl

<kkarl@mono.ca.gov>; Nick Criss <ncriss@mono.ca.gov>; 'Vince Maniaci' <longvallevfd@gmail.com>

Subject: FW: Reedy-Schott property illegal Structure

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

Dear Wendy,

My name is Sharon Shaw and my property is located south of the Reedy-Schott property. We have a Juniper Dr. address. My husband Gordon and I would like to add our concerns with all the issues that Mr. and Mrs. Mitchell wrote you about as well as add a few of our own. I have served on the Long Valley Fire Protection Board of Commissioners for 26 years and was a firefighter prior to that for almost 4 years. Gordon served on the fire department for nineteen years. We have serious issues with the fire hazards that exist with no fire equipment access to the property. The use of chainsaws and generators (which require gasoline) on the property create a fire hazard and they have no way of putting out a fire should they create one. They have violated all the requirements to give the fire district proper access to their property. I believe that Chief Maniaci will be writing you regarding those violations. Additionally, I am the neighbor that witnessed the owner of the property bathing in the stream approximately 30 yards from the back of our deck. He was in his underwear and clearly saw me observe him. The following day a blue tarp had been placed over the stream where this occurred. The tarp has since been removed. This kind of behavior leads to many sanitation issues. There is no sewer connection from the property that I am aware of so where is sewage being disposed of? Thank you for your time regarding this matter.

Sharon and Gordon Shaw

#### **COMMENT #3**

From: Chief Vince Maniaci < longvalleyfd@gmail.com > Sent: Wednesday, September 16, 2020 9:01 AM
To: Wendy Sugimura < wsugimura@mono.ca.gov >

Subject: Reedy-Schott

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

Wendy,

Per my conversations with several Crowley Community folks; and reading the email chains, here are a few points of fire related issues they were referencing. Not sure to what extent the owners have submitted for their project but thought I could share what I could find. If you have any questions feel free to write or call. Thanks

Sincerely,

Chief Vince Maniaci 3605 Crowley Lake Drive Crowley Lake, Ca. 93546



# Long Valley Fire Protection District

3605 Crowley Lake Drive • Crowley Lake • California 93546-1145 Ph. 760.935.4545 longvalleyfd@gmail.com

September 14,2020

Reedy-Schott property

3858 Crowley Lake Dr.

Crowley Lake, CA 93546

All

I'm writing to follow up on the Reedy-Schott proposal. Several members of the community from Appleton-Juniper Loop have asked for clarification of Fire related codes this parcel must abide by. I offer the following brief description of just a few items which will need to be addressed prior to continuance of a Group U/ Group R-3 occupancy:

Mono County Chapter 22 -Fire Safe Regulations

Sections 22.010- 22.150

Mono county fire regulations on driveway and road design- standards and measurements.

#### California Fire Code.

#### Chapter 5

CFC 503.1-503.4 -fire apparatus access roads

CFC 505.1-premises identification street address numbers.

#### Chapter 3

CFC 313.1 -fueled equipment storage

CFC 315.1; 315.4 -general storage

#### Chapter 33

CFC 3310.1 access for firefighting.

CFC Appendix D

Chapter 57

CFC 5704.3.4.4-external storage of hazardous material

In addition to the above client should review requirements from California Code of Regulations Title 19 regarding extinguishers used in high hazard fuel loads during construction. WUI regulations of types of building materials.

If you have any further questions or would like me to elaborate on any of the above; please don't hesitate to contact me.

Sincerely,

Vince Maniaci

Fire Chief

Long Valley Fire Protection District

#### ATTACHMENT 3: PUBLIC HEARING NOTICE MAILER

#### Mono County Community Development Department

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

Planning Division

P.O. Buy. 8 Bridgepart, CA. 95512 (760) 932-5420, fax 932-5431 www.maancounty.ca.estc

#### NOTICE OF PUBLIC HEARING

In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <a href="https://monocounty.ca.gov/planning-commission">https://monocounty.ca.gov/planning-commission</a> 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, February 17** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at <a href="mailto:cd.ca.gov">cd.ca.gov</a>, 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



Dian. : School : Complan = Engonmental California France Tem (FF)

- cal Agency Severation Committion (LASCO) | Local Tremportation Committee (E-FC) (Regional Finance Agency Committee (LASCO))

#### ATTACHMENT 4: PUBLISHED PUBLIC HEARING NOTICE

# MONO COUNTY PLANNING COMMISSION

PO Box 347 Mammoth Lakes, CA 93546 760.924.1800, fax 924.1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760.932.5420, fax 932.5431 www.monocounty.ca.gov

January 25, 2021

To: The Sheet From: Becky Peratt

Re: Legal Notice for January 30 edition

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

#### 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: <a href="https://zoom.us/join">https://zoom.us/join</a> 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: 9:05 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. 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 <a href="mailto:cddcomments@mono.ca.gov">cddcomments@mono.ca.gov</a>, 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 5: USACE & CDFW COMMENTS

#### **USACE COMMENT**

From: Hidalgo, Gerardo L CIV USARMY CESPL (USA)

To: Kelly Karl

Cc: SPL Permit Inquiries

Subject: RE: USACE Consultation for Mono County Use Permit Application

Date: Friday, January 8, 2021 3:17:29 PM

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

Hello Kelly,

Based on the pictures and plans I've determined the shed is not a discharge of dredged or fill material nor does it have the effect of fill. Consequently, the shed does not require authorization for the Corps.

The property owners of 3858 Crowley Lake Drive (APN 060-150-004-000) have reached out about permitting the single-family residence. The property has received permits from the Corps in 2006 and 2012 to impact wetlands for the construction of a driveway and single family residence. However, these permits have expired and new permits are required.

Project proponents developing on potential wetlands should visit our website

https://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process.aspx for more information on the permit process. We recommend project proponents complete a jurisdictional delineation (identifying and locating the geographic boundaries of jurisdictional Waters of the United States (including wetlands) on a property) and request a jurisdictional determination from the Corps to determine whether those areas are regulated by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Receiving a jurisdictional determination is recommended when planning a project. The minimum standards for jurisdictional delineation reports are found here:

https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit Process/Final%20Delin%20Report%20Standards%203-16-2017.pdf?ver=2017-03-24-115759-277.

Potential permits project proponents may apply for are Nationwide Permits (NWP). NWPs are for activities that will result in no more than minimal individual and cumulative adverse environmental effects. Here is a link to the current list of NWPs: <a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit\_Process/Summary\_Table\_Final\_2017%20NWPs\_Jan%202017.pdf?">https://www.spl.usace.army.mil/Portals/Jan%202017.pdf?</a>
<a href="https://www.spl.usace.army.mil/Portals/Jan%202017.pdf?">https://

I'm the primary POC for Mono County and project proponents can contact me with any questions.

Let me know if you have any questions.

Thanks,

Jerry Hidalgo
Project Manager
Regulatory Division, North Coast Branch
Los Angeles District, U.S. Army Corps of Engineers
60 South California Street, Suite 201
Ventura, California 93001-2598
Gerardo.L.Hidalgo@usace.army.mil

Office: 805-585-2145

Government Mobile: 213-320-8992

#### **CDFW COMMENT**

From: Wildlife LSA

To: Kelly Karl; Wildlife LSA

Subject: RE: Lake and Streambed Alteration Consultation Request (Mono County)

Date: Thursday, December 24, 2020 11:46:08 AM

Attachments: image001.png

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

#### Hi Kelly,

Thank you for contacting CDFW. Not being familiar with the natural resources or landscape in the area you described I could not provide an answer to whether or not the project would require a Lake and Streambed Alteration Agreement (LSA). My advice would be to have landowner submit an LSA notification to the Regional CDFW serving the area; that way the applicant would be covered under <u>Fish and Game Code 1602</u>. If the project ends up not needing a permit, the Regional staff would provide a letter stating so.

As for how CDFW would like to be notified moving forward. CDFW recently converted to a completely online system for receiving LSA notifications and issuing LSA Agreements (permits) called EPIMS. Below is a link to the EPIMS website which provide enough information on the program to help you create your handout.

#### https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS

I also wanted to add that I really appreciate the proactive approach you are utilizing. One thing I would like to suggest is to add a simple question on the county permit for applicants with streams on or around their projects.

Have you applied for or received a Lake and Streambed Alteration Agreement from the California
Department of Fish and Wildlife?

Happy Holidays!

#### Jason Faridi

Senior Environmental Scientist (Specialist)
Lake and Streambed Alteration Program - Sacramento
Jason, Faridi@wildlife.ca.aov

#### ATTACHMENT 6: PUBLIC COMMENT (RECEIVED BY FEBRUARY 10)

#### **COMMENT #1**

 From:
 Sharon Shaw

 To:
 Kelly Karl

Subject: Re: Use Permit20-006/Schott & Reedy
Date: Tuesday, February 9, 2021 12:37:26 PM

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

Dear Planning Commission Members,

My additional comments regarding the Use Permit20-006/Schott & Reedy property are as follows:

Having been informed at the last zoom meeting I attended that this permit is almost certainly going to be issued, I think that will send the wrong message to violators. It says do whatever you want and if you don't get caught that's great, but if you do get caught, no problem we will let you do it anyway. The first notice sent to these property owners was the correct solution. Take the building down that was illegally constructed and start over again following the codes and laws that are written to protect the community.

Hopefully the planning commission will set an example here instead of saying it's all right to ignore our codes and laws that protect the safety of others. If the owners are allowed to finish this shed instead of taking it down, why do we have the codes and laws in the first place?

Thank you

Sharon Shaw

From: Wendy Sugimura

To: <u>Michael Draper</u>; <u>Laura Stark</u>

Subject: FW: Reedy/Schott matter on Planning Committee Agenda August 1, 2022

**Date:** Monday, August 1, 2022 8:22:32 AM

FYI, for LDTAC today.

#### Wendy Sugimura

Community Development Director (760) 924-1814

From: Sharon Shaw <sshaw3243@gmail.com>

**Sent:** Friday, July 29, 2022 1:15 PM

To: Wendy Sugimura <wsugimura@mono.ca.gov>

Cc: Rhonda Duggan <rduggan@mono.ca.gov>; Tim Sanford <tbsanford@timothysanfordlaw.com>

**Subject:** Reedy/Schott matter on Planning Committee Agenda August 1, 2022

#### [EXTERNAL EMAIL]

#### Hello Wendy,

In case I would be unable to connect to the Zoom meeting on Monday, I wish to have my comments received by the Committee. I am also copying my County Supervisor Rhonda Duggan and my personal attorney Timothy B. Sanford on this email.

My husband Gordon and I oppose allowing overhead power to the Reedy/Schott property based on the additional fire danger to our adjacent property. It is our understanding that approval of overhead power is not standard for Mono County and the owners of this property could have run underground power when they had their entire driveway dug up to install sewer lines to Crowley Lake Drive. They state there are other pole lines in the area, which is probably true but we assume not for new construction. We have underground power and our home was built in 1982. Every one of our near by neighbors have underground power to their homes as well. It is a huge leap to believe that these power lines will be maintained by the homeowner as SCE is requiring. Allowing overhead power lines to be installed in this day and age when major power companies in this state are spending billions of dollars to install underground power lines due to the extreme fire danger we all live with daily seems insane to us.

The shed (which has now been present for eighteen plus months) and should not have been built to start with is still not completed. After the last request made by Reedy/Schott to be allowed to place an RV on the property during construction, it was our belief that the shed needed to be completed. Does the shed ever have to be completed?

Thank you for your time once again.

Sharon Shaw, Adjacent Homeowner

## **Michael Draper**

From: Jim Kozak <jimk@strategicland.net>
Sent: Monday, August 1, 2022 10:44 AM
To: Wendy Sugimura; Michael Draper

**Cc:** Rhonda Duggan

**Subject:** LDTAC Meeting August 1, 2022 Opposition to Agenda Item 3.A

Follow Up Flag: Follow up Flag Status: Flagged

Some people who received this message don't often get email from jimk@strategicland.net. Learn why this is important

#### [EXTERNAL EMAIL]

Ms. Sugimura and Mr. Draper and Members of the LDTAC:

Please read this e-mail into the record that as an adjacent property owner at 257 Juniper Drive Crowley Lake, CA I, James Kozak and my wife Rhana Kozak are opposed to any approval of the Application being reviewed per your Agenda Item 3.A Use Permit Schott & Reedy as it relates to allowing overhead power lines to or on this property.

To further increase fire risk to adjacent properties and potential loss of life in this area when underground options are available is unconscionable.

Additionally, I did not see a staff report on this application online that showed any analysis to evaluate other options.

I strongly recommend you either reject this application outright due to the increased liability this creates for the County per the State Drought Fire Risk guidelines we are in, or pause making a decision until a more detailed analysis is completed reviewing the options available.

Thank You,

James and Rhana Kozak 257 Juniper Drive Crowley Lake, CA 93546



James M. Kozak, President

505 Lomas Santa Fe Drive, Suite 230 Solana Beach, CA 92075

Phone: (858) 699-7440 Fax: (858) 523-0826

E-Mail: jimk@strategicland.net
Web: www.strategicland.net

#### **Privileged And Confidential Communication.**

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

Please consider the environment before printing this e-mail.

# **Michael Draper**

From: Chief Vince Maniaci <longvalleyfd@gmail.com>

Sent: Monday, September 19, 2022 1:31 PM

**To:** Michael Draper **Subject:** Reedy Schott

You don't often get email from longvalleyfd@gmail.com. <u>Learn why this is important</u>

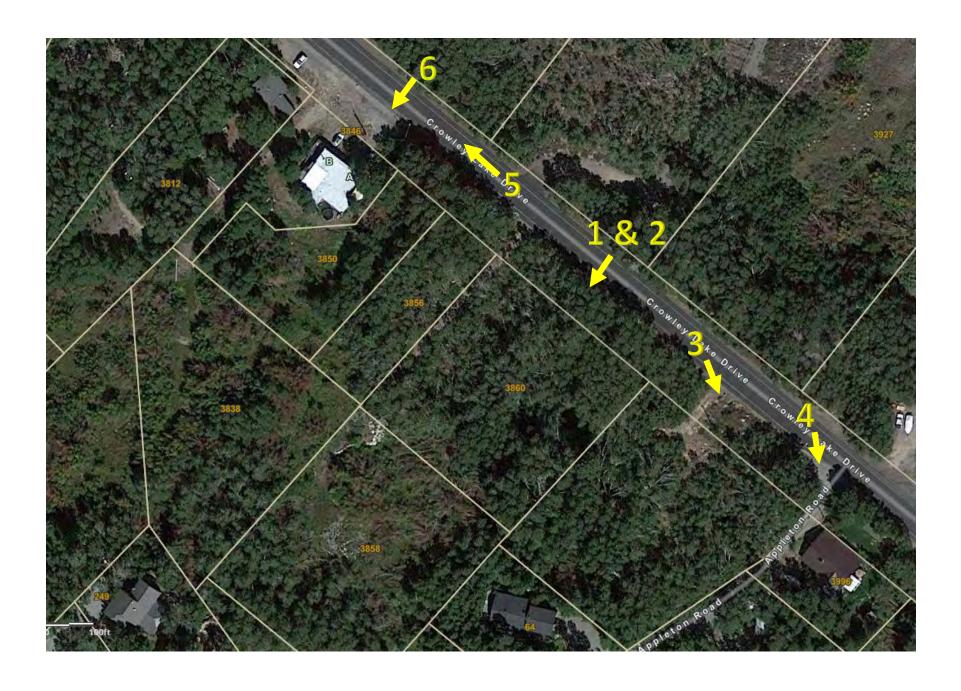
#### [EXTERNAL EMAIL]

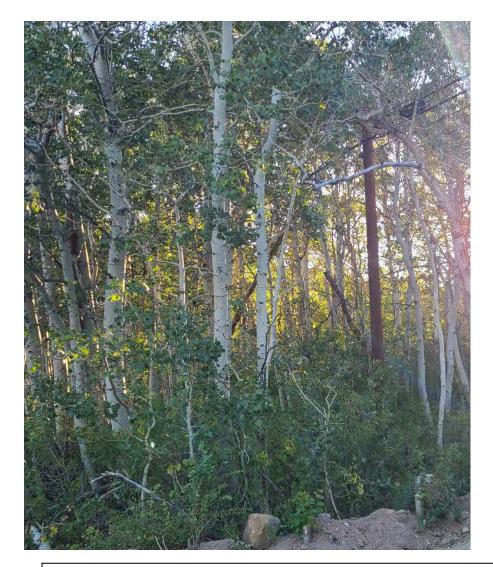
The Long Valley Fire Protection District is opposed to the overhead line being installed at the Reedy/Schott parcel(3858 CLD). The client was able to trench for water and sewer from driveway/Crowley Lake Dr. within the right of way and the District would rather see the continued use of underground services rather than above ground power due to fire threat. Thank you,

--

Chief Vince Maniaci 3605 Crowley Lake Drive Crowley Lake, Ca. 93546

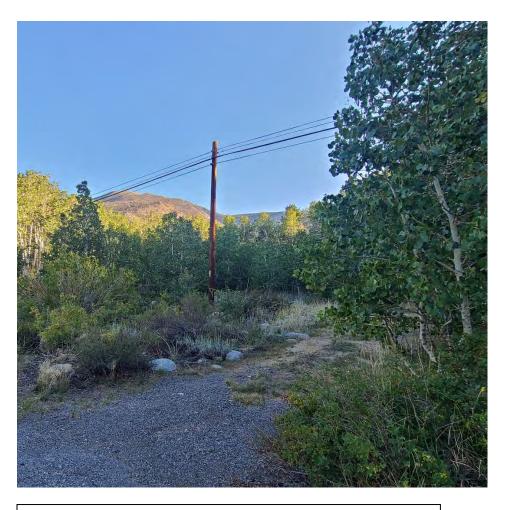




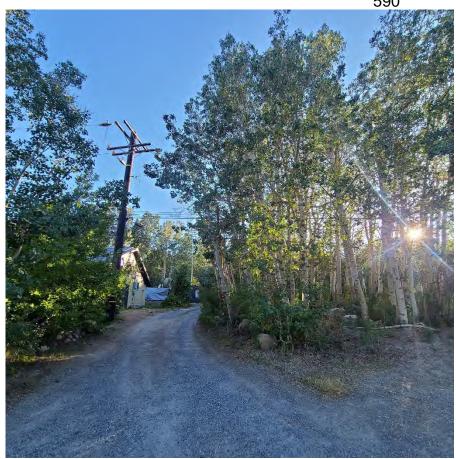




1 & 2 – The pictures show land west of Crowley Lake Drive where the applicant would be required to underground. Aboveground communication lines and poles exist already, and the area is characterized by moist soils.



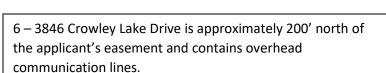
3 – The picture is approximately 250' south of the project parcel, along the west side of Crowley Lake Drive.



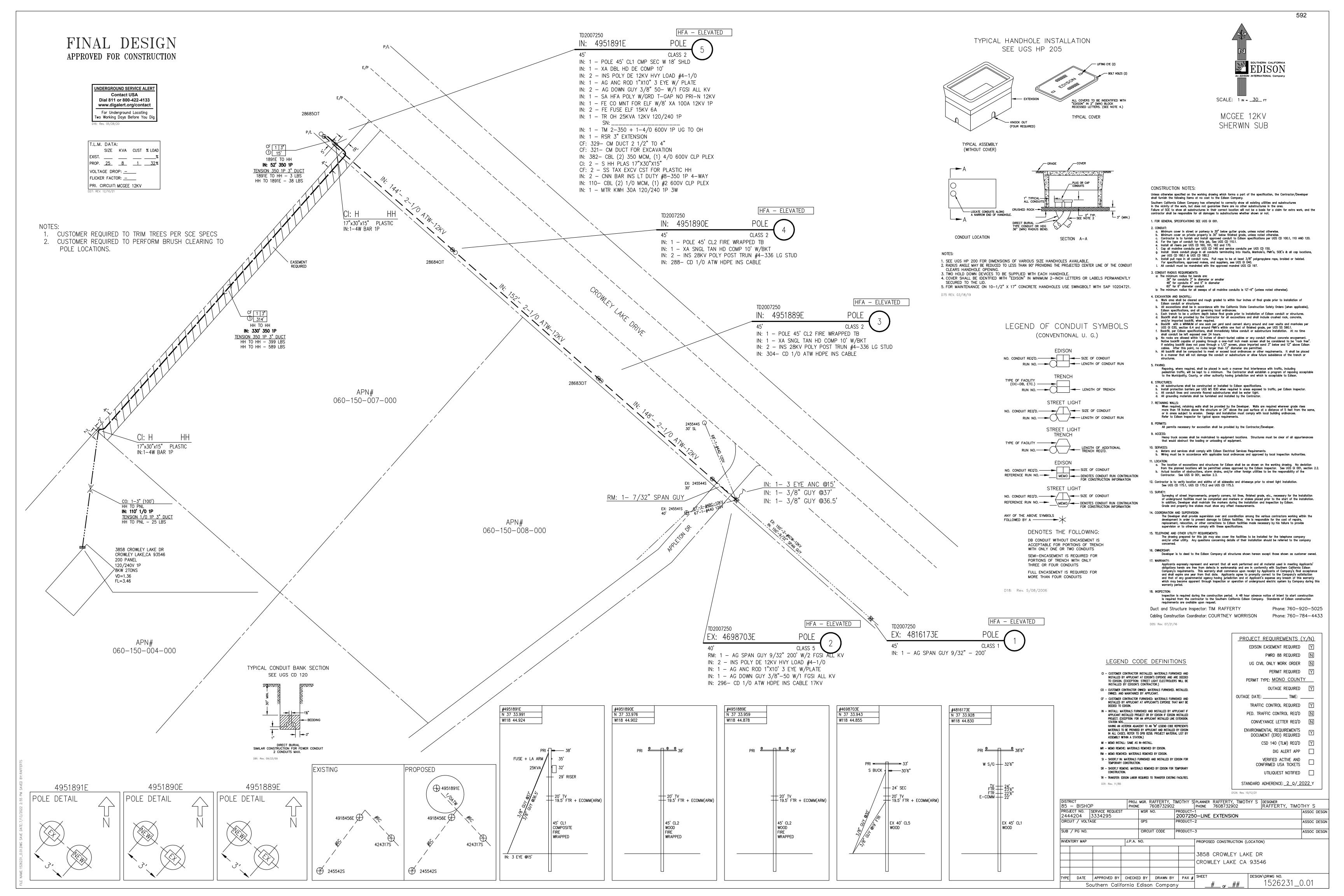
4 – The picture is approximately 400' south of the project parcel at the intersection of Appleton Road and Crowley Lake Drive. The power-pole shown will be the origin of power lines to the applicant's easement.



5 – Looking north on Crowley Lake Drive at the applicant's easements, overhead utility lines cross the road.







# Mono County Planning Division\*: Current Projects Sept. 27, 2022

\*Does not include transportation, LAFCO, building, code compliance, etc. projects

Completed Projects		
Permit Type	Community	Description
LLA	Virginia Lakes	adjust lot line
DR	Sunny Slopes	Stream setback reduction
Map Correction	June Lake	Consistency with approved variance
Appeal	June Lake	short-term rental of two out of four units
Accessory Dwelling Units (ADUs)	Countywide + Mammoth Lakes	Prescriptive designs for study, 1 & 2 bedroom ADUs

Active Planning Permit Applications		
Permit Type	Community	Description
GPA/SP/Cnnbs UP	Tri-Valley	cannabis cultivation, convert RR to AG
GPA	Bridgeport	STR compliance case, convert MFR-M to MU
GPA/UP	Mono Basin	waste transfer station
CEQA	Mono Basin	Mono County waste management transition
GPA/SP	Mono Basin	STRs & campground
SP Amendment	Paradise	RV/campground, commercial ag
UP/Cannabis	Antelope Valley	cultivation, distribution, non-storefront retail
UP	Crowley Lake	overhead line installation
UP	Long Valley	limited-scale lodging/resort
UP	Walker	overhead line installation
UP	June Lake	installation of spa
UPM	Coleville	Cell tower extension
UP	Chalfant	new 80' cell tower
DR	Lee Vining	OH lines over Lee Vining Creek
DR	June Lake	Parking Management Plan
Map Modification	Tri-Valley	
DR/VHR	Topaz	Transient Rental on Mixed Use LUD
LLA	Lee Vining	adjust lot line
LLA	Bridgeport	adjust lot line

Active Policy/Planning Projects		
Name	Community	Description
Study Impacts of Short-Term Rentals on workforce housing	Countywide	Report to Board by December 2022
Housing project negotiations	June Lake	Directed by CAO with Board guidance, respond to developer's request to negotiate for County participation to construct 12 housing units
Prescriptive designs for detached garages	Countywide	Update prescriptive designs for garages
North County Water Transfer	North County	Policies applicable to programs to sell/lease water for the benefit of Walker Lake
Housing Policy	Countywide	Housing Element tracking and policy develoment per Board's direction
Special District Study	Countywide	Work initiating
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead
Active Policy/Planning Projects		

June Lake Active Transportation Plan	June Lake	Fall workshop on recommendations
West Walker River Parkway	Antelope Valley	Grant application not awarded, focusing on finalizing plan
Revision to Chapter 11	Countywide; Antelope Valley	Review and revise utility undergrounding policies and requirements
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Annual General Plan Update	Countywide	Continuously track minor changes for an annual update
Update General Plan Map Layers	Countywide	Update online

#### Acronyms:

AG Agriculture

CEQA California Environmental Quality Act

DR Director Review
GHG Greenhouse Gas

GPA General Plan Amendment
LLA Lot Line Adjustment
LUD Land Use Designation

MFR-M Multi-Family Residential - Medium

MU Mixed Use
RR Rural Residential
SP Specific Plan
STR Short-Term Rental
UP Use Permit

VHR Vacation Home Rental VMT Vehicle Miles Traveled

# **MONO COUNTY**

# **Planning Division**

# **NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 22-005 **APPLICANT:** Matthew Schott and Melanie Reedy

ASSESSOR PARCEL NUMBER: 060-150-004

**PROJECT TITLE:** Conditional Use Permit 22-005/Schott-Reedy

PROJECT LOCATION: 3858 Crowley Lake Drive, Crowley Lake, CA

#### **CONDITIONS OF APPROVAL**

See attached Conditions of Approval

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

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: October 3, 2022

**EFFECTIVE DATE USE PERMIT:** October 18, 2022

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 <u>date of approval</u> 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:	
	cc: X Applicant
	X Public Works
	X Building
	X Compliance

#### CONDITIONS OF APPROVAL

Use Permit 22-005 /Schott-Reedy

- 1) Document #2008003488, recorded legal description of the existing easement, shall be modified to include language allowing the use of the easement for utilities.
- 2) A survey shall be performed to clearly identify the applicant's access easement boundary, private property boundaries, easements held by Hilton Creek Community Services District, and the County Right-of-Way. If additional easements are necessary, the applicant shall be responsible for obtaining legal access through properties for the purpose of access and utilities.
- 3) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 4) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations.
- 5) The property is required to be in compliance with all applicable conditions of approval from previously approved Director Review Permits and Use Permits.
- 6) Project is required to comply with any requirements of the Long Valley Fire Protection District.
- 7) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 8) The use of the RV as a residence shall be discontinued after construction of the residence. If there is a demonstrated need, the Director Review Permit may be renewed for one year following application submittal and noticed to contiguous property owners.
- 9) If the trailer is to remain on the site following construction of the residence, it must be disconnected from utilities, be in operable condition, and remain vacant when parked on the property.
- 10) Appeal. The Director Review permit shall become effective 10 days following the issuance of the Director's decision. During the 10-day period, an appeal may be filed in accordance with Chapter 47. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission. (Section.31.060)
- 11) Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review. B.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.

- C. No extension is granted as provided in Section 31.080.
- 12) 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.
- 13) Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted 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.

