

MONO COUNTY PLANNING COMMISSION

PO Box 347
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commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

AMENDED SPECIAL MEETING AGENDA

December 16, 2021 – 9:00 a.m.

This meeting will be held via teleconferencing with members of the Commission attending from separate remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below. If you are unable to join the Zoom Webinar of the Commission meeting, you may still view the live stream of the meeting by visiting

1. Joining via Zoom

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

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/85898798952>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” **Use Zoom Meeting ID:** 858 9879 8952

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

To join the meeting by telephone

Dial (669) 900-6833, then enter **Webinar ID:** 858 9879 8952

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

2. Viewing the Live Stream

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

http://monocounty.granicus.com/MediaPlayer.php?publish_id=eb72b3c4-6652-441c-b290-61b141b62b40

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.
3. **MEETING MINUTES**
 - A. Review and adopt minutes of November 18, 2021 (pg. 1)
4. **ADOPT RESOLUTION AB 361 TO CONTINUE DIGITAL MEETINGS** (pg. 4)
5. **PUBLIC HEARING**
 - A. **9:05 a.m. VARIANCE 21-004/Miller.** The project proposes to reduce the required front yard setback from 20' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. *Staff: Michael Draper* (pg. 8)
6. **WORKSHOP**

No items
7. **REPORTS**
 - A. Director
 - B. Commissioners
8. **INFORMATIONAL**
 - A. **Board of Forestry and Fire Protection's November 22, 2021 Draft Minimum Fire Safe Regulations** (pg. 39)
https://www.rcrcnet.org/sites/default/files/useruploads/Documents/Barbed_Wire/December_03_2021/rpc-2-d-draft-state-minimum-fire-safe-regulations-revisions-nov-22_ada.pdf
9. **ADJOURN** to January 20, 2022

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

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

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

Commissioners participate from a remote location per COVID public health precautions. Interested persons may appear before the Commission at the digital meeting to present testimony for public hearings, or prior to

or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing.

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SPECIAL MEETING AGENDA

November 18, 2021 – 9:00 a.m.

COMMISSIONER: Roberta Lagomarsini, Chris Lizza, Patricia Robertson

STAFF: Wendy Sugimura, director; Michael Draper planning analyst; Heidi Willson, planning commission clerk, Christian Milovich, county counsel

PUBLIC: Nancy Voss, Heidi Vetter, Craig Tapley, Barbara Miller

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:

Meeting called to order at 9:01 am and the Commissioners led the pledge of allegiance.

2. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.

- No Public Comment

3. MEETING MINUTES

A. Review and adopt minutes of October 21, 2021

Motion: Approve the minutes October 21, 2021, with corrections.

Lagomarsini motion; Lizza second.

Roll-call vote – Ayes: Lizza, Lagomarsini, Robertson. Motion passed 3-0.

4. ADOPT RESOLUTION AB 361 TO CONTINUE DIGITAL MEETINGS

Motion: Approve resolution AB 361 to continue digital meetings.

Lizza motion; Lagomarsini second.

Roll-call vote – Ayes: Lizza, Lagomarsini, Robertson. Motion passed 3-0.

5. PUBLIC HEARING

A. 9:05 a.m. VARIANCE 21-004/Miller. The project proposes to reduce the required front yard setback from 20' to 13.75' and the side yard setback from 10' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. *Staff: Michael Draper*

- The applicant Barbara Miller agreed to proceed with the public hearing even though only 3 Commissioners are present.
- Michael Draper presented and answered questions from the Commission.

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

- Barbara Miller was asked again if she would like to continue as a unanimous vote is needed in order to approve the Variance. She decided to move the meeting till December 16, 2021, at 9:05am.

Public Comment open at 9:47 a.m.

- Nancy Voss – please note that the propane tanks are not depicted in the drawing correctly. The tanks are side by side next to the tree. Would like to point out that the carport would not have space for guests to park in which would require guests to park on the road. Please consider the tight space that the carport would cause with snow removal.

Public Comment closed at 9:53 a.m.

Motion: To continue the Miller variance public hearing on December 16, 2021, at 9:05 am.

Lizza motion; Robertson second.

Roll-call vote – Ayes: Lizza, Lagomarsini, Robertson. Motion passed 3-0.

6. WORKSHOP

No item

7. REPORTS

A. Director

- 3 private development application that also include General plan amendment
- 1 specific plan amendment
- 3 conditional Use Permit
- 4 Director review
 - i. Mammoth Pacific Geothermal plant- minor amendment to extend the expiration date
 - ii. Cargo container installation to be place on a property in Crowley Lake
 - iii. RV to be used on a property in Virginia Lakes that is in an Avalanche zone
 - iv. Relocation of an RV site at Fish Camp in Crowley Lake
- 6 Lot line adjustments/mergers
- Owens Valley Ground Water Authority Ground Water Sustainability plan was released and open for public comment through November 8th. Staff to that commission are helping responds to comments
- Many projects to help support housing capacity.
- Accessory Dwelling unit grant
- Building division- Increase in building permit application by about 20-40%. First couple Mountain View Fire rebuild have received their certificate of occupancy.

Commissioners

- **Commissioner Lagomarsini:** worked on an appeal hearing which was very interesting.
- **Chair Robertson:** Attended the groundbreaking on the housing parcels. A little shocking to see how many trees were removed in order to complete the housing project. Phase one should be complete by 2023 with 80 affordable units.

8. INFORMATIONAL

No Item

9. ADJOURN to December 16, 2021

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Commissioners participate from a remote location per COVID public health precautions. Interested persons may appear before the Commission at the digital meeting to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing.

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December 16, 2021

TO: Mono County Planning Commission

FROM: Wendy Sugimura, Director

SUBJECT: Assembly Bill 361 Virtual Meetings

RECOMMENDATION

Adopt Resolution R21-06 to continue meeting under modified teleconferencing rules.

BACKGROUND

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021.

DISCUSSION

In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either:

- measures to promote social distancing have been imposed or recommended by local health officials; or
- the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is attached to the draft proposed resolution (Attachment 1).

In order to continue meeting virtually under those modified rules after January 18, the Commission will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Attachment

1. AB 361 Resolution with Public Health recommendation



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5
6 **A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION**
7 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
8 **FOR THE PERIOD OF DECEMBER 16, 2021, THROUGH JANUARY 16, 2022,**
9 **PURSUANT TO AB 361**

10 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of
11 Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

12 **WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20,
13 modifying the teleconferencing rules set forth in the California Open Meeting law, Government
14 Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements;
15 and

16 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21,
17 providing that the modifications would remain in place through September 30, 2021; and

18 **WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, providing that
19 a legislative body subject to the Brown Act may continue to meet under modified
20 teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or
21 local officials have imposed or recommended measures to promote social distancing; and

22 **WHEREAS**, the Local Health Officer and the Director of Mono County Public Health
23 have recommended that measures be implemented to promote social distancing, including the
24 holding of virtual meetings of legislative bodies within the County of Mono, a copy of that
25 recommendation is attached as an exhibit and incorporated herein; and

26 **WHEREAS**, in the interest of public health and safety, and in response to the local
27 recommendation for measures to promote social distancing, the Mono County Planning
28 Commission (the "Legislative Body") deems it necessary to invoke the provisions of AB 361
29 related to teleconferencing.

30 **NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES** that:

31 **SECTION ONE:** The recitals set forth above are true and correct and are adopted as
32 findings of the Legislative Body.

SECTION TWO: The Legislative Body has reconsidered the circumstances of the State
of Emergency.

SECTION THREE: State or local officials have recommended measures to promote
social distancing, including the holding of virtual meetings for legislative bodies within the
County of Mono that are subject to the Brown Act.

1 **SECTION FOUR:** Meetings of the Legislative Body shall be held 100% virtually
2 through January 16, 2022.

3 **SECTION FIVE:** Staff is directed to return to the Legislative Body no later than thirty
4 (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if
5 later, for the Legislative Body to consider whether to again make the findings required to meet
6 under the modified teleconference procedures of AB 361.

7 **PASSED, APPROVED and ADOPTED** this 16 day of December 2021, by the
8 following vote, to wit:

9 **AYES:**

10 **NOES:**

11 **ABSENT:**

12 **ABSTAIN:**

Patricia Robertson, Chair

13
14 **ATTEST:**

APPROVED AS TO FORM:

15
16
17 _____
Heidi Willson
Secretary of the Planning Commission

18 _____
Christian Milovich
Assistant County Counsel



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

To: Board of Supervisors

From: Bryan Wheeler, Director of Public Health

Re: Recommendation regarding Social Distancing and Virtual Meetings

Both Mono County “covering” Health Officer Dr. Rick Johnson and I strongly recommend that physical/social distancing measures continue to be practiced throughout our Mono County communities, including at meetings of the Board of Supervisors and other County-related legislative bodies subject to the Brown Act, to minimize the spread of COVID-19.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measures to prevent the disease’s spread. Virtual board meetings allow for the participation of the community, county staff, presenters, and board members in a safe environment, with no risk of contagion. It is recommended that legislative bodies in Mono County implement fully-remote meetings to the extent possible.

If you have any questions regarding this recommendation, please do not hesitate to contact me. We will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

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December 16, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 21-004/Miller

Addendum to Staff Report V21-004

The following information is being added to the existing staff report.

A. Correction of Variance measurements.

1. The previous staff report incorrectly identified the front-yard as the western property line and the side-yard as the northern property line. Access to the property is taken through the northern property line, therefore the north property line is considered the front-yard and the west side of the property is the side-yard. As a result, the requested Variance is a 15' reduction of the required 20' front-yard setback only. The project meets the required 10' side-yard setback. See Figure 1 below.

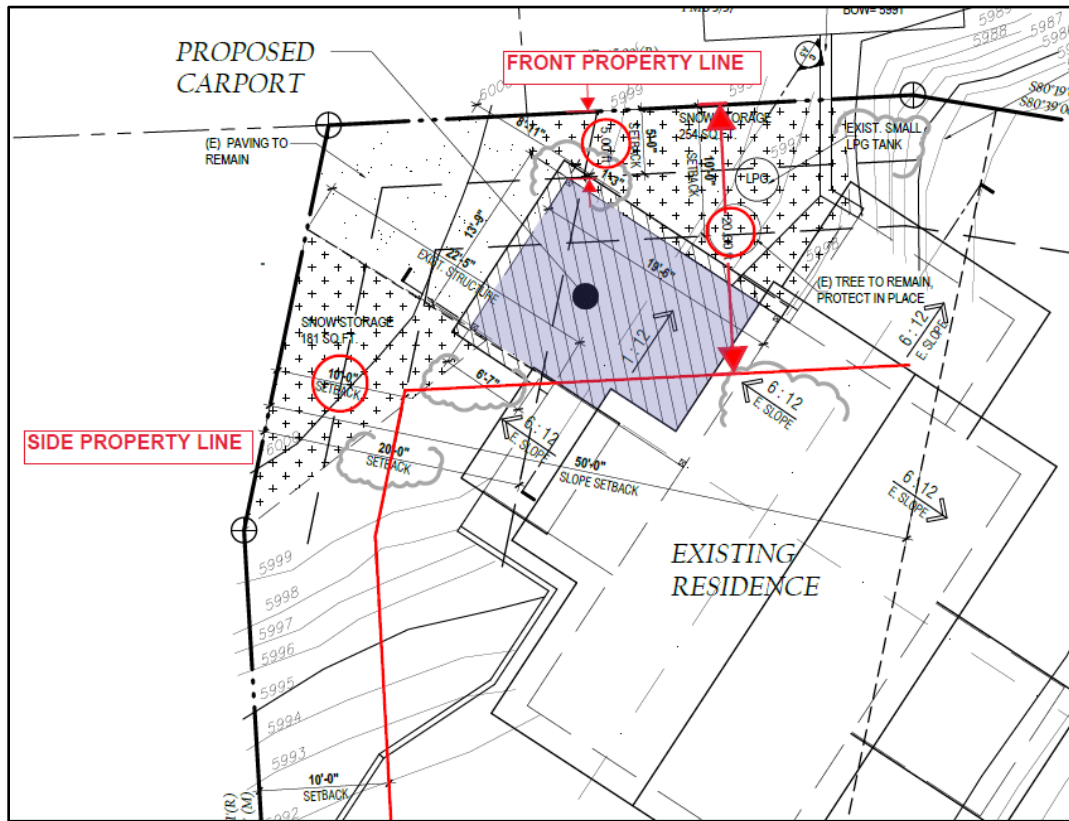


Figure 1. Corrected setback distances

B. Shortly before the Hearing on November 21, 2021 staff received a letter from the Law Offices of David S. Baumwohl representing David and Nancy Voss, the adjacent property owners of 212 Skyline Road. The letter raises the following considerations:

1. The carport will result in vehicles trespassing on the Voss parcel.

The recorded easement is an approximate 66' by 33' area originating from Skyline Drive across the Voss property. A 15' long portion of the easement is adjacent to the Miller property and provides the Millers access from Skyline Drive to their property. Ms. Miller has expressed an intention to comply with the easement and access her property exclusively through the easement. Granting the variance (thereby reducing the front yard setback) and constructing and using the carport would not lessen space such that Ms. Miller would be forced to access or use any portion of the Voss' property outside of the current easement. Disputes over the easement is a civil matter.

2. Access to the carport would effectively be blocked by the Voss's installation of a fence.

The recorded easement is for the benefit of the Miller property. Blocking the entrance to the Miller property may be a violation of the recorded easement; however, this would be a private, civil matter between the parties.

3. The project identifies a snow storage area immediately adjacent to the sidewalk accessing the front door of the Voss residence.

The snow storage area as shown on the site plan is located on the Miller's property and may be used as long as snow does not spill over to the Voss property. The carport roof does not shed toward the sidewalk accessing the front door of the Voss residence.

Ms. Miller provided a statement indicating she has hired a local business for snow removal for the past two years. She has confirmed an intent to continue this practice future snow removal needs. The snow removal business uses her snowblower to remove snow from the parking area and walkways.

4. The project will create a dangerous condition due to the existing propane tanks.

The property owner is required to manage snow to maintain access and ventilation for the propane tanks and maintain defensible space within 10' of the propane tanks per County regulations. Ms. Miller has also stated that she intends to construct a protective cover over the propane tanks in the future.

C. Public comments:

Nancy Voss gave public comment during the hearing. Her comments raised the following concerns:

- The carport does not allow for a second parking space. Guests would need to park on the road.

The property is existing nonconforming to the residential parking standard requiring two parking spaces. In order to approve the project, the Commission must make the findings in General Plan Section 34.020, *Alternations to nonconforming uses, buildings, and structures*, which are presented in the staff report.

- The project does not consider snow removal or snow shedding from the carport roof.

Snow storage space is proposed by the applicant and the applicant contracted with a local business for snow removal. The roof of the carport has a low-angle slope (1:12 pitch). Such roofs are typically designed to retain snow, allowing it to melt or shed slowly. High-velocity roof shedding is more common with steeper roof angles, such as a 3:12 pitch. Regardless of this project, the current design of the Miller residence's roofs shed snow directly toward the Voss residence with no reported problems. Only a small portion of the carport roof has less of a setback to the Voss property line than the existing house. Miller would be responsible for ensuring that snow storage and management do not spill over the property line to the Voss parcel. See Figures 3 and 4.

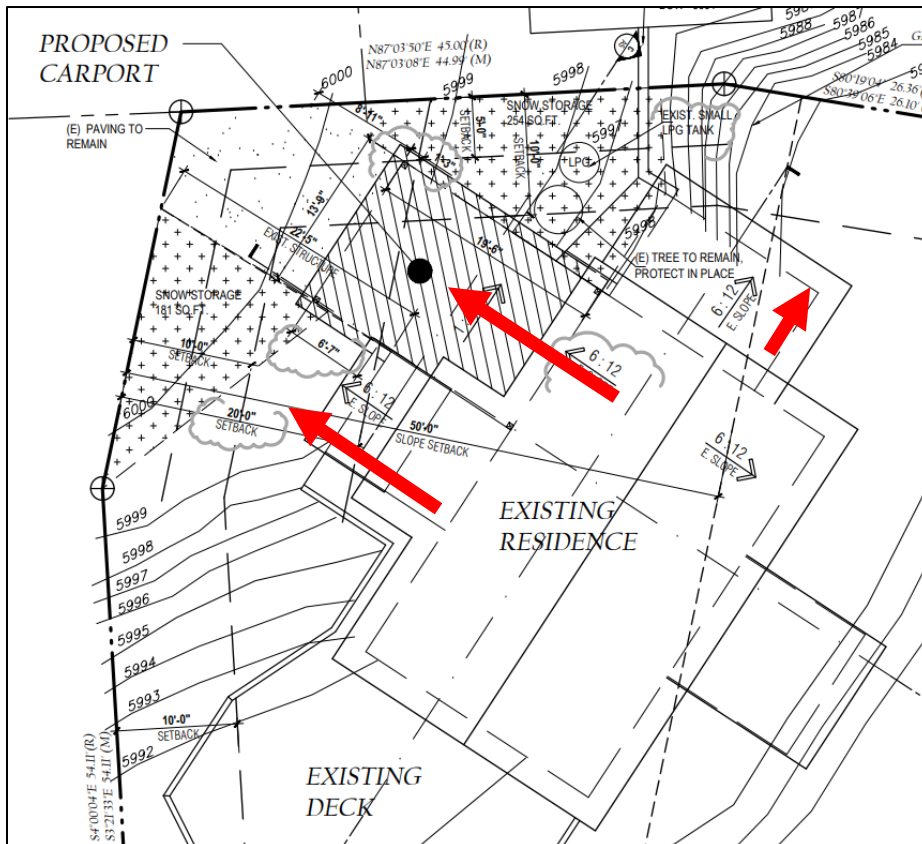


Figure 2. Current snow shedding trajectory.

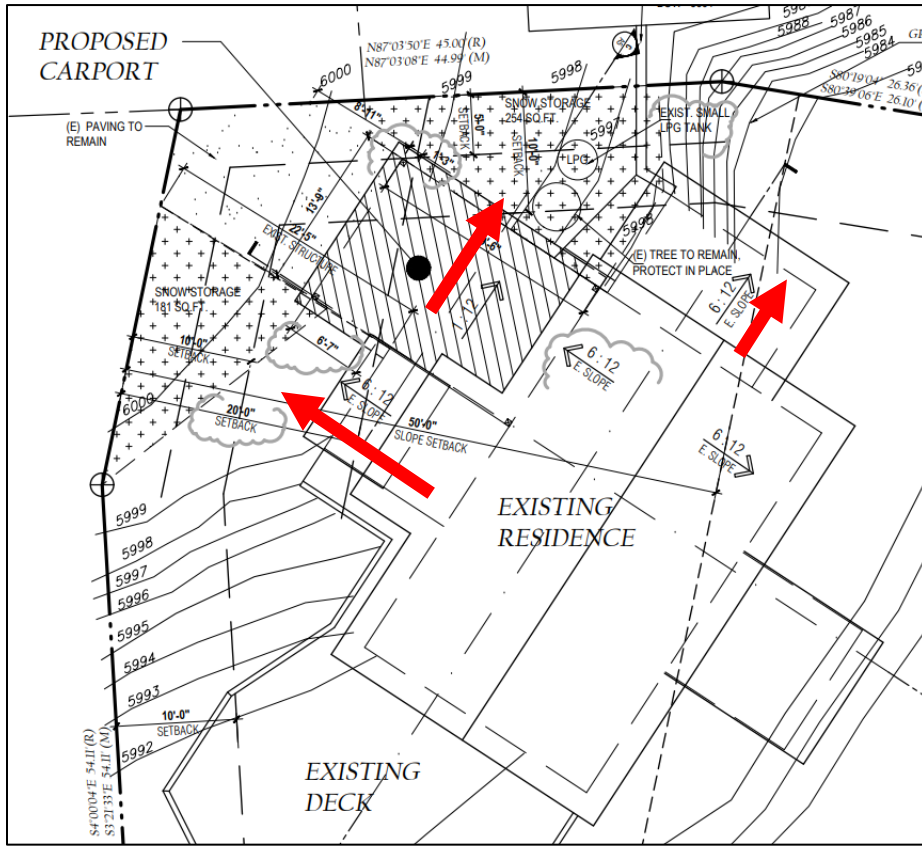


Figure 3. Snow shedding trajectory with the carport.

Attachments

- A. Letter from the Law Offices of David S. Baumwohl.
- B. Public Comments.

Attachment A

DAVID S. BAUMWOHL

J. CHRISTOPHER EDWARDS
of Counsel

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Law Offices of
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A Professional Corporation

November 17, 2021

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To: Mono County Planning Commission

Re: Miller Variance Application
214 Skyline Road, June Lake
APN: 015-060-139-000

This firm represents David and Nancy Voss, who own the adjacent property at 212 Skyline Road. The Vosses oppose the variance application for construction of a carport. There are numerous legal deficiencies with the application.

The location encroaches into the setback between the Miller parcel and the Voss parcel in several respects. The ingress and egress from the carport as proposed will result in vehicles trespassing on the Voss parcel where this no right of access by way of an easement or otherwise. The Vosses recently engaged Triad/Holmes Engineering (“THA”) to locate and mark the property line. One reason for this is the Voss plan to install a fence along the property line. Once this occurs, access to the carport would effectively be blocked.

The proposed variance shows snow storage on the Miller property immediately adjacent to the sidewalk accessing the front door of the Voss residence and immediately adjacent to the Voss garage side access door. There is no indication as to how Miller proposes to prevent snow storage spillover onto the Voss property. Snow shedding from the carport will end up in the setback and encroaching onto the Voss property.

The proposed variance fails to identify to encroaching propane tanks that presently exist in the proposed snow storage area adjacent to the Voss garage. Clearly, the proposed snow storage area would create a dangerous condition resulting from covering the tanks in snow making them invisible to a snow removal operator who in all likelihood will collide with the tanks piling and storing snow in that area.

The Miller parcel has a limited nonexclusive access easement over a portion of the Voss parcel. This does not provide the Miller parcel with the right to construct anything or otherwise improve the easement area. The use right is limited to access and provides no further rights or uses.

Mono County Planning Commission
November 17, 2021
Page 2

“The rights of an easement owner are restrictive, and the rights of the owner of the servient tenement are residual. Thus, the easement owner possesses only those rights of enjoyment established by its creation, and all other rights and uses of the property remain with the owner of the servient tenement. (6 Miller & Starr, *Law of Cal. Real Estate* § 15:63 (4th ed.))

The application must be denied. There is simply no room for the carport in the area designated in the application, whereby there would be material impact on the Voss parcel.

Very truly yours,

David S. Baumwohl /s/

DAVID S. BAUMWOHL

DB/s
CC: David & Nancy Voss

Michael Draper

From: barbara miller <bbmiller1010@gmail.com>
Sent: Thursday, December 2, 2021 1:08 PM
To: Michael Draper
Subject: Variance hearing comments

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Good afternoon Michael,

I would like to address some concerns brought up at the variance hearing for my proposed car port. I have contracted with a local business for my snow removal needs for the past 2 years. He currently uses my snow blower located on my property to remove snow in front of my front door, from where I park my car, and the walkway where the propane tanks are located. I will work with him to identify the best way to remove the snow without impacting my neighbors property.

In the past, I had access to parking in my neighbors garage. I am respecting the Voss' request to not park in the garage. I do not understand their objection to my having a safer place to park in the winter. I will have more room to park as that parking area is totally unusable in the winter. The two posts for the car port will not be a hinderance to snow removal, a fence on the other hand will be a hinderance. Because of the rocks bordering the driveway, the plow needs to come in at an angle right where the fence will be. This area needs to be cleared in order for the plow to turn around and remove the snow from in front of the houses, the garage, and the driveway. Lastly, I do have plans to cover the propane tanks in the future if necessary.

Thank you for your time and attention to my comments.

Please don't hesitate to call me if you have any questions, Barbara Miller
760 914-2123

Sent from my iPad

Michael Draper

From: Craig Tapley <ct@design-dimension.net>
Sent: Friday, December 3, 2021 10:57 AM
To: Michael Draper; barbara miller
Subject: RE: Variance hearing
Attachments: IMG_9507.JPG; IMG_9508.JPG; IMG_9502.JPG; IMG_9510.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Michael, Please review the attached photo's as they are all representative of the Site condition between Barbara Millers property and the Voss's roof shedding snow into the common property line.. The image #9508 shows that the Voss's roof/Fascia is approximately 33" from the property line.

If the Voss's are talking about placing a fence between the two properties it will only compound the problem of snow removal and actually the amount of snow that will traject into that fence line will be immense and more than likely destroy the Fence/Posts etc.

Please advise after your review.. Thank you

**CRAIG TAPLEY, PRINCIPAL/ AIA ASSOC.
DESIGN DIMENSION ASSOC.
P.O. Box 7193
MAMMOTH LAKES, CA. 93546
760.934.4348**









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October 21, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 21-00/Miller

RECOMMENDATION

1. Find that the project is exempt from CEQA as a Categorical Exemption under CEQA guideline 15303 and direct staff to file a Notice of Exemption; and
2. Adopt the findings contained in the staff report and approve Variance 21-004 to allow placement of a carport 13' 9" from the front property boundary and 5' from the side property boundary at APN 015-060-039, June Lake.

PROJECT OVERVIEW

The applicant is seeking a 6.25-foot reduction of the required 20-foot front yard setback and a 5-foot reduction of the required 10-foot side yard setback, for the purpose of constructing a carport. The carport will protect the homeowner and her vehicle from snow shedding off the roof.

PROJECT SETTING

The project is located at 214 Skyline Drive, June Lake, above the June Lake Village. The parcel is 0.29 acres and accessed by Skyline Drive, a private road beginning at Leonard Avenue. This property, along with all neighboring properties, are designated Single-Family Residential (SFR). The properties to the west, north, and east are developed with single-family residences. To the south of the property is a steep rock outcrop with single-family homes below and along Bruce Street.

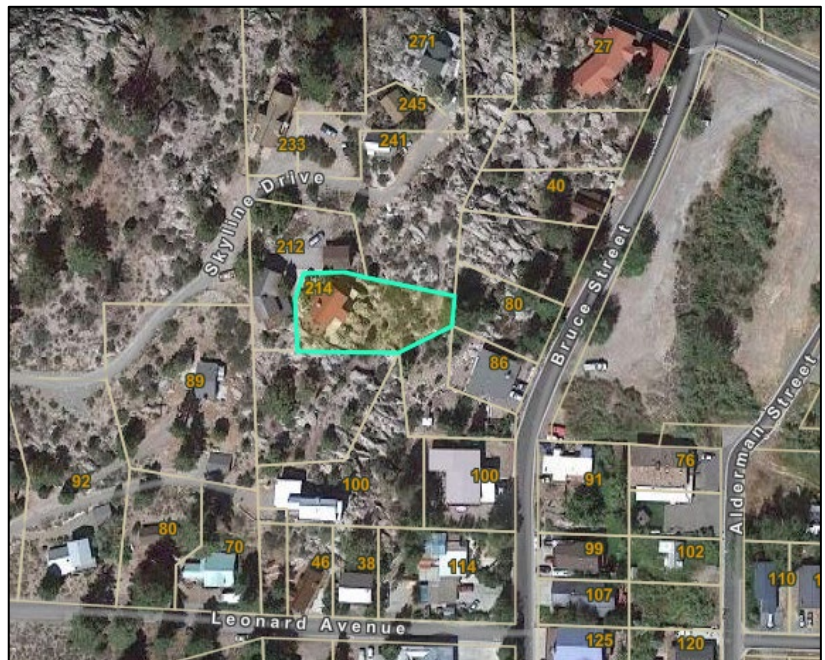


Figure 1. Project location: 214 Skyline Drive, June Lake.

The SFR land use designation's minimum setbacks are 20' in the front and 10' in both the rear and side yards. Maximum building height is 35', maximum lot coverage is 40% and the minimum lot size is 7,500 sf. Single-family residences are also required to provide two on-site parking spaces. When parking spaces are uncovered and located at an elevation above 7,000', the minimum size is 10' x 20'. Tandem parking for residential development is allowed.

This property is 12,632 sf and developed with a single-family residence and paved driveway. Current lot coverage is approximately 22%. The western property line is considered the front property boundary due to access being taken from this side. The northern property line is a side-yard. A small portion of the existing dwelling and deck are within the front setback and the side-yard setback. The parking area for the dwelling is 33.6' x 10', which does not provide space for two 10' x 20' parking spaces. Therefore, the home is existing nonconforming with current standards.

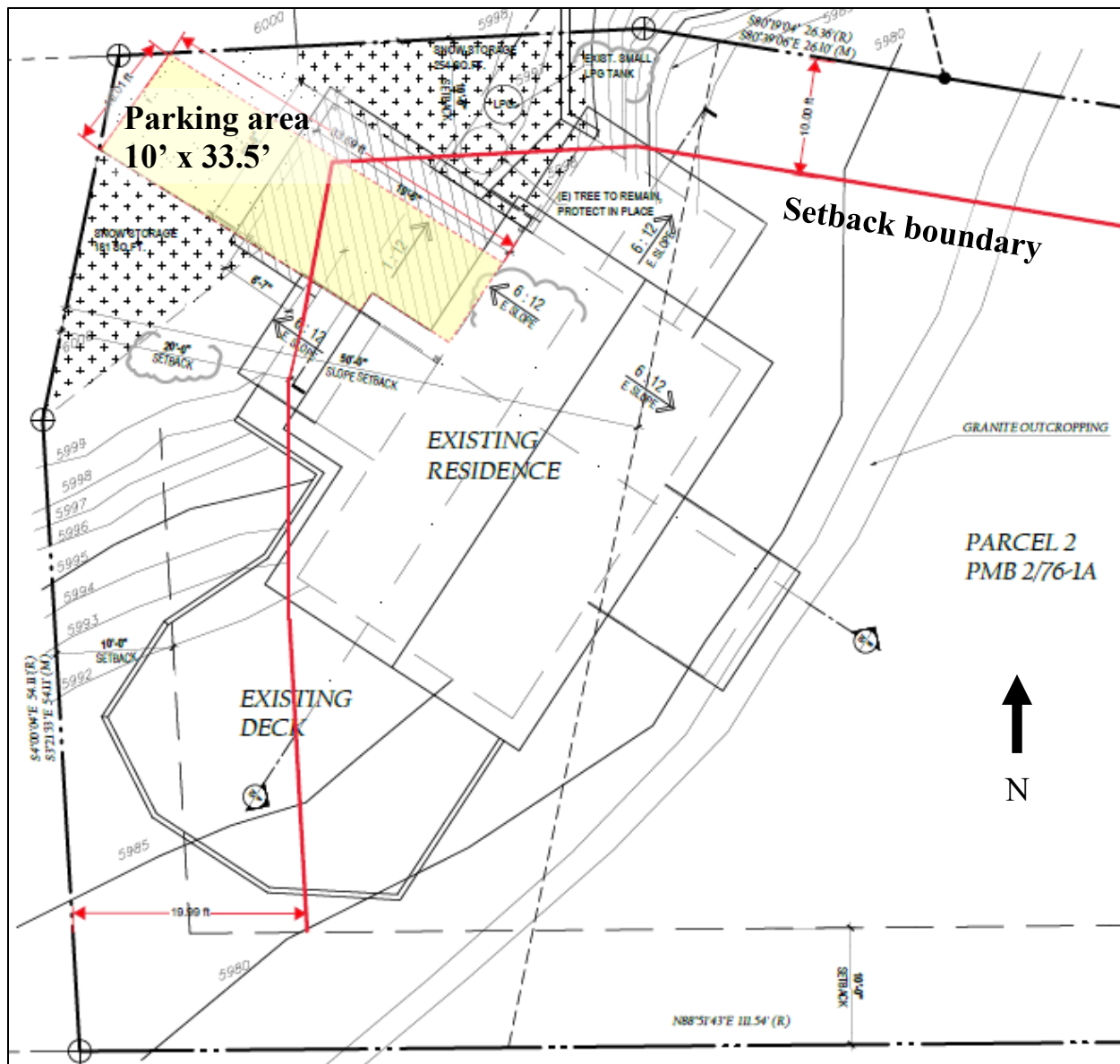


Figure 2. Site plan of the property displaying the current parking area and setbacks.

The property owner is proposing to construct a 248-square-foot carport over the existing driveway to provide a sheltered parking space. Due to the roof design, snow sheds into the parking space and over the primary entry way. The owner/applicant wishes to construct the carport to protect herself and her vehicle from snow shedding. If the carport is permitted, the owner/applicant intends to redesign the primary entrance to be underneath the carport and protected from snow shedding.

Total lot coverage would not change as the carport will be over the existing paved area accounted for in the lot coverage calculation. The carport will encroach into the front setback 6.25-feet and 5-feet into the side setback. The property is located at the top of a rock outcropping. Due to the rock and steep slope, much of the property is inaccessible for development.

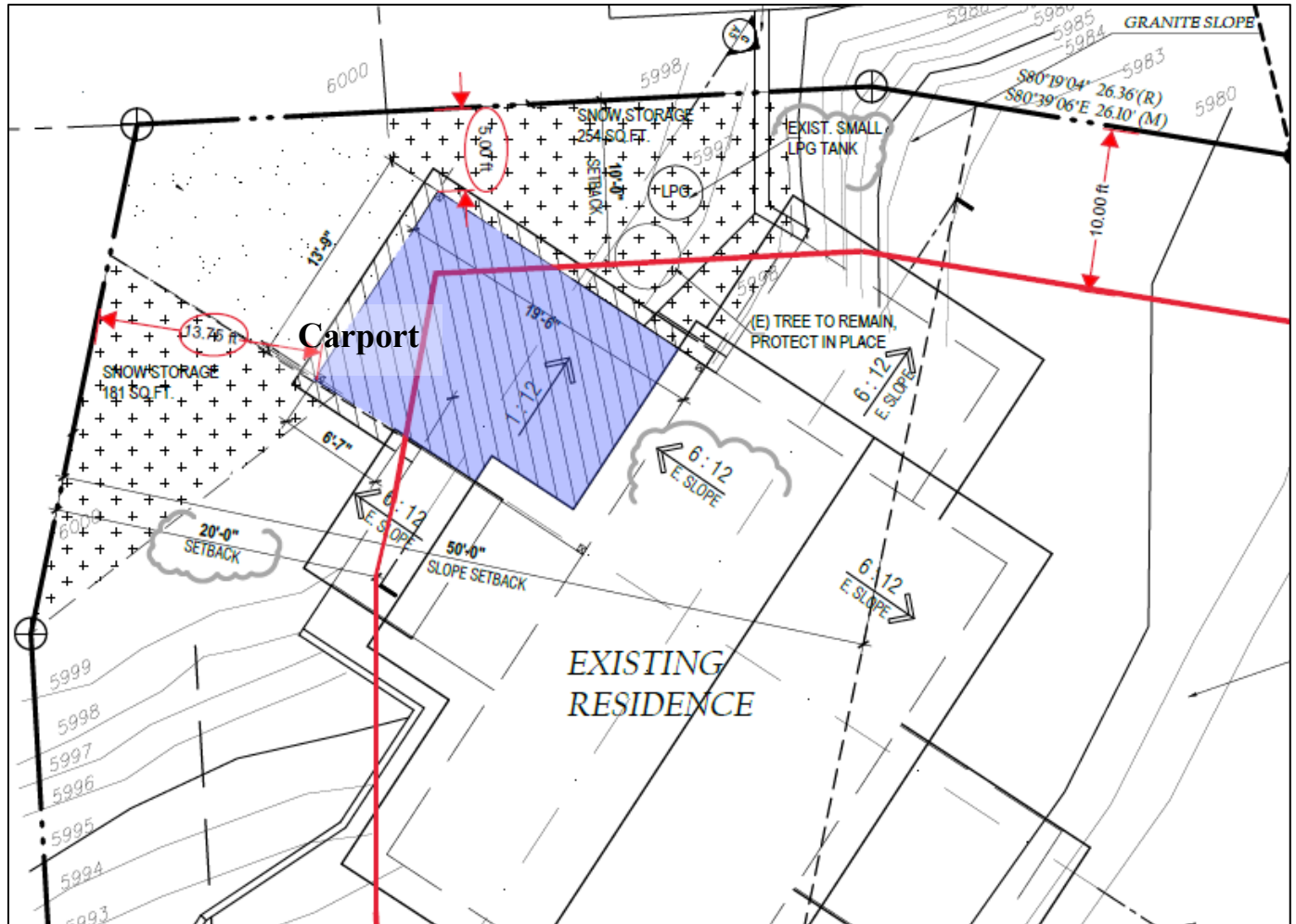


Figure 3. Site plan showing the location of the carport.

SITE PHOTOS



Figure 4. Project location with setback lines added.



Figure 5. View along the north side of the house of the steep and rocky decline to the southeast



Figure 6. View from the south side of the house of the steep and rocky decline to the southeast.



Figure 7. Project site with property boundaries (red) and the 20' front setback (yellow).

GENERAL PLAN CONSISTENCY

A variance must be approved in order to deviate from required setback distances. A variance is a permit issued by the Planning Commission to a landowner to construct a structure or carry on an activity not otherwise permitted under the land use designation. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under the General Plan land use regulations because his or her parcel is different from the others to which the regulation applies due to size, shape, topography, or location. All the required findings specified in Mono County General Plan Chapter 33.010 A-D must be made to issue a variance. An approved variance runs with the land, similar to a use permit, and may be transferred to new property owners.

For this project, all other General Plan development standards for the Single-Family Residential land use designation will be met by the applicant. The proposed carport will meet the rear-yard setback distance and lot coverage will be less than 40%. However due to the limited area, two uncovered parking spaces of 10' x 20' cannot be provided.

Because the existing structure is nonconforming, the consideration of criteria listed in General Plan Section 34.020, *Alterations to nonconforming uses, buildings and structures*, is applicable to the project. The following criteria are to be considered by staff during the review of any application to expand/alter a nonconforming use.

- A. *Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.*

The "SFR" district is intended to provide for the development of single-family dwelling units

in community areas. The placement of a carport is consistent with the existing single-family residence and is not detrimental to the intent, objectives, and policies of the General Plan including;

Issues/Opportunities/Constraints; June Lake

3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

9. Land use plays a critical role in defining a community's appearance as well as protecting and maintaining the health and well-being of its citizens. Early land use practices allowed June Lake to develop with a minimum of capital improvements and a lack of regard for environmental constraints.

11. Developable land within the June Lake Loop is limited by natural constraints and the limited supply of private lands. Up to this point, development has occurred on private lands surrounded by Inyo National Forest Lands. Steep canyon walls, sensitive wildlife habitat, and limited access routes also prevent development in many places.

Mono County Design Guidelines, Overall Design Objectives.

6. Provide site access, parking and circulation that is planned in a logical, safe manner;

- B. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.*

Granting permission to add a carport to the existing structure will protect the safety of the homeowner and her property from snow shedding. The pitch of the proposed carport's roof (1/12) is low enough that shedding snow will not accelerate into the neighboring property. A 254-square-foot snow storage area is provided on-site and is greater than the area of the carport (248 sf). Snow storage areas are not required for residential projects.

ALTERNATIVE

Adding a carport within the setback may negatively affect the neighbor's existing garage due to snow shedding potential.

- C. The alteration shall not increase the intensity of the use-category of the land, building or structure.*

The addition of a carport to the property will not increase the intensity of the property's use. The property is developed with a single-family residence and the owner is a full-time resident. The carport will be placed in a location paved for parking and accounted for in the lot coverage calculation.

- D. If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.*

The project requires a variance to encroach into the setbacks and is therefore being considered by the Planning Commission.

VARIANCE FINDINGS

The Planning Commission can approve a variance based only on the provisions of the General Plan and only when all the findings can be made:

- A. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:*

The property is significantly constrained by a granite rock outcrop on the southern portion of the parcel accounting for approximately 9,000 sf of the 12,632-sf lot. A 20-foot setback from the front property boundary and a 10-foot setback from the side property boundary substantially limit the ability to locate a carport for protection from snow shedding. Absent the rock outcrop, the property could have been developed to reasonably accommodate all setback distances. However, due to the slope and rocks the dwelling was constructed in its current location using supporting posts. The lack of developable space and access along the side of the home make it impossible to construct and access a carport elsewhere on the property.

Decreasing the front setback from 20' to 13.75' and the side setback from 10' to 5' allows for the placement of a carport to protect the owner and her vehicle from snow shed.

- B. *The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:*

The granting of this variance will prevent the homeowner and her property from sustaining potential damage resulting from snow shedding off the roof. Surrounding properties are designated Single-Family Residential and properties to the west, north, east, and south contain single-family residential units. The subject property has greater topographical constraints than neighboring properties.

The subject property and the neighboring property to the west (212 Skyline Drive), were constructed simultaneously in the 1970s consistent with regulations at that time. This project does have the potential to impact the neighbor's existing garage (212 Skyline Drive) which is within 3' of the property boundary, nonconforming with current standards. However the carport will be 6' 9" from the existing garage at its nearest point and snow shedding from the carport towards the garage is anticipated to be minimal due to the roof pitch and an area devoted to snow storage.

- C. *The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:*

The property is in an area characterized by low-density, single-family residences, and the proposed project would be consistent with adjoining uses. The variance will not be detrimental to the public as it will be located on private property surrounded by private property, and for private use.

The proposed development, a 248-sf carport, will be designed to prevent roof-shedding toward the front property boundary. The low angled pitch of the roof is designed to hold snow before slowly releasing it. The area adjacent to the carport will be used for snow storage.

ALTERNATIVE

The project has the potential to be detrimental and injurious to the neighboring property's garage due to potential snow shedding from the carport's roof.

- D. *The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the county because:*

The project is consistent with the following General Plan sections:

Countywide land use policies, June Lake

- *Land Use, Objective C, Policy 13.C.1; Encourage compatible development in existing and adjacent to neighborhood areas.*

The project would be permitted subject to uses approved for the SFR land use designation and a Building Permit if it met setback distances. The project will be compatible with uses on surrounding parcels that are also designated SFR.

- Issues/Opportunities/Constraints; June Lake

3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

The property is within the June Lake Loop and the project will be located over disturbed land. The project is consistent with controlled expansion and infill.

11. Developable land within the June Lake Loop is limited by natural constraints and the limited supply of private lands. Up to this point, development has occurred on private lands surrounded by Inyo National Forest Lands. Steep canyon walls, sensitive wildlife habitat, and limited access routes also prevent development in many places.

The subject property is severely constrained by rocks and steep slopes, preventing development of a garage in any other location on the property.

Mono County Design Guidelines, Overall Design Objectives.

6. Provide site access, parking and circulation that is planned in a logical, safe manner;

The project seeks to provide safe parking for the owner.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE AND PUBLIC COMMENT

The project was accepted for processing at the August 16, 2021, LDTAC meeting. Draft Conditions of Approval were reviewed and approved by the LDTAC at the October 4, 2021, meeting, and no changes were recommended.

A public notice was sent to property owners 300 feet from the project site and published in a newspaper on October 9, at least 10 days prior to the Planning Commission public hearing. Notice was also provided to the June Lake Fire Protection District and Cal Fire. Cal Fire's response cited California Code of Regulations Section 1276.01, "Setback for Structure Defensible Space", when a building cannot meet setbacks, some practical effect options for defensible space are allowed. Maintaining defensible space is required for this property, and all surrounding properties.

At the time the staff report was drafted, this project received one public comment letter from the adjacent neighbor. The letter requested that this hearing be moved to the November Planning Commission meeting (Attachment B).

ENVIRONMENTAL REVIEW

The project qualifies for a CEQA exemption under Section 15303 Class 3, New Construction or Conversion of Small Structures, *“Class 3 consists of construction and location of limited numbers of new, small facilities or structures...E. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences*

This staff report has been reviewed by the Community Development Department director.

ATTACHMENTS

- Attachment A – Site Plan
- Attachment B – Public Comment Received
- Attachment C – Public Hearing Notice

MONO COUNTY
Planning Division

NOTICE OF DECISION / VARIANCE

VARIANCE #: 21-004

APPLICANT: Barbara Miller

ASSESSOR PARCEL NUMBER: 015-060-039

PROJECT TITLE: Miller Variance

PROJECT LOCATION: 214 Skyline Drive, June Lake

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

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

DATE OF DECISION/USE PERMIT APPROVAL: October 21, 2021

EFFECTIVE DATE USE PERMIT: October 31, 2021

MONO COUNTY PLANNING COMMISSION

DATED: _____

Community Development Director

- cc: Applicant
- Engineer
- Assessor's Office
- Compliance Officer

CONDITIONS OF APPROVAL
Variance 21-004/Miller

1. The project shall be in substantial compliance with the project description and site plan.
2. Only features approved through this Variance as shown on the site plan may be constructed 13' 9" from the front property boundary and 5' from the side property boundary.
3. Project shall provide a "will serve" letter from the June Lake PUD.
4. Project shall provide a "will serve" letter from the June Lake FPD.
5. Project shall comply with standards and requirements of the General Plan and County Code, including Public Works, Environmental Health, and Community Development, and the Building Division.
6. Extensions. If there is a failure to exercise the rights of the variance 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
7. Revocation. The Commission may revoke the rights granted by a variance and the property affected thereby shall be subject to all of the provisions and regulations of land use designations and development requirements applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the variance or the violation by the owner or tenant of any provision of this General Plan pertaining to the premises for which such variance was granted. Before the Commission shall consider revocation of any variance, 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 Section 47, Appeals, and shall be accompanied by the appropriate filing fee.
8. Termination. A variance shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights as determined by the Director within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the variance; or
 - B. There is discontinuance for a continuous period of two years, as determined by the Director, of the exercise of the rights granted; or
 - C. No extension is granted as provided in Section 33.070.

- This project shall comply with the Wildland Urban Interface standards in the high hazard zone and must meet the required fire protection measures of California Residential Code Chapter R337.
- Construction to be completed following Fire & Life Safety review to guidelines in accordance with 2019 California Fire Code.
- An approved Spark arrester will be required for all Fireplaces, Barbeques, or other heaters in which solid or liquid fuels are used.
- Building address must be on a contrasting background, 4 inches in size, located in the vicinity of the Garage, and be readily visible from the road serving the structure. Numbers shall contrast with background, be Arabic or Alphabetical letters a minimum of 4 inches tall with a minimum stroke of 1/2".
- Ignition-resistant material.** Ignition-resistant material shall be determined in accordance with the test procedures set forth in SPM Standard 12-7A-5 "Ignition-Resistant Material".
- Defensible Space: The existence or maintenance of any of the following conditions is prohibited:
 - Tree branches within 10 feet of a chimney outlet or stovepipe outlet;
 - Dead or dying tree branches adjacent to or overhanging a building;
 - Leaves, needles, or other dead vegetative growth on the roof of any structure;
 - Flammable vegetation or other combustible growth within 30 feet of an occupied dwelling or structure that prevents the creation of a firebreak;
 - 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;
 - Brush or other flammable material within 10 feet of a propane tank.

TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

- All finished grades adjacent to structures shall be sloped away at a minimum slope of 2%. Slope to be generated from structure and sloping down (out) and away to diversion cobbles swale, drain or approved retention basin.
- Any and all excavated soil shall be removed from Job Site or stored on Job Site must be stabilized with approved Hay waddle rolls or with Fiber rolls.
- Erosion and Sediment control measures as shown and noted on plans are meant to meet the intent of the California Regional Water Control Board- Lahontan Region, Resolution No. 16-91-926 requirements.
- Cut and Fill slopes shall not exceed a ratio of (2:1) two units horizontal to one unit vertical.

OUTDOOR WATER USE & LANDSCAPING

- New residential developments with aggregate landscape area equal to or greater than 500 sq. ft. shall comply with one of the following options:
 - A local water efficient landscape ordinance of the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent; or
 - Projects with aggregate landscape area less than 2,500 sq. ft. may comply with MWELO's Appendix D Prescriptive Compliance Option.

CODE COMPLIANCE

CONSTRUCTION TYPE	SINGLE FAMILY RESID. TYPE V-B NON RATED/ NONSPRINKLED
CODE COMPLIANCE	2019 C.B.C., C.R.C., C.E.C., C.M.C., C.P.C., C.F.C. COUNTY OF MONO ZONING ORDINANCE & CODE SINGLE FAMILY RESIDENCE/ R-3/U
OCCUPANCY ZONED	SINGLE FAMILY RESIDENTIAL
JURISDICTION	MONO COUNTY BLDG DEPT. 760.924.1825 CONTACT- MICHAEL JONES

COVERAGE ANALYSIS

TOTAL LOT AREA	100%	12,496	SQ.FT.
ALLOWABLE COVERED AREA	40%	4,998	SQ.FT.
EXISTING BUILDING FOOTPRINT AREA		1,177	SQ.FT.
EXISTING UNCOVERED DECK AREA		683	SQ.FT.
PROPOSED COVERED CARPORT AREAS [<i>o</i> / EXISTING PAVED AREA]		269	SQ.FT.
EXISTING PAVED DRIVE AREA		212	SQ.FT.
ACTUAL COVERED TOTAL AREA	18.7%	2,341	SQ.FT.
SNOW STORAGE (481 x 75)		361	SQ.FT.
ACTUAL SNOW STORAGE AVAILABLE (435 SQ.FT.)			

CIVIL SURVEY

Eastern Sierra Land Surveys, inc.
19 Shanna Cir.
Crowley Lake, CA 93546
760.934.7588

ENGINEER

DESIGN DIMENSION ASSOC.
JEFFREY PRITCHETT, PE.
208 PEPPERELL CT.
VACAVILLE, CA. 95688
CL 707.567.1006

DESIGNER

DESIGN DIMENSION ASSOC.
CRAIG TAPLEY
PO BOX 7193
MAMMOTH LAKES, CA. 93546
760.934.4348

OWNERS

BARBARA MILLER
P.O. BOX 204
JUNE LAKE, CA 93529
PH. 760.914.2123

LEGAL DESCRIPTION

ASSESSOR PARCEL NUMBER: 015-060-139-000
214 SKYLINE RD.
JUNE LAKE, CA 93529

SCOPE OF WORK

- BUILD CARPORT TO EXISTING RESIDENCE & RECONFIGURE ENTRY

SHEET INDEX

A1	SITE / ROOF PLAN & PROJECT INFORMATION
A1.1	PROJECT PHOTOS
A3	EXISTING GROUND FLOOR/ DEMO PLAN
A3.1	EXISTING SECOND FLOOR/ DEMO PLAN
A3.2	EXISTING BUILDING SECTIONS
A3.3	EXISTING EXTERIOR ELEVATIONS
A4	PROPOSED GROUND FLOOR PLAN
A4.1	PROPOSED SECOND FLOOR PLAN
A6.1	PROPOSED EXTERIOR ELEVATIONS & SECTION

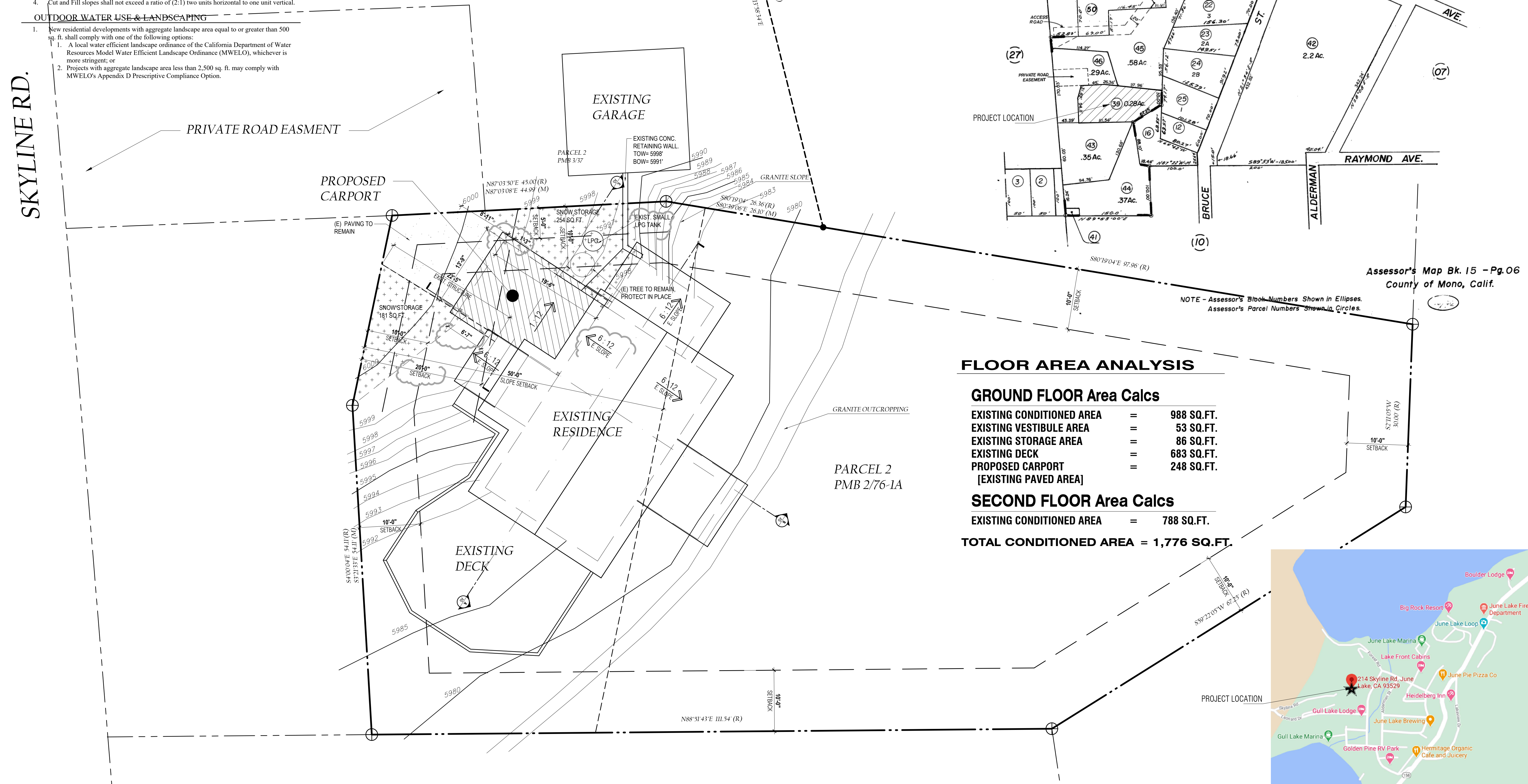
POR. NE 1/4 NW 1/4 SEC. 14, T.2 S., R.26E., M.D.B. & M.

Tax Area Code 51-14

15-06

R.M. Bk. 1 - Pg. 3
Bk. 2 - Pg. 40
Bk. 3 - Pg. 51
Bk. 4 - Pg. 58
Bk. 5 - Pg. 63
Bk. 6 - Pg. 94

Bk. 1 - Pg. 22
Bk. 6 - Pg. 39



FLOOR AREA ANALYSIS

GROUND FLOOR Area Calcs	
EXISTING CONDITIONED AREA	= 988 SQ.FT.
EXISTING VESTIBULE AREA	= 53 SQ.FT.
EXISTING STORAGE AREA	= 86 SQ.FT.
EXISTING DECK	= 683 SQ.FT.
PROPOSED CARPORT [EXISTING PAVED AREA]	= 248 SQ.FT.
SECOND FLOOR Area Calcs	
EXISTING CONDITIONED AREA	= 788 SQ.FT.
TOTAL CONDITIONED AREA	= 1,776 SQ.FT.

PROPOSED SITE PLAN (ROOF PLAN)

SCALE 1/8" = 1'-0"

DESIGN DIMENSION ASSOCIATES
DESIGN PLANNING STRUCTURES
P.O. BOX 7193
MAMMOTH LAKES, CA 93546
TEL/FAX (760) 934-4348

PROPOSED SITE PLAN / ROOF PLAN

MILLER REMODEL
CLIENT NAME: BARBARA MILLER
CONTACT ADDRESS: P.O. BOX 204
JUNE LAKE, CA 93529
PROJECT ADDRESS: 214 SKYLINE RD.
JUNE LAKE, CA 93529
PH. 760.914.2123

REVISIONS

JAN.	2021
SCALE:	AS SHOWN
DRAWN:	CWT/CJO
PRINTED	8.3.21
SHEET	A1

DESIGN DIMENSION & ASSOC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS, AND DESIGNS. THESE PLANS, IDEAS, AND DESIGNS ARE NOT TO BE REPRODUCED, CHANGED, OR ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM DESIGN DIMENSION & ASSOC.

Attachment B

Michael Draper

From: David Voss <David@vsbllp.com>
Sent: Thursday, October 14, 2021 11:53 AM
To: Michael Draper; Wendy Sugimura; David Voss
Cc: Nancy Voss
Subject: RE: Miller Variance hearing

[EXTERNAL EMAIL]

Thank you. We are out of town visiting our daughter at college in North Carolina for the first time since the Covid started. We have input we would like to prepare in writing and have local attorney David Baumwohl's input (and arrange his participation with his calendar with more than two days notice).

Would appreciate additional time for both hearings especially since **we are the only neighbor impacted and there is no known urgency to the proposed project which is literally a few steps from the front door to our home!**

We expressly requested special notice by email so that we wouldn't have this happen. We do not receive mail there and it takes a week to get to us, but email wasn't sent until 6 days after the mailed notice. That only gives us two business days to prepare our submission to the technical hearing on Monday at which we have substantive input... Most difficult by cell phone on the road!

We simply request the courtesy of a reasonable amount of time to prepare our comments to both the technical meeting and the board.

Thank you in advance for your anticipated help.

Best regards,
David and Nancy Voss

David C. Voss, Jr.
VOSS, SILVERMAN & BRAYBROOKE LLP
4640 Admiralty Way, Suite 800
Marina del Rey, CA 90292
310.306.0515

----- Original message -----

From: Michael Draper <mdraper@mono.ca.gov>
Date: 10/14/21 2:06 PM (GMT-05:00)
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Cc: David Voss <David@vsbllp.com>, Nancy Voss <nancylvoss@gmail.com>
Subject: Miller Variance hearing

Hi Wendy,

I just spoke with Mr. Voss, neighbor to Ms. Miller. Mr. Voss verbally requested the Planning Commission meeting scheduled for October 21 be postponed in order for him to prepare comments on the project. Mr. Voss feels he was inadequately noticed of the project.

August 25 Mr. Voss requested via email to be noticed by email of the project. Notices of the project were mailed to surround properties on October 7, published in The Sheet newspaper on October 9, and emailed to Mr. Voss on October 13.

Please advise.

Thank you,

Michael Draper
Mono County Planning Analyst II
Community Development Department
PO Box 347
1290 Tavern Road
Mammoth Lakes, CA 93546
760-924-1805

Attachment C

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

October 6, 2021

To: The Sheet

From: Heidi Willson

Re: Legal Notice for **October 9** edition

Invoice: Heidi Willson, 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 at a Special Meeting on **October 21, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 896 8495 0021) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:45 a.m. VARIANCE 21-004/Miller**. The project proposes to reduce the required front yard setback from 20' to 13.75' and the side yard setback from 10' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review by contacting Michael Draper at (760) 924-1805 or mdraper@mono.ca.gov. Hard copies are available for the cost of reproduction. INTERESTED PERSONS are strongly encouraged to attend the live cast meeting by phone or online, and to submit comments by **8:00 am on Thursday, October 21** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at cddcomments@mono.ca.gov, or via the live cast 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 Michael Draper, Mono County Planning Division, as listed above.

###

Mono County Community Development Department Planning Division

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

P0 Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

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INTERESTED PERSONS are strongly encouraged to attend the live cast meeting by phone or online, and to submit comments by 8:00 am on Thursday, October 21 to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at cddcomments@mono.ca.gov, or via the live cast 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 Michael Draper, Mono County Planning Division, as listed above.

Project Location: 214 Skyline Drive, June Lake. APN 015-060-039



Mono County Community Development Dept.
P. O. Box 347
Mammoth Lakes, CA 93546

xxxxxxx
P.O. BOX XXX
JUNE LAKE, CA 93529

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
 SACRAMENTO, CA 94244-2460
 Website: www.bof.fire.ca.gov
 (916) 653-8007

**Board of Forestry and Fire Protection**

**15-DAY NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING
 FILE AND MODIFIED TEXT**

“State Minimum Fire Safe Regulations, 2021”

**Title 14 of the California Code of Regulations (14 CCR),
 Division 1.5, Chapter 7, Subchapter 2**

[Notice Published January 3, 2022]

MODIFICATIONS TO TEXT OF PROPOSED REGULATION AND SUPPLEMENTAL STATEMENT OF REASONS

Pursuant to the requirements of Government Code §§ 11346.8 and 11347.1, the Board of Forestry and Fire Protection (Board) is providing notice that documents which the Board has relied upon in adopting the proposed regulations pertaining to the “State Minimum Fire Safe Regulations,” specifically related to modifications of the 45-Day Noticed rule text, have been added to the rulemaking file and are available for public inspection and comment.

The following documents have been added to the rulemaking file:

- Revised 45-Day Rule Text- as revised by the Board at their December 8, 2021 meeting.
- Supplement to the Initial Statement of Reasons.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written, facsimile, electronic or hand-delivered comments relevant to the proposed regulatory action to the Board. **The written comment period ends on Wednesday, January 19, 2022**, which is over 15 days following the publication of this Notice. The Board will consider only comments received by that time. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the proposed action in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Board of Forestry and Fire Protection
 Attn: Edith Hannigan, Executive Officer
 P.O. Box 944246
 Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
 Attn: Edith Hannigan, Executive Officer
 715 P Street
 9th Floor
 Sacramento, CA 95814

Written comments may also be delivered via e-mail at the following address:

PublicComments@bof.ca.gov

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Supplemental Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

State Board of Forestry and Fire Protection
 Attn: Edith Hannigan, Executive Officer.
 P.O. Box 944246
 Sacramento, CA 94244-2460
 (916) 653-8007

The designated backup person in the event Ms. Hannigan is not available is Mr. Eric Hedge, Regulations Program Manager for the Board of Forestry and Fire Protection. Mr. Hedge may be contacted at the above address or phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared a Supplemental Statement of Reasons for the proposed action, entitled "State Minimum Fire Safe Regulations", that provides additional information regarding the clarity and necessity of the amendments to 14 CCR §§ 1270.00 *et. seq.* This Supplemental Statement of Reasons and the Initial Statement of Reasons are available from the contact person on request. If the rule text modifications discussed in this Notice are adopted by the Board as proposed at a future meeting, a Final Statement of Reasons will be made available reflecting the comments and responses received during the written comment period. The Final Statement of Reasons will be available from the contact person(s) named in this notice.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address:

California Department of Forestry and Fire Protection
 State Board of Forestry and Fire Protection

New Natural Resources Building
 715 P Street
 9th Floor
 Sacramento, CA 94244
 Attention: Edith Hannigan
 Tel: (916) 653-8007

All of the above referenced information is also available on the Board's "Proposed Rule Packages" website at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>

15-DAY NOTICE RULE TEXT MODIFICATIONS KEY

Proposed modifications to the 45-Day Noticed rule text, published on April 23, 2021 are identified in this 15-Day Notice of Rulemaking as follows:

- Existing CCR Text ----- No underline or strikethrough
- 45-Day Noticed rule text addition (published 04/30/2021) ----- single underline
- 45-Day Noticed rule text deletion (published 04/30/2021) ----- ~~single strikethrough~~
- Deletions of 45-Day Noticed rule text proposed in this 15-Day Notice ----- ~~double strikethrough~~
- Additional rule text proposed in this 15-Day Notice ----- double underline

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board again makes modifications which are sufficiently related to the originally proposed text, it will again make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised.

Notice of the comment period and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for no less than 15 days from the date on which they are made publicly available.