

Mono County Community Development Department

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Planning Division

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COMMISSION INTERPRETATION REQUEST

| | |
|------------------------------|-------------------------|
| APPLICATION # _____ | FEE \$ <u>495</u> |
| DATE RECEIVED <u>4-12-18</u> | RECEIVED BY _____ |
| RECEIPT # _____ | CHECK # _____ (NO CASH) |

APPLICANT Jim Lewey & Margaret Palchak

ADDRESS 15 Lower Canyon Rd CITY/STATE/ZIP Paradise CA, 93514

TELEPHONE (760) 914-1980 E-MAIL jim@itmedic.org

NATURE OF REQUEST: Briefly describe your request for interpretation.

Specific Mono County General Plan Land Use Element section requiring interpretation
Rock Creek Specific Plan / EIR; TM 37-59

Specific Mono County policy requiring interpretation _____

If request is for interpretation/modification of parking requirements specified in Mono County General Plan Land Use Element Section 06.020 (C), state reason for request.

If request is for interpretation of "similar use," respond to the following: Mono County General Plan Land Use Element Section 04.030 (B) requires that, prior to taking an action to find a use similar to and not more objectionable to the general welfare than the uses listed within the text of the land use designation of this title, the Planning Commission shall find all of the following:

1. Proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that district.

More on back...

2. Proposed use is consistent with the General Plan and any applicable area general plans.

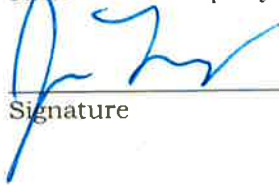
3. Use is capable of meeting the standards and requirements of that district.

4. Use will not be more objectionable to the general welfare (i.e., health, safety) than the uses listed within the district.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Project processing deposit: See Development Fee Schedule.

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: ® legal owner(s) of the subject property, ® corporate officer(s) empowered to sign for the corporation or authorized legal agent, or ® other interested party.



Signature

4-12-10

Signature

Date

- We were careful to comply with the rules and setbacks as we read them in the Rock Creek Canyon Final Specific Plan.
 - Page 6 of Final Specific Plan states there is no building Envelope for lots 1-6, land modification will be dictated by setbacks.
 - The Shed is 30 feet setback from the creek bank. The bank of the creek is a little vague at this point because the creek forks to form "the ditch" immediately after emerging from out of the man-made culvert under Lower Rock Creek Road. (See Photos: Coop setback & Creek-Ditch Split, attached)
 - The shed is more than 10 feet from the bank of the ditch.
- We were told by Mono County Compliance division after a complaint was filed that we are to use Tract Map 37-59A/B for building guidelines. The area proposed for relocation of the Shed by the county, dictated by the tract map, is inadequate because:
 - The structure would not fit within the envelope in this proposed location (see floor plan and site plan diagram).
 - It is also not an appropriate place for a chicken coop (immediately outside a residential bedroom window).
- Our lot, #6 is .75 Acres. There are many physical characteristics of the lot that dictate the allowable building area and have their own setback criteria. Rock Creek Flows through the property, there is a historic irrigation ditch, Lower Rock Creek Road goes around 3 sides of the property and Lower Canyon Road goes through our property. We feel these special circumstances should allow us to build outside the building area described in the tract map.
 - Allowable building area per tract map is 4,604 sq. ft, 13.95% of lot, 32,998 sq. ft.
 - Allowable building area in lots 1-5 is 28% to 35%
- We have spent additional time and money in an effort, not only to comply with the specifications and standards, as stated in the Rock Creek Canyon Final Specific Plan, but to create a landscape which is aesthetically pleasing, and hopefully predator proof.
 - Shed was built to current Code Standards and matches design and material of our house per CC&R's (See Photo Coop and run, attached)
 - We designed its construction to be predator proof due to regular visits from Mountain Lion, coyote, fox, raccoon, skunk, ringtail cat, bear, snakes, and more
- We relocated to Paradise/Lower Rock Creek after many years in Mammoth, primarily because we were seeking a lifestyle based on small scale personal agriculture. This vision includes growing our own fruits and vegetables, raising chickens and keeping bees. We have been carefully researching and planning each step of this process.
- Finally, we believe we have the support of our neighbors in the Lower Rock Creek Community.
 - We get numerous compliments as to the work we have done to our property
 - We realize that this development has been under much scrutiny by the local community. We ourselves were sad to see the cabins go. Therefore, we feel it is an honor and a privilege to be stewards of this land and care for it to the best of our ability.

Request for Commision Interpretation -Response to Compliance Violation complaint 2018/008

- We have researched, saved, and planned for this project for over three years and believed this project to be in compliance with the regulations and setbacks as spelled out in the site specific plan.
- We are respectfully requesting a variance to keep the chicken coop and run as currently located.