

Mono County Community Development Department

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

Planning Division

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

January 16, 2020

To: Mono County Planning Commission

From: Jake Suppa, Code Analyst

Re: Expanded Home Occupation 19-001 / Campbell

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Make the required findings as contained in the staff report;
2. Find that the project qualifies for CEQA guidelines' exemption 15301 and direct staff to file a Notice of Exemption; and
3. Approve Expanded Home Occupation Permit 19-001/Campbell, subject to the conditions of approval.

--- OR ---

4. Find that the proposal is incompatible with the intent of the Rural Mobile-Home land use designation and the community character; and
5. Deny Expanded Home Occupation Permit 19-001/Campbell.

BACKGROUND

The project is located at 646 Valley Rd. in Chalfant, CA (APN 026-291-002). The property is approximately 0.77 acres and has a land use designation of Rural Mobile Home (RMH). A complete application was received and accepted by the Land Development Technical Advisory Committee (LDTAC) on Dec. 2, 2019.

PROJECT DESCRIPTION

The proposal is to allow welding fabrication of equestrian panels, corral gates, and accessories at the proponent's property within an accessory structure. The project meets many of the qualifications of the ministerial home occupation, but outdoor storage triggers an expanded home occupation permit for outdoor storage and delivery.



Subject Property:
APN 026-291-002

GENERAL PLAN CONSISTENCY / STANDARDS

Section 02.590 of the General Plan defines Home Occupations as any use which can be carried on within a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. In addition, Home Occupations are subject to compliance with the standards listed in the Mono County General Plan (§04.290) as described below. For outdoor storage as part of a home occupation, an Expanded Home Occupation permit is required by §04.290.I and subject to the required findings in §4.290.J as described below which follow the Home Occupation findings.

1. *The business is confined completely within the dwelling and ancillary structures, excepting two vehicles not to exceed one ton each;*

The parcel has a primary residence and an accessory garage. The welding fabrication will take place within the existing garage structure. Vehicles utilized for supplies and delivery consist of two personal vehicles not exceeding 1-ton capacity. There is a proposed 40'x40' outdoor storage area adjacent to Chidago Way which may be approved subject to the findings for an expanded home occupation permit (see below); a 6' perimeter fence shields visibility from adjacent parcels.

- B. *Involves no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; as long as no other violation of any other subsection occurs;*

The proposed business will control the supply chain of needed pipe tubing for fabrication of the products on site within the garage structure.

- C. *Is carried on by members of the family occupying the dwelling, with no other persons employed;*

The business will be operated by the applicants, Justin and Sarah Campbell, who occupy the dwelling.

- D. *Produces no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);*

There is a proposed 40'x40' outdoor storage area adjacent to Chidago Way; a 6' perimeter fence shields visibility from adjacent parcels. This outdoor storage may be approved subject to the findings for ~~under~~ an Expanded Home Occupation permit (see below) ~~per §04.290.I and subject to the findings under 04.290.J.~~

The welding fabrication will be contained to the garage structure. The use of oxy-acetylene welding torches and/or an argon/carbon dioxide mix welding torch and equipment produces minimal odor or noise. A will-serve letter shall be required by the Chalfant Fire Protection District to mitigate potential fire hazards, and the threshold of storage will be maintained at Environmental Health's C.U.P.A. (Certified Unified Program Agency) standards, at a threshold of 200 cubic feet.

- E. *Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located;*

The pickup of materials and delivery of product will be handled by the owners, providing the average traffic normal to the property.

- F. *Requires no structural, electrical or plumbing alterations in the dwelling;*

The fabrication will be located within the existing accessory utility structure; any future work will require a building permit.

- G. *Involves no equipment other than that customarily used in dwellings;*

The style of welding equipment is available as customary equipment found on a premise and provides essential rural, agriculture services. An oxy-acetylene and/or carbon dioxide/argon gas supply will be used based on the type of flux used.

- H. *Involves no outdoor storage or advertising;*

A 40'x40' storage area is proposed for storage of tubing and completed materials prior to fabrication and delivery and may be approved subject to the findings for ~~under~~ an Expanded Home Occupation permit. ~~per §04.290.JI and subject to the findings under 04.290.KJ.~~

- I. *A cottage food operation as defined in Section 113758 of the Health and Safety Code and in compliance with AB1616 shall be a permitted home occupation provided it complies with all applicable provisions of this section and the Health and Safety Code, as it may be amended. Any applicant for a home occupation under this subsection shall demonstrate he or she operates a qualifying cottage food operation. Notwithstanding the foregoing, subsection C above shall not apply to a cottage food operation.*

Not applicable: this proposal does not include a cottage food operation.

J. *Modifications to the above requirements (~~employees, signage, exterior storage, client visits~~) may be permitted with an Expanded Home Occupation Permit.*

Exterior storage is proposed, which may be permitted subject to the findings of an Expanded Home Occupation permit.

K. *Expanded Home Occupation Permits require approval by the Planning Commission at a public hearing.*

The purpose of this staff report is for the Planning Commission to consider this proposal under and Expanded Home Occupation permit.

Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

1. *Proposed use is consistent with the General Plan and any area plans or specific plans.*

The rural mobile-home land use designation (RMH) permits home occupations, and the Mono County General Plan provides for an Expanded Home Occupation permit, with a 300' noticing requirement and discretionary approval of the Planning Commission. As an existing residence, all development standards are met, such as parking, lot coverage, and setbacks. No signage is proposed.

The project is also consistent with the Tri-Valley Area land use policies:

Policy 26.C.1. *Allow for the continuation of growth in Chalfant in a manner that promotes and protects its rural and agricultural character.*

The proposed activity is a component to support the rural and agricultural character, providing a service to the equestrian community.

Policy 26.D.5. *Allow the continuation of home businesses in the area.*

The expanded home business within Chalfant offers an ability to enhance the rural economy with a business-specific niche for the equestrian community, which is consistent with Tri-Valley policy Action 26.C1.e., which permits small-scale agriculture and keeping of animals for personal use. The responsible keeping of animals has a need for corrals, gates, and accessories.

2. *Proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;*

The rural mobile-home land use intends to provide for development in rural areas within the county consistent with developed lifestyles when mixed uses are determined to be acceptable to the citizens of the RMH area. The RMH district is further intended for mixed uses such as single-family residences, mobile homes used as residences, small-scale agriculture and the keeping of fowl and animals for personal use.

The land-use of Rural Mobile Home (RMH) permits home occupations, and any land-use designation may pursue an expanded home occupation permit.

3. *That the use is capable of meeting the standards and requirements of that designation;*
The Rural Mobile Home L.U.D. permits Home Occupations, and the proposal meets many of the needed findings; however, the proposed 40'x40' outdoor storage is an expansion requiring further findings be met (see analysis above). The current disturbance is approximately 3000 sf, and the addition of 1600 sf of storage area expands disturbance to 14%; this meets the threshold of 40% lot coverage.

A code compliance case, notice of violation 2017/004, was issued for storage of inoperative vehicles, and was closed with valid documentation from the Department of Motor Vehicles. With this case closed, the applicants can pursue land-use entitlements.

4. *That the use will be similar to and not be more obnoxious to the general welfare than the uses listed within the designation.*

A Home Occupation is a permitted use for the Rural Mobile Home land use designation, and conforms to MCGP 4.290, Home Occupation, except for a 40'x40' outdoor storage that triggers an Expanded Home Occupation Permit. An Expanded Home Occupation Permit is approved through the findings analyzed above. Though the 6' side-yard fence creates a visual barrier of the storage area from the right of way, other elements are similar to permitted uses.

Further, small-scale agriculture is a permitted use in the Rural Mobile Home land use designation, and the proposed expanded home occupation supports the function of a rural and agricultural area, offering a niche of locally produced corrals, gates, and accessories for the equestrian community. The proposed storage of these implements, which are shielded by a privacy fence, are equivalent to the use of these items utilized for the animal's enclosures typical for animal husbandry.

Use of welding torches, flux, and alloy is typical to many residences within rural and agriculture areas; the C.U.P.A. (Certified Unified Program Agency) threshold for storage of gas tanks must be maintained under 200 cubic feet to remain within a residential application. Further, the fabrication will remain within the accessory structure, typical to personal use.

The activities occurring within the accessory structure are shielded from the public and adjacent residences and therefore are not more obnoxious to the general welfare than listed uses. The outdoor storage area is screened with no fabrication activity, and therefore is also not more obnoxious than listed uses.

PUBLIC HEARING NOTICE

A hearing notice was published in the Jan. 4, 2020, issue of The Sheet (see Attachment B) and a public notice was mailed to surrounding property owners within 300 feet of the proposed project, and comments are included (Attachment C).

[Two comment letters have been received on this proposed project as of Jan. 14, 2020:](#)

A. Comment letter from 611 Valley Rd., an adjacent property across the street, opposes the project to avoid commercialization of the Rural Mobile Home LUD, citing tolerate added fire hazards, traffic, and noise potential. The comment cites the previous code violation and general character of the property.

A.B. Comment letter from 635 Valley Rd., adjacent property across the street, states that the past code enforcement cases will be exacerbated with the allowance of the proposal, leading to more code compliance issues similar in nature, i.e. inoperative vehicles.

The previous code compliance case has been resolved, vehicle storage is not proposed with this project, and no evidence exists that permitting metal fabrication would result in the storage of inoperative vehicles on the site. Fire hazards and noise were addressed in the findings above and, because the fabrication would occur indoors, should not impact the neighborhood. Traffic should be limited to occasional trips for supplies and product delivery, which should not exceed typical residential traffic of six trips per day.

However, the commercial nature of the proposal could be deemed incompatible with the residential character of the neighborhood because of the visual impacts of the outdoor storage component, and alternative findings could be made that this use is inconsistent with the land use designation and considered more obnoxious to the general welfare than other uses listed in the designation. Staff can provide those alternative findings at the Commission's request.

CEQA COMPLIANCE

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

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.

This staff report has been reviewed by the CDD director.

ATTACHMENTS

A: Site plan

B: Public hearing notice

C: Comment letters

MONO COUNTY

Planning Division

NOTICE OF DECISION & EXPANDED HOME OCCUPATION PERMIT

USE PERMIT: EHO 19-001

APPLICANT: Justin Campbell

ASSESSOR PARCEL NUMBER: 026-291-002

PROJECT TITLE: Expanded Home Occupation 19-001/Campbell

PROJECT LOCATION: 646 Valley Rd. Chalfant, CA 93514

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: January 16, 2020

EFFECTIVE DATE USE PERMIT: January 31, 2020

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

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

MONO COUNTY PLANNING COMMISSION

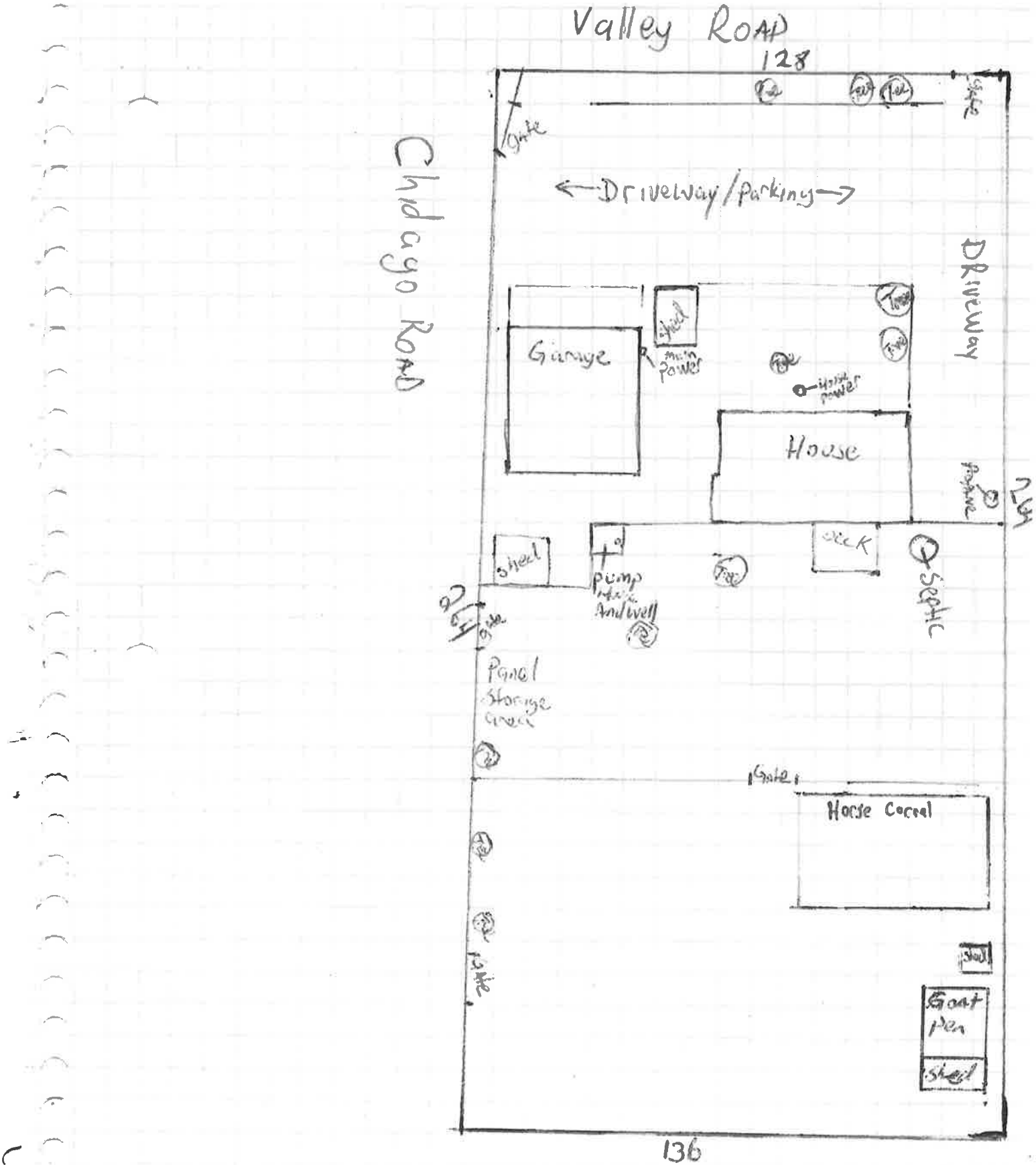
DATED: _____

cc: X Applicant
X Public Works
X Building
X Compliance

CONDITIONS OF APPROVAL

Expanded Home Occupation 19-001/Campbell

1. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall be in substantial compliance with site plan as shown in Attachment A.
3. Project is required to comply with any requirements of the Chalfant Valley Fire Protection District.
4. The project is subject to Mono County Code Chapter 10.16 – Noise Regulations including maximum residential noise limits of 55 dBA during the day (7:00 a.m. – 9:59 p.m.) and 50 dBA at night (10:00 pm – 6:59 a.m.), ~~which prohibits amplified music, loudspeakers, public address systems, and similar systems between 10:00 pm and 7:00 am.~~
5. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements, especially the C.U.P.A. thresholds of storage of hazardous materials at a limitation of 200 cubic feet.
6. The applicant shall acquire and keep an active Mono County business license.
7. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



SCALE
1" = 18'

THE SHEET | Saturday, January 4, 2020

PUBLIC NOTICES

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing Jan. 16, 2020, in the Town/County Conference Room, Minaret Village Mall, 437 Old Mammoth Road Ste 202, Mammoth Lakes, CA (with videoconference at Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA) to consider the following:

10:05 a.m. CONDITIONAL USE PERMIT 19-013/Lampson to allow off-site snow storage in compliance with General Plan Chapter 4.300. The site, located at 206 S. Crawford Ave. (APN 015-112-015) in June Lake with a land use designation of Mixed Use (MU), currently does not meet snow-storage requirements and is considered an existing non-conforming use. The project proposes to construct an additional structure, further decreasing the available snow storage area. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. The project files are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. For additional questions, contact the Mono County Planning Division: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546 760-924-1805, mdraper@mono.ca.gov

10:25 a.m. EXPANDED HOME OCCUPATION PERMIT 19-001/Campbell to allow welding fabrication including, but not limited to, equestrian panels, corral gates, and accessories with outdoor storage of materials and finished products at 646 Valley Road (APN 026-291-002) in Chalfant.

The property is approximately 0.77 acres with a land use designation of Rural Mobile Home. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. The project files are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes.

INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Secretary to the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546. 1

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, contact Mono County Code Enforcement: Jake Suppa, PO Box 8, Bridgeport, CA 93517, 760-932-5424, jsuppa@mono.ca.gov

TS #2020-0001

ON

Sleds



(Right): Kal first sledding but Vivi ma



RECEIVED
JAN 10 2020
Mono County CDD

January 5, 2020

Mono County Community Development Department
Planning Division
PO Box 347
Mammoth Lakes, CA 93546

Secretary to the Planning Commission,

I am writing to you regarding to the property at 646 Valley Road (APN 026-291-002-000) Chalfant. This property is zoned single family, non commercial, RMH and needs to stay that way.

I have lived here 20 years and did not buy my home in a commercially zoned neighborhood and will not have this changed for others' financial gain.

I live directly across the street from this property and will not tolerate the added fire hazards, traffic and noise pollution that this expanded occupation permit (19-001/Campbell) will create.

This property has previously been turned in for code enforcement violations and I do not see this as a good thing for our neighborhood. As it stands this property is run down and looks terrible.

The occupants of this property are extremely disrespectful to our neighboring residents. This proposal will only create more friction in our neighborhood.

Sincerely,

Patrick Brannen

Nancy Brannen

Patrick & Nancy Brannen

611 Valley Rd
Chalfant, CA 93514
760-872-6003

Attachment C- Public Comment

1.)

“635 Valley Road Resident/Homeowner

I am not sure what information the county is looking for in regards to the public hearing and whether residents agree with this permit being requested, but this address has been investigated numerous times for code violations by the county. They have been instructed to clean up their yard and continue to keep the property in less than acceptable conditions. The review of your own county records should show there have been violations. They have stored broken down cars, railroad ties, tires, trash, etc. in the front yard. Allowing them to be given a permit to allow a welding and fabrication business will not only create more unacceptable conditions, but will also increase your code violation complaints. They have proven to be a chronic code violators. To allow this permit to go through would be an irresponsible decision by the Mono County Planning Division.

If you need any further information you can contact myself or Bob Davison at 760-873-7176. Bob Davison is also a current resident at 635 Valley Road.

Thank you and I am hopeful that this permit is not allowed.

Denise Beck.”