

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

SPECIAL MEETING AGENDA

June 17th 2021 – 9:00 a.m.

TELECONFERENCE INFORMATION

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

Important Notice to the Public Regarding COVID-19

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

1. Joining via Zoom

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

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/94776119739>

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

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:** 947 7611 9739

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=2efc73ae-fd4b-4c34-a574-fea684c89a31

**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 May 20th 2021 (p. 1)
4. **PUBLIC HEARING**
 - A. **9:05 a.m. Variance 21-001/Martin.** The variance will reduce the required front-yard setback distance from 20' to 10' for the purpose of constructing a single-family dwelling at APN 016-123-012, North Texas Street, June Lake. The property is constrained by rocks and a cliff side. The property is designated Single-Family Residential. *Staff: Michael Draper* (p. 3)
 - B. **9:45 a.m. Use Permit 21-003/Voss.** The Use Permit would allow not-owner occupied short-term rental of the entire dwelling located at 212 Skyline Drive (APN 015-060-046). The dwelling contains three bedrooms, and the maximum number of renters is eight people. The property is designated Single-Family Residential. *Staff: Michael Draper* (p. 30)
5. **INTEPRETATION**
 - A. **Commission Interpretation 20-01 of the “permanent perimeter foundation” requirement for manufactured homes in General Plan Land Use Element §04.280.E.2.** The interpretation proposes criteria under which a permanent, complete, non-structural perimeter of siding or a similar material meets the General Plan requirements of a permanent perimeter foundation constructed of concrete or masonry for Mountain View Fire reconstruction. *Staff: Wendy Sugimura* (p. 69)
6. **WORKSHOP**

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

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

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

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

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available by request for public review by contacting the Community Development offices in Mammoth Lakes (760-924-1800). Agenda packets are also posted online at www.monocounty.ca.gov / 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 bperatt@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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MEETING MINUTES

May 20th, 2021 – 9:00 a.m.

COMMISSIONER: Scott Bush, Roberta Lagomarsini, Chris Lizza, Jora Fogg

STAFF: Wendy Sugimura, director; Gerry LeFrancois, principal planner; Kelly Karl, planning analyst; Michael Draper planning analyst; Heidi Willson, planning commission clerk, Christian Milovich, county counsel

PUBLIC: No public attendees

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice Chair Lagomarsini called the meeting to order and 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 April 20, 2021.
Motion: Approve the minutes April 20, 2021, with corrections.
Lizza motion; Lagomarsini second.
Roll-call vote – Ayes: Lizza, Fogg, Lagomarsini. Abstain: Bush. Motion passed 3-0.
4. **PUBLIC HEARING**
 - A. **9:05 a.m. Use Permit/Voss. Short term rental.** *Staff: Michael Draper*
 - Public hearing opened with no comment - Continued to June 17th at 9:45 am
 - B. **9:45 a.m. Martin Variance** *Staff: Michael Draper*
 - Public hearing opened with no comment - Continued to June 17th at 9:05 am
 - C. **10:05 a.m. General Plan Amendment 21-01** *Staff: Kelly Karl and Bentley Regehr*
 - Kelly and Bentley presented and answered questions from the Commission.**Motion:** Adopt resolution R21-01 and recommend the Board of Supervisors certify the addendum and adopt General Plan Amendment 21-01 with the modifications noted.
Bush motion; Lizza second.
Roll-call vote – Ayes: Lizza, Fogg, Bush, Lagomarsini. Motion passed 4-0.
5. **WORKSHOP**
 - A. **New Fire Safe Standards and Regulations Proposed by the Board of Forestry**

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

- Kelly presented key concepts included in the County’s draft comment letter and answered questions from the Commission.

6. REPORTS

A. Director

- Tioga inn was not approved by the Board of Supervisors.
- Ray Ranch use permit and General Plan amendment off SR 167 created a lot of controversy and has been withdrawn by the applicant.
- Scott Burns will be rejoining part time to help get through maternity/paternity leaves by three staff.
- Long time planner Gerry LeFrancois is expecting to retire at the end of next fiscal year in June 2022.
- No time frame for in-person meetings.

B. Commissioners

- Commissioner Bush - No report
- Commissioner Lizza - Attended joint meetings between Mammoth Town Council and the Planning and Economic Development Commission regarding regional climate adaptation and resilience assessment. Great report with lots of information if anyone is interested.
- Commissioner Fogg - No report
- Commissioner Lagomarsini - No report

7. INFORMATIONAL

No Items

8. ADJOURN to June 17, 2021.

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

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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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June 17, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 21-001/Martin

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 21-001 to allow a 10' front yard setback at APN 016-123-012, June Lake.

Figure 1: Aerial view of project location



PROJECT OVERVIEW

The applicant is seeking a 10-foot reduction of the required 20-foot front yard setback for properties designated Single-Family Residential.

The property includes merged Lots 18 and 19 of the Silver Lake Pines Subdivision Tract No. 5, June Lake (APN 016-123-012), created in 1951. In 1981 a lot-merger took place, combining lots 18 and 19 into the current configuration. Development of the site is limited due to a large rock slope encumbering a significant portion of the property.

The land-use designation Single-Family Residential (SFR) allows for a residential dwelling to be constructed outright; however, current setback requirements significantly constrain the building envelope to a very small portion of the lot. If granted the variance, the property owner will apply to construct a residence not to exceed 625 square feet on the property, consistent with the SFR development standards.

PROJECT SETTING

The property is located within the Silver Lake Pines subdivision, approximately 0.2 miles north of California State Route 158. The parcel is 10,454 square-feet (sf) and accessed by North Texas Street, a private road. All neighboring properties are designated SFR. The properties to the west, north, northeast, and south are developed with single-family residences.

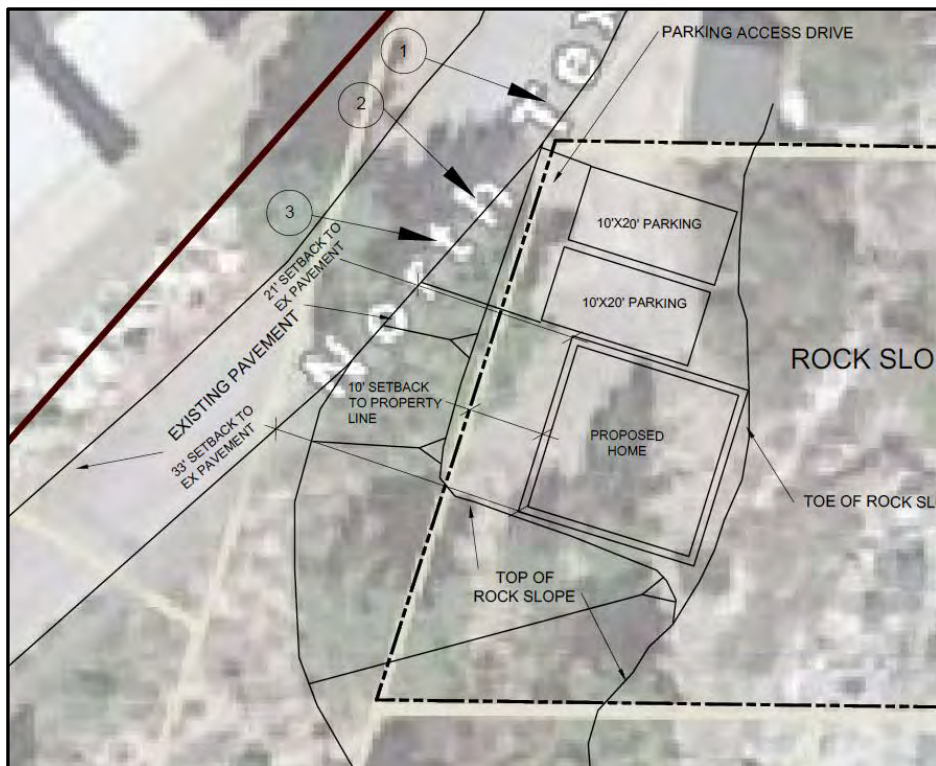
The SFR land use designation includes minimum setbacks of 20' in the front and 10' in both the rear and side yards, a maximum allowable lot coverage of 40%, and a minimum lot size of 7,500 sf. This property is 10,454 sf and the property owner is proposing to construct a less-than-625 square-foot cabin, with two uncovered 10' x 20' parking spaces. Total lot coverage would be approximately 1,025 sf or 9.8%, and both side and rear-yard setbacks will be met.

Over half of the property is covered by a large granite outcrop rising from the property and sloping east and south, constraining the property compared to a typical parcel. Staff conducted a field visit to verify site conditions the week of May 3, 2021.

Variance 21-001 will approve a 10-foot reduction from the required 20-foot front setback. If approved, the proposed residential unit would be setback 10-foot from the front, western property line. The property line does not parallel the road. The northwest corner of the property meets the road but moving south, the distance between the road and property line increases. If the front setback is reduced to 10', the proposed dwelling would be setback 21' from the existing road at the closest point.

A public notice was sent to property owners 500 feet from the project site and published in a newspaper 10 days prior to the Planning Commission public hearing. The public hearing was then continued to the current meeting. Notice was also provided to the June Lake Fire Protection District. Prior to this application's acceptance, the proponent requested a 15' reduction of the required setback distance. After consulting with the June Lake Fire Chief, the request was modified to its current proposal of a 10' reduction.

Figure 1. Site Plan (also attached to this report).



SITE PHOTOS

Figure 2. Looking south into the project site with drawn in property boundaries (approximate).



Figure 3. Looking south on the proposed building area. The circled tape measure is 20' from the edge of pavement.



Figure 4. Looking west on the proposed building area. The circled tape measurer is 20' from the edge of pavement.



Figure 5. Looking west from the top of the rock outcrop.



GENERAL PLAN CONSISTENCY

To deviate from required setback distances, a variance must be approved. A variance is a permit issued to a landowner by an administrative agency, in this case the Planning Commission, 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 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.

The concept is that the property owner is allowed to use his property in a manner consistent with the established regulations, without changing the basic land use designation, with such minor variations that will place the owner in parity with other property owners in the same designation. 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.

All other General Plan development standards for the Single-Family Residential land use designation will be met by the applicant. The proposed dwelling will meet the side and rear-yard setback distances and lot coverage will be less than 40%. Two uncovered parking spaces of 10' x 20' will be provided and the dwelling's height will not exceed 35'.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE AND PUBLIC COMMENT

The project was accepted for processing at the April 5, 2021, LDTAC meeting. Draft Conditions of Approval were reviewed and approved by the LDTAC at the June 7, 2021 meeting, and no changes were recommended.

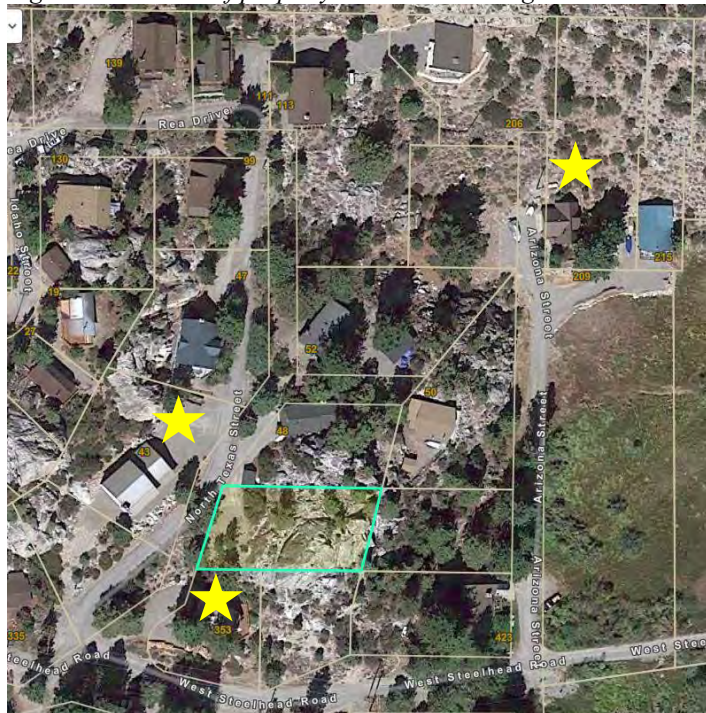
At the time of publication, this project received three public comment letters in opposition. The comment letters raised the following topics:

- Variances to setbacks may set a precedent for other properties within the area.
 - Staff response: *Variances are discretionary with findings made and approval granted on a case-by-case basis. In other words, an approval is an independent evaluation of the property under the findings and does not set precedence.*
- The setback reduction will result in on-street parking.
 - Staff response: *Single-family residential development requires two parking spaces to be provided on site. This project provides off-street parking that meets General Plan regulations.*
- The property has historically been used for local snow storage. Development of the property will impact where local snow can be stored, and the variance will further reduce this property's ability to store snow.
 - Staff response: *Unless an agreement is recorded against a private property for the purpose of snow storage, private properties may be developed by their owners consistent with land use designation standards. No right to community snow storage exists on this parcel.*
 - *Single-family residential development does not require a snow-storage area. Part of the intention in setting a maximum lot coverage is so that a portion of a property is left undeveloped to serve as snow storage. The SFR designation permits a maximum of 40% lot coverage. Total lot coverage proposed by this project is approximately 1,025 sf, or 9.8%.*
- Undergrounding utility lines will be difficult to achieve at this property.
 - Staff response: *The approval of a Variance will not exempt the applicant/project from other General Plan development requirements. If necessary, the General Plan does*

provide a process to allow an applicant to install overhead utility lines, on a case-by-case basis.

- The project will remove mature, heritage trees, affecting the slope stability, drainage and aesthetics.
 - Staff response: *The County does not prohibit tree removal by a property owner. In developing the property, the builder will need to consider and plan for slope stability and drainage of the project within the building permit application.*
- The project will affect views of existing homes.
 - Staff response: *The General Plan allows for the development of a property consistent with the land use designation's standards. A maximum height of 35' is permitted for single-family dwellings. Private property viewsheds are not protected by the General Plan.*
- Parking is inadequate for the site.
 - Staff response: *A single-family residence is required to provide two on site parking spaces. The project meets the requirement.*
- A licensed survey should be performed prior to consideration of a variance to accurately locate the property line and features that would be affected by the project.
 - Staff response: *The site plan provided for the application sufficiently displays the site and property features. A survey may be required under the building permit to identify the property line and take measurements to ensure compliance with the conditions of the Variance. Compliance is the responsibility of the property owner.*
- Construction activity poses a risk to the neighboring residence down-slope from this property.
 - Staff response: *The down-slop residence borders the south, side-yard property boundary of the project site. The side-yard setback requirement (10') will be met by this project. Construction risks are mitigated during the building permit review process by requiring a grading and drainage plan and are the responsibility of the owner and/or their contractor.*
- The site plan does not indicate where the propane tank would be located.
 - Staff response: *A variance of a front-yard setback is not expected to affect the placement of a propane tank. Propane tanks are considered a utility and location is subject to the California Building Code.*
- The shadow cast by a 2 ½-story structure located 10 feet closer to the road than guidelines allow would further exacerbate the ice formation on this portion of North Texas Street.
 - Staff response: *The section of North Texas Street adjacent to the project runs north-south, and the proposed structure will be oriented north-south. The alternative to allowing this Variance will result in the residential unit being sited higher up the rock band and potentially creating larger shadows.*
- Reducing the setback distance would bring the structure unreasonably close to the road if widening is done.
 - Staff response: *Staff has not received notice of a future road widening project. The front property boundary is setback from the existing road's edge. The road is not aligned with the road boundaries of the tract map and is further away from this property. The variance reduction may be taken from the property line or edge of roadway, whichever is more restrictive. For this project, the property line has been determined to be more restrictive.*

Figure 6. Location of property owners submitting comments.



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 eastern portion of the parcel. A 20-foot setback from the front property boundary is required and substantially limits the potential for the Single-Family Residential (SFR) development. Absent the rock outcrop, the site could reasonably accommodate a single-family dwelling while meeting setbacks. Decreasing the setback from 20' to 10' allows for the creation of a modest building envelope on a relatively flat area.

- 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:*

Surrounding properties are designated Single-Family Residential and adjacent properties to the west, north, northeast, and south contain single-family residential units constructed prior to 1999. The location of existing homes in this area were designed based on the alignment of roads per the Silver Lake Pines Tract No.5 map. The existing road does not follow the alignment identified on the tract map, and therefore the distance of neighboring homes to the road varies. The overall siting of homes in this area has taken place where feasible building footprints exist. Many of the surrounding properties have similar constraints, however this project's constraints impact its ability to meet the front-yard setback distance and therefore the applicant requested a 10' variance.

Elsewhere in the County, property boundaries parallel road easements and the setback ensures access to service the road as needed. This property is accessed by a private road that was constructed inconsistent with the recorded parcel map. As a result, the property's front boundary line is setback from the road. Decreasing the required front yard setback will not disrupt use or maintenance of North Texas Street.

- 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 located 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 not constrain use of North Texas Street or access to properties using North Texas Street. The proposed development, a single-family residence not exceed 625 square feet, will be designed to prevent roof-shedding toward the front property boundary. The proposed residence will not have a direct impact on surrounding wildlife habitat as the area is already developed with many homes. The site has no open water or streams; the terrain is rocky and sloped except for the small, proposed building footprint.

The nearest neighboring structure is south and downslope of the project site. The proposed dwelling will be situated such that the required 10' side-yard setback will be met. Additionally, the existing neighboring structure is further than 10' from away from the property line shared with the project site. Building permit, grading and drainage requirements will protect against slope instability and erosion affecting adjacent properties.

- 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:*

June Lake Area Plan

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

The project is permitted subject to uses approved for the SFR land use designation and will be compatible with uses on surrounding parcels that are also designated SFR.

- *Land Use Objective E, Policy 13.E.1. states: Encourage infilling and/or revitalization in areas designated for development in the Area Plan.*

The proposed project is within an existing subdivision developed with single-family residences. This project will allow for the development of a vacant lot consistent with the land use designation and will therefore provide suitable infill.

ENVIRONMENTAL REVIEW

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

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... (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption."

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

ATTACHMENTS

- Attachment A – Site Plan with photographs and Lot Merger map
- Attachment B – Public Comment Received
- Attachment C – Public Hearing Notice

MONO COUNTY
Planning Division

NOTICE OF DECISION / VARIANCE

VARIANCE #: 21-001

APPLICANT: James Martin

ASSESSOR PARCEL NUMBER: 016-123-012-000

PROJECT TITLE: Martin Variance

PROJECT LOCATION: North Texas Street, June Lake, CA

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: May 20, 2019

EFFECTIVE DATE USE PERMIT: May 31, 2020

MONO COUNTY PLANNING COMMISSION

DATED: _____

Community Development Director

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

CONDITIONS OF APPROVAL

Variance 21-001/Martin

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 closer to the front property boundary along North Texas Street.
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.

Attachment A



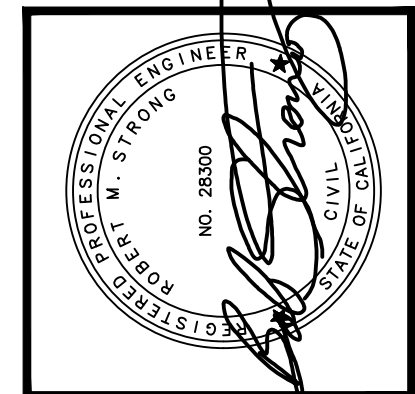
LEGEND
 PHOTO LOCATION
 1

N
 SCALE
 1" = 10'

NOTE: THIS PRELIMINARY SITE EXHIBIT HAS BEEN COMPILED USING AVAILABLE INFORMATION AND IS NOT A SURVEY

NO. REVISIONS:	DATE:	BY:
		BS

NO. REVISIONS:	DATE:	BY:
		BS



RMS GROUP
 LAND DEVELOPMENT
 PLANNING AND DESIGN SERVICES
 BOB STRONG, PE
 rmsgpd@earthlink.net 949.573.2135

SHEET TITLE: **PRELIMINARY SITE EXHIBIT**
 PROJECT: **PROPOSED HOME**
 ADDRESS: **NORTH TEXAS STREET
 JUNE LAKE, CA 93529**

DATE	3-5-21
DRAWING NO.	C-1

1

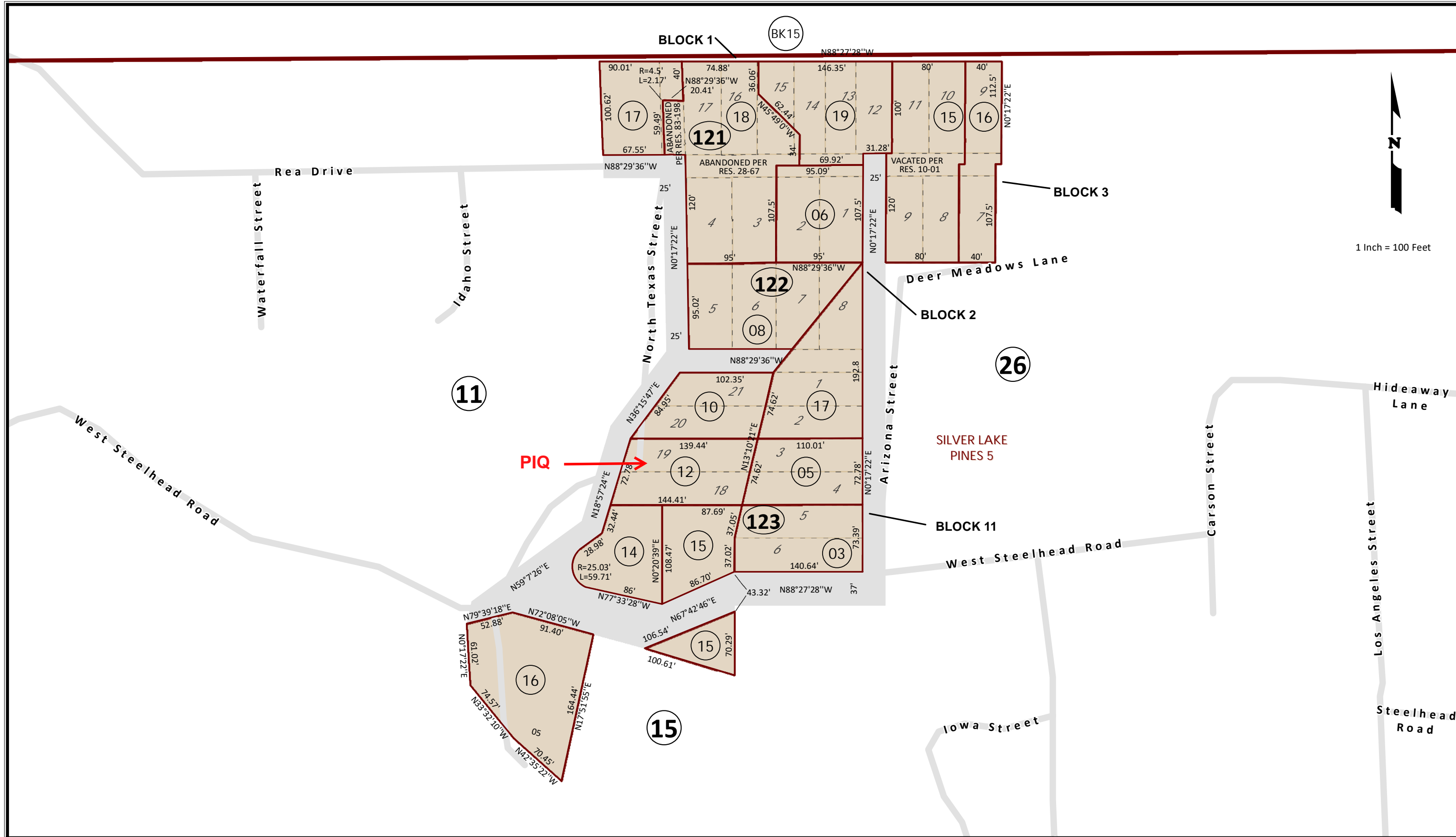


2



3





Note: This map is prepared for the use of the Mono County Assessor, for assessment purposes only. It does not necessarily represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data drawn hereon.

Revised By: S. Robison	Created: 1951	Revised: 10/23/2018
Mono County Cadastral Mapper		

Attachment B

Public Comments received for Variance 21-001/Martin.

Compiled at 12:00 pm on Wednesday, June 10, 2021.

Secretary Mono County

May 20, 2021

Community Development Department

Planning Division

P. O. Box 347

Mammoth Lakes, Ca 93546

Subject: Protest of Proposed Variance 21-001/Martin

The proposed "reduction of the front-yard setback from 20' to 10'" is herein challenged for the following concerns:

1. Setback variances may set precedent undesirable to community interests.
2. Reducing setback will result in on-street shoulder parking on a steep narrow road. Recently the fire hydrant was broken on Texas Street causing a dangerous flood. Frequent crashes have also occurred when Texas Street is icy.
3. Where will snow storage that was previously on Texas be located?
4. County ordinances require underground utility lines. How can utility lines be underground on this rocky lot?
5. This proposed variance is not within the June Lake Area Plan Guidelines.
6. Mono County should consider adding a provision on home constructions that provide funds to cover street roads repairs. Construction vehicles on Rea Drive on the last home build caused serious street damage on Steelhead, Texas and Wyoming.

Thank you for the opportunity to challenge the requested variance.



Al Heinrich, June Lake Resident

209 Deer Meadow Lane

P.O. Box 439

June Lake, Ca 93529

661-400-0922

Michael Draper

From: Bill Miller <bmillerrhb@gmail.com>
Sent: Thursday, June 3, 2021 3:11 PM
To: Michael Draper; CDD Comments
Subject: Fwd: Proposed Variance 21-001/Martin

[EXTERNAL EMAIL]

----- Forwarded message -----

From: **Denise Miller** <dmillerhb@gmail.com>
 Date: Thu, Jun 3, 2021 at 1:19 PM
 Subject: Proposed Variance 21-001/Martin
 To: Bill Miller <bmillerrhb@gmail.com>

Secretary Mono County

May 30, 2021

Community Development Department

Planning Division

P. O. Box 347

Mammoth Lakes, Ca 93546

Subject: Protest of Proposed Variance 21-001/Martin

The proposed "reduction of the front-yard setback from 20' to 10'" is herein challenged for the following concerns:

1. The dwelling's setback and height will produce shade on the steep narrow road causing icy conditions.
2. Setback variances may set precedent undesirable to community interests.
3. Problem: The building pad is on a landfill. I have observed construction debris being pushed onto the area by the snow plow over the course of 30 years.
4. Snow storage will be an issue.
5. I want to be assured the two trees to be removed that was mentioned are within said property lines. Martin has done some recent grading on this lot and there are no survey stakes visible.
6. The site map does not show the entryway approach which could make the setback less than 5 feet. Martin doesn't show placement of a propane tank, is it going to be all electric?
7. The variance request will affect my views and compromise me of the privacy I now enjoy. Moving the Martin house 10 feet closer to my house encroaches on my property. I purchased a large lot and built my house with setback for privacy.
8. I strongly oppose if any power lines or cable lines are moved to obstruct my view. The preliminary site exhibit map C-1 shows incorrect existing power lines.

9. Granting this variance will constitute a special privilege. When the dwelling at 47 N Texas St. was built they endured monetary hardship removing tons of rock behind the house. For this reason I believe the Martin variance should NOT be considered.

10. If this variance is granted it will set a precedent that other properties in the area were not allowed. The exception being Jim Martin previous owned dwelling at 48 N Texas St. This house was built in 1964 with no setbacks that resulted in moving the existing road onto my property. This is a damaging result.

11. Granting of this variance will be detrimental to the existing narrow roads, and injurious to the improvements of widening the roads to county specifications

12. I want to reserve the right to have the roads in the correct location according to the map of Silver Lake Pines Tract #5. We have had proposals from an Engineering firm moving the roads to there rightful place as shown on Silver Lake Pines Tract #5 it was considered but not approved but it may be considered again.

13. The existing road goes across the middle of the Miller's lots 18 & 19 effecting the ability to build on this site. If the Martin variance is granted will the planning department grant a zero setback variance allowing me to build on both sides of the existing road?

14. Any damage caused to the roads from this project should be repaired by Martin, because only a few homeowners participated in having these paved roads.

This proposed variance is not within the June Lake Area Plan Guidelines.

Thank you for the opportunity to challenge the Martin 21-001 Variance.

Bill Miller, June Lake Resident

43 N Texas St.

P.O. Box 131

June Lake, Ca 93529

714-655-7497

John and Doris Reilly
 PO Box 630
 June Lake, CA 93529
 (949) 650-5602
 reillyhome@yahoo.com

June 6, 2020

Mono County Planning Commission
 Attention: Michael Draper
 PO Box 347
 Mammoth Lakes, CA 93546

RE: Variance 21-001/Martin

Dear Commissioners,

This letter is in response to the variance application submitted for assessor's parcel 016-123-012, located on North Texas Street in the Clark Tract in June Lake. We are homeowners and full-time residents of the property south of the parcel at 353 W Steelhead Road. After careful review of the application, we have concerns regarding the accuracy of the information in the application and the impact of granting the variance to the community, as detailed below.

VARIANCE APPLICATION DEFICIENCIES

1. The Preliminary Site Exhibit C-1 shows incorrect alignment of the existing power line. What is drawn on the map is a telephone/cable line. The power line crosses the road and there is a power pole approximately where the "N" is in the "North Texas Street" label, and then extends to meet the power line as drawn at the tree about where the "Street" label is located. The telephone/cable line is easy to see on Google Maps, but the power line is not obvious.
2. Page 2, item 5 of the Variance Application indicates that the site is not on filled land. The previously referenced Site Exhibit indicates along the southern wall of the proposed home as "top of rock slope". Our observation is that this area is loose fill and construction debris. We have found roofing tiles, old hoses, drums, and lumber buried in the slope facing our property at this location. There is a large tree laying crosswise at approximately the southern property line that is acting as a sort of retaining wall for this loose material. The flat pad for the proposed home has been used for snow storage the ten years we have lived here, and sand and gravel has built up from the plow pushing material onto this area. We believe excavation will need to be performed contrary to what is indicated on page 3, item 10 to build a proper foundation and assure slope stability.
3. Page 3, item 7B of the Variance Application indicates that two trees will be removed. On page 3, item 7C the applicant states that there are no unique, rare, or endangered plant species on the site. There are at least two mature juniper trees growing in the rocks above the proposed building pad that are possibly centuries old and should be considered unique heritage trees. The

preliminary Site Exhibit does not indicate which trees will be removed, and we are concerned of removal of these unique trees or other vegetation on the site that may be considered unique, rare, or endangered. There are additional concerns of how tree removal would affect slope stability, drainage, and neighborhood aesthetics.

4. Page 3, item 12B of the Variance Application indicates the project will not affect the views of existing homes. We would be able to see a 2 ½ story structure prominently from our driveway and from our deck. The views from homes at 43 North Texas, 47 North Texas, and 48 North Texas would all be adversely affected by the tall structure that is proposed.
5. The Preliminary Site Plan Exhibit shows only two parking places. The proposed structure is 2 ½ stories and may require more parking spaces. There is limited space to meet this possible requirement.
6. We appreciate the need for a variance since most of the parcel is rugged rock and there is limited flat land on which to develop. The Preliminary Site Exhibit uses the aerial imagery and parcel lines from the Mono County GIS Parcel Viewer as a base map for the proposed project. Aerial photography can be highly inaccurate in steep terrain and at the scales depicted on this site plan. The property lines on the plan relative to geographic features and vegetation can therefore be off significantly. This project has very tight tolerances because of the limited suitable area. A licensed survey should be performed prior to consideration of a variance to accurately locate the property line and features that would be affected by the project, including power lines, roads, vegetation, and unstable slopes, and ultimately determine the feasibility of the project.

SAFETY

1. The proposed project is located at the edge of a steep slope directly above our property. We have experienced a boulder rolling into our driveway from this slope, fortunately hitting our wood pile which prevented it going into our garage. Also, snow plowing operations have used the proposed building pad as snow storage and have pushed large chunks of compacted snow/ice over the slope and just short of impacting our house. We have concerns about construction activities posing the same threat, and with the house situated at the edge of what we regard as an unstable slope.
2. The site plan does not indicate where the propane would be located, and if the proper clearances could be achieved.
3. Road conditions in the Clark Tract, and particularly the extent of North Texas Street from W Steelhead Rd to Rea Drive, can be treacherous in winter. Melting of snow during the day and freezing at night causes the road to become slick and hazardous. From our house we have observed numerous vehicles lose traction and slide backwards or sideways. This past winter a car slid backwards into a fire hydrant at the corner of Rea/North Texas and ruptured the water line. Gravel is not used on these roads in winter. The shadow cast by a 2 ½-story structure

located 10 feet closer to the road than guidelines allow would further exacerbate the ice formation on this portion of North Texas Street.

4. N Texas St is very steep and narrow from the corner of W Steelhead Rd to the southwest corner of the proposed property access driveway. There is no room for two vehicles to pass each other on this section, and there is a regular flow of neighborhood vehicles, as well as large vehicles, including delivery trucks, propane trucks, and garbage trucks. The movement of emergency vehicles (fire trucks and ambulances) are also restricted. Granting a variance would bring the structure unreasonably close to the road if widening is done to mitigate this safety hazard.

SNOW MANAGEMENT

The flat portion of the parcel has been used for snow storage for decades. If this project is constructed, the volume of snow that would have been stored there will need to be transported elsewhere. The likely spot would be on the southeast corner of 335 W Steelhead Road, or the southwest corner of parcel 016-117-014-000, where large accumulations of snow have been created in past years. This pile melts and freezes and creates a sheet of ice on the hill on W Steelhead Rd. We have seen multiple cars sideways on the hill at this location, and the UPS truck (without 4WD) must travel at a high speed to get past the ice. The proposed construction will displace the snow storage burden from one private lot to another. Granting a 10-foot variance would limit the amount of snow storage capacity onsite for snow removed from this parcel, exacerbating the snow storage problem, and contributing to the dangerous winter road conditions.

ROAD MAINTENANCE

Existing roads in the Clark Tract notoriously do not follow the alignments according to the parcel maps. They are narrow (less than 25 feet wide), steep, with no or poor drainage infrastructure, and not built to engineering standards. Clark Tract roads are private and snow removal and maintenance are funded by contributions from property owners. In the short term, residents have performed essential road repair, but there has been recent interest in creating a Zone of Benefit for long-term maintenance. If this were to occur, the roads would need to be upgraded to a maintainable level of construction. This may require widening of North Texas Street along the property line where the variance is requested. By granting this variance, it would bring the structure unreasonably close to the road and limiting the ability to do necessary road rebuilding and maintenance activities.

VARIANCE PRECEDENCE

The remaining vacant lots in the Clark Tract are exceedingly difficult sites for construction. Existing structures were required to adhere to 20-foot setbacks with rare exceptions. As available land inventory becomes scarce, requests for variances will increase for these difficult lots. Granting variances is not fair to others that mitigated their projects to meet them. Mono County should not set a precedent of granting variances to encourage development on sites where a structure is not appropriate.

Thank you for consideration of our concerns. At a minimum we ask that the Commission require the applicant to address the deficiencies listed in the first section in a modified variance application, so a true representation of the project can be used as a basis for a decision. It is difficult to appreciate the steepness of the terrain in the neighborhood, so a site visit might be required by the commission members. Finally, we do not believe a variance is appropriate on this site per the reasons stated in the other sections and request the variance application be denied.

Doris and John Reilly

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

May 5, 2021

To: The Sheet

From: Heidi Willson

Re: Legal Notice for **May 8** 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 May 20, 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 963 0051 6754) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:45 a.m.** VARIANCE 21-001/Martin. The project would allow a reduction of the front-yard setback from 20' to 10' for the purpose of constructing a single-family residential dwelling. The project is being considered due to the existing topographical and environmental constraints of the property. The property is located on North Texas Street, June Lake, APN 016-123-012. The property is designated Single-Family Residential and is 0.24 acres. 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, May 20 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

NOTICE OF PUBLIC HEARING

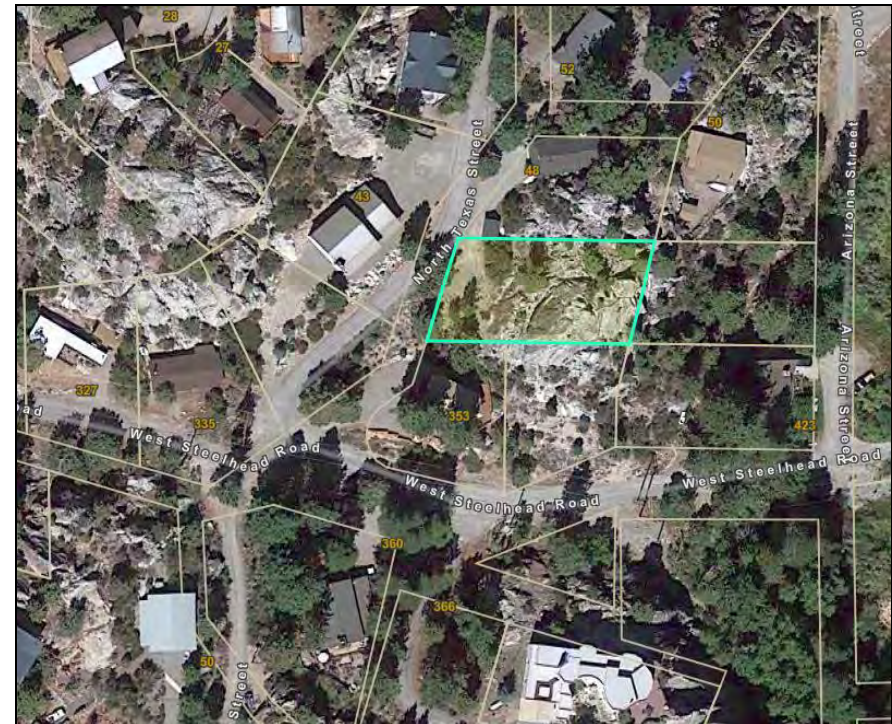
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hearing. For additional questions, please contact Michael Draper, Mono County Planning Division, as listed above.

Project Location: North Texas Street, June Lake.
APN 016-123-012



Mono County Community Development

PO Box 347
Mammoth Lakes, CA 93546
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Planning Division

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www.monocounty.ca.gov

June 17, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Conditional Use Permit 21-003/Voss

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Hold the public hearing, receive public testimony, deliberate the project, and make any desired changes;
2. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption;
3. A. Make the required findings as contained in the project staff report and approve Use Permit 21-003 subject to Conditions of Approval: **OR**
3. B. Find that the project does not meet the required findings as contained in the project staff report and deny Use Permit 21-003.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at: https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prcdngs_as_of_02.15.18.pdf.

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

In April 2018, the Board adopted a General Plan Amendment revising the June Lake area plan and short-term rental regulations, at the recommendation of the Planning Commission, to address

issues specific to June Lake. These regulations established a two-part permitting process: 1) a use permit approval by the Planning Commission under Chapter 25 of the General Plan; and 2) a Short-Term Rental Activity Permit approval by the Board of Supervisors under Mono County Code Chapter 5.65.

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

PROJECT DESCRIPTION

The proposed project would allow the short-term rental (fewer than 30 consecutive days) of a three-bedroom single-family residence not occupied by the owner consistent with General Plan Chapter 25 and Mono County Code Chapter 5.65. The maximum number of persons who may occupy the rental would be eight (8) persons and the number of vehicles allowed shall not exceed the number of on-site parking spaces. The applicant has proposed a total of nine parking spaces.

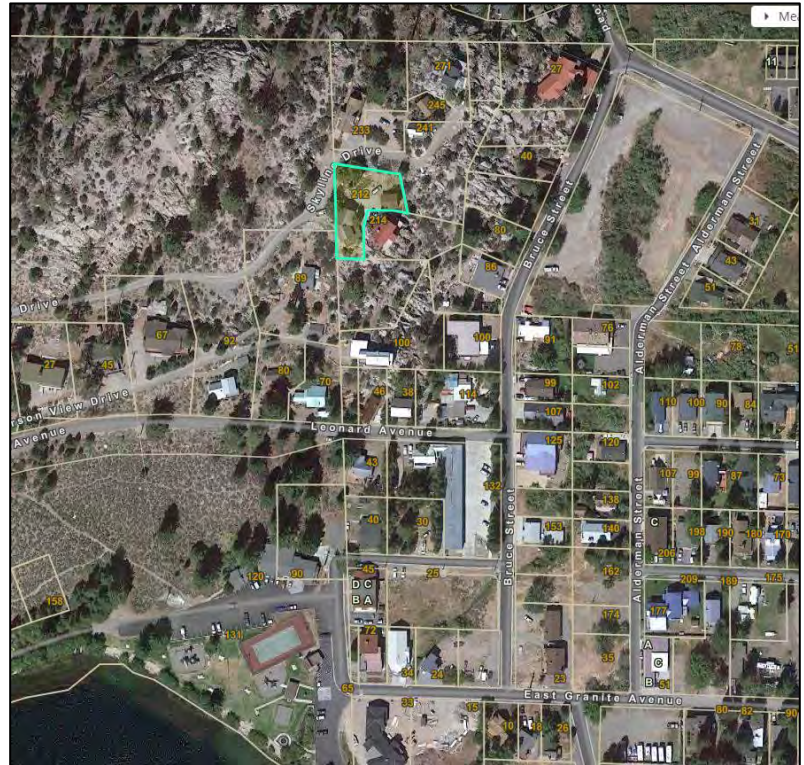
PROJECT SETTING

The project is located at 212 Skyline Drive, June Lake (APN 015-060-046), and is adjacent to the June Lake Village. Skyline Drive is included in the Leonard Avenue neighborhood for the purpose of short-term rental regulations. General Plan Action 13.M.1.h allows for owner-occupied and not owner-occupied rentals within the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan Policies.

The property is accessed by Skyline Drive, a private single-lane dirt road, that dead ends 0.2 miles from Leonard Avenue. A Road Right-of-Way Easement was deeded by the US Forest Service in February 1950 to give the grantees' access to the parcels of land (Attachment 3). Grantors reserve into themselves, their successors and assignees the right to cross the easement at any point and for any lawful purposes.

Skyline Drive provides access to eight private properties and maintenance of the road is informally divided among property owners. Snow removal is completed as needed by a plowing company and costs are divided between homeowners at the end of each winter season.

FIGURE 1: PROJECT LOCATION: 212 Skyline Drive, June Lake



The property is 0.29 acres and has the land use designation Single-Family Residential (SFR). A single-family residence with three bedrooms, one full bathroom, and a detached two-car garage was constructed in 1978 on the site. In 1985, Parcel Map No. 34-33 (Attachment 1) was approved, adjusting the property boundaries to create a private road easement for the use and benefit of the Miller Family Trust, who owns the adjacent property at 214 Skyline Drive (APN 015-060-039).

Land east of this property is designated Resource Management and owned by the Inyo National Forest. All other surrounding properties are privately owned, designated Single Family Residential, and developed with single family residences.

FIGURE 2: LAND USE DESIGNATION MAP

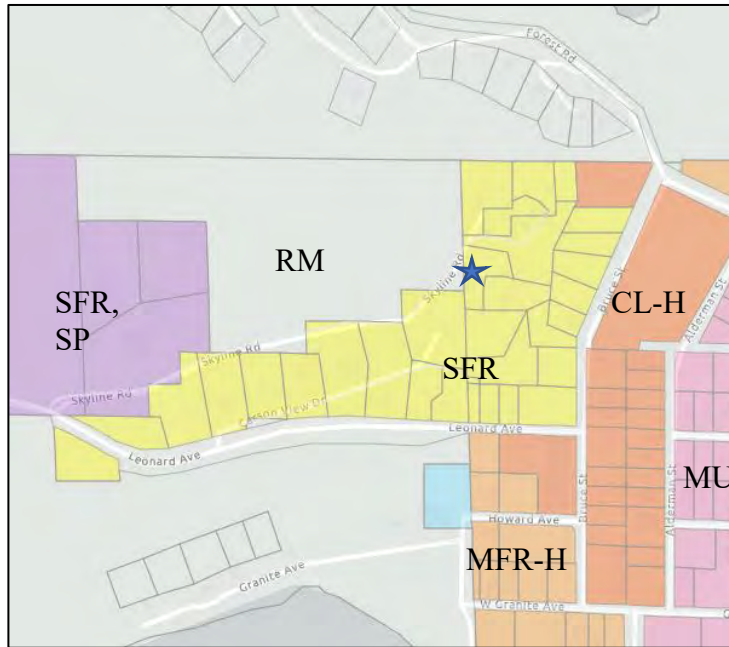
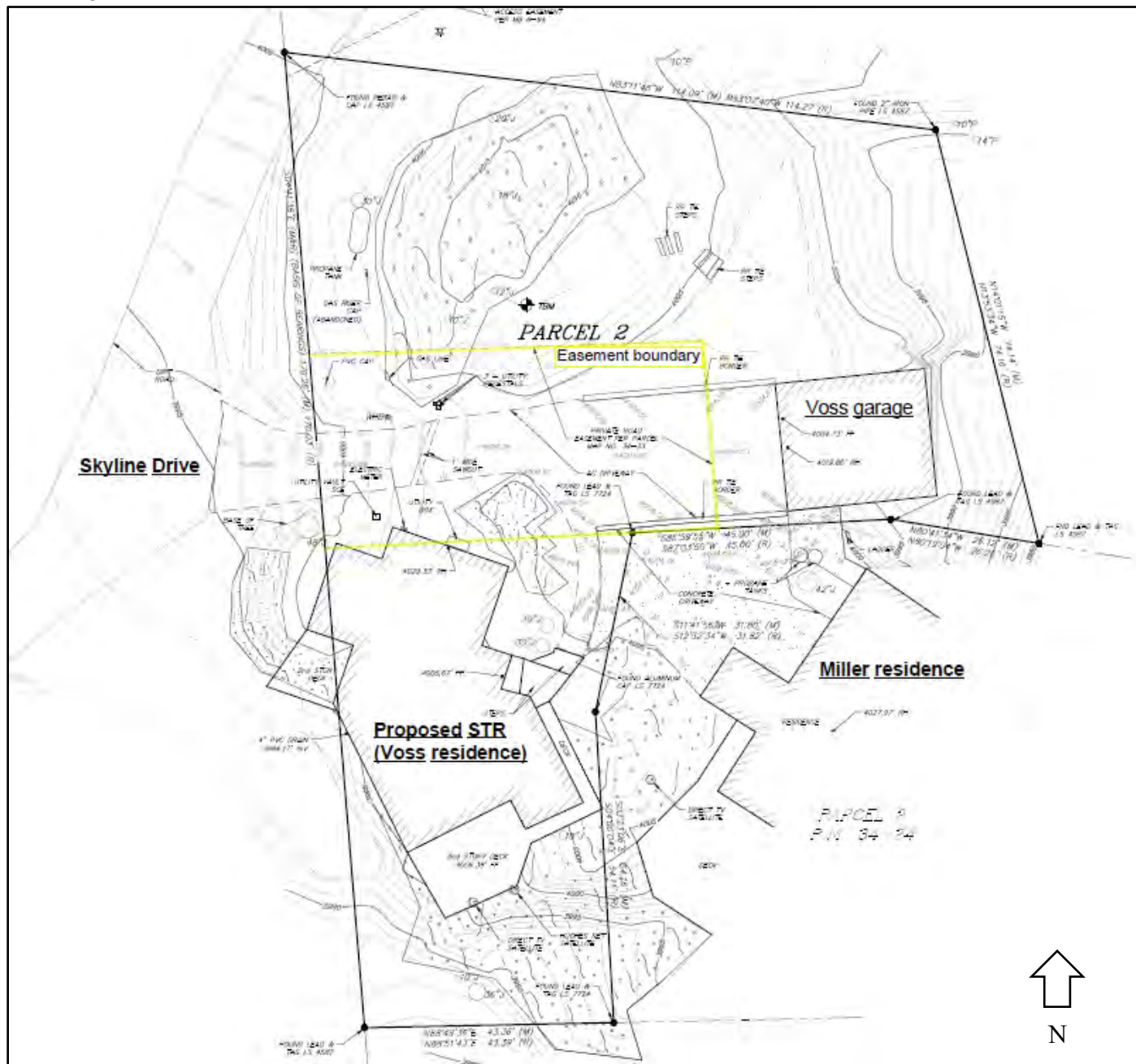


FIGURE 3: SITE PLAN



GENERAL PLAN CONSISTENCY

I. Land Use Designation Standards

The General Plan Land Use Designation for this property is Single-Family Residential (SFR). Per the Mono County General Plan, “the ‘SFR’ district is intended to provide for the development of single-family dwelling units in community areas. Permitted uses subject to a use permit include short-term rentals (fewer than 30 consecutive days) in compliance with Chapter 25 of the Land Development Regulations and with a valid Short-Term Rental Activity

Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies.

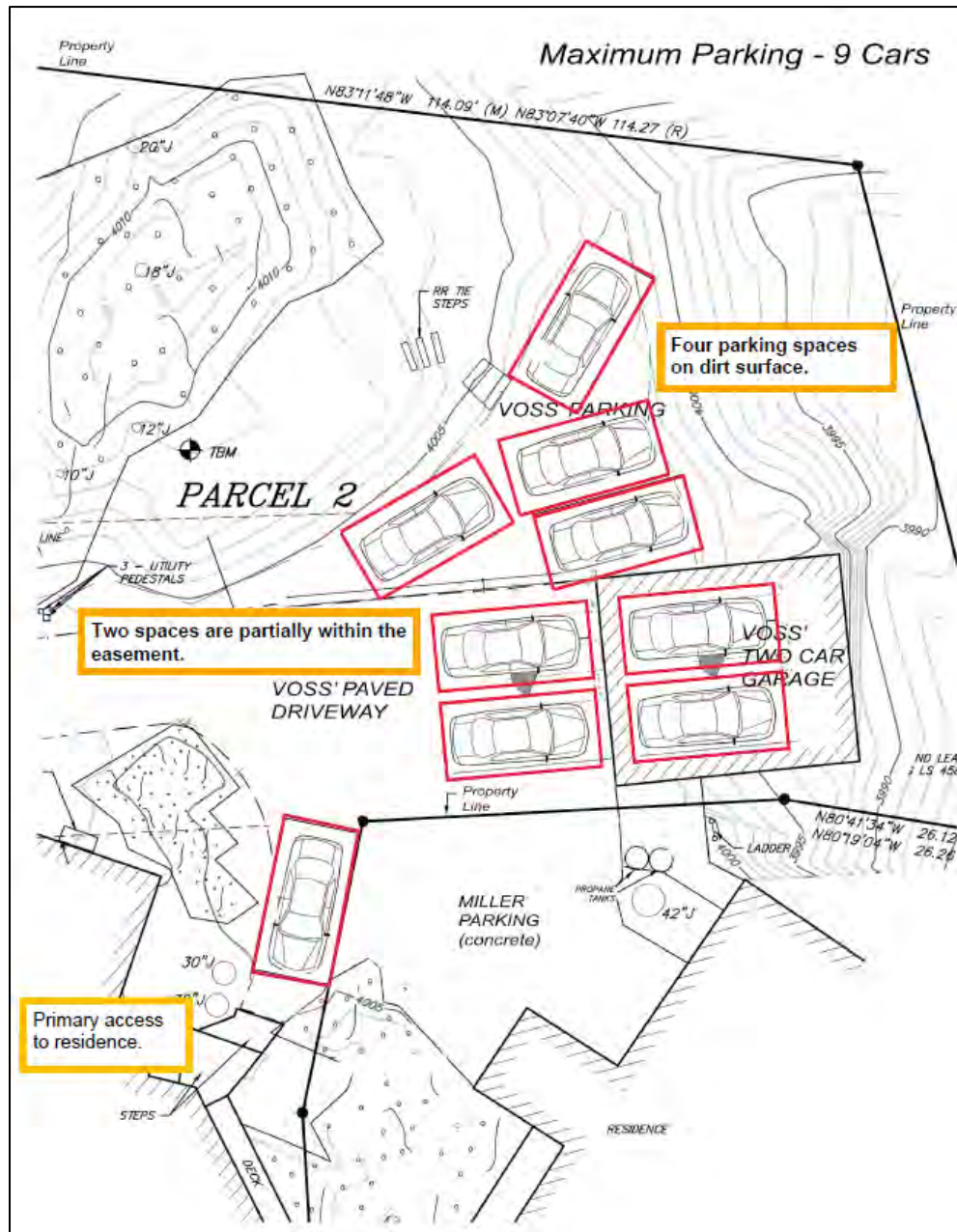
Current development standards for the SFR designation include a maximum lot coverage of 40% and minimum setbacks of 20' in the front and 10' on the rear and side-yards. The residence was constructed in 1978 and is existing non-conforming to current setback standards. The dwelling was constructed over the front property line and less than 10' from the rear property line. A portion of the house is also within the private road easement created by Parcel Map 34-33 after the house was constructed. Lot coverage (the footprint of the house, garage, and driveway) totals 3,456 square-feet, or 27.4% of the property.

II. Parking

A single-family dwelling is required to provide a minimum of two parking spaces when constructed. The property meets the requirement by providing a detached two-car garage, accessed through the private road easement.

The General Plan does not require additional parking for the purpose of short-term rental, however all parking must be contained on-site and the number of vehicles permitted shall not exceed the number of available parking spaces. The applicant provided a diagram showing seven (7) additional 10' x 20' uncovered parking spaces on-site (see Figure 4) for a total of nine (9) available parking spaces. Two spaces are shown in front of the garage, four spaces are in a dirt area north of the driveway, and one space is in front of the primary entrance to the residence.

FIGURE 4. PROPOSED ON-SITE PARKING SPACES



Dirt parking spaces are allowed per table 06.020 of the General Plan; a single-family residential land use on a parcel less than half an acre and taking access from a dirt or gravel road may have a driveway or parking of graded dirt or gravel. However, the adjacent neighbor has commented that the area is often used for snow-storage. The applicant was asked to show alternative snow storage on site, and the applicant responded that they think this area can still be used for snow storage. Without another snow storage area indicated, the recommendation is to not allow parking in this dirt area. The two parking spaces in the driveway, outside of the garage, are within the private road easement and may not be used. The single parking space in front of the dwelling's primary access is very close to the neighbor's property, as shown in the photo below, and does not meet the dimensions required for an uncovered parking space (10' x 20'). Staff recommends conditioning this permit to a maximum of two parking spaces within the existing garage.

FIGURE 5. DIMENSIONS OF PROPOSED PARKING SPACE ADJACENT TO UNIT.

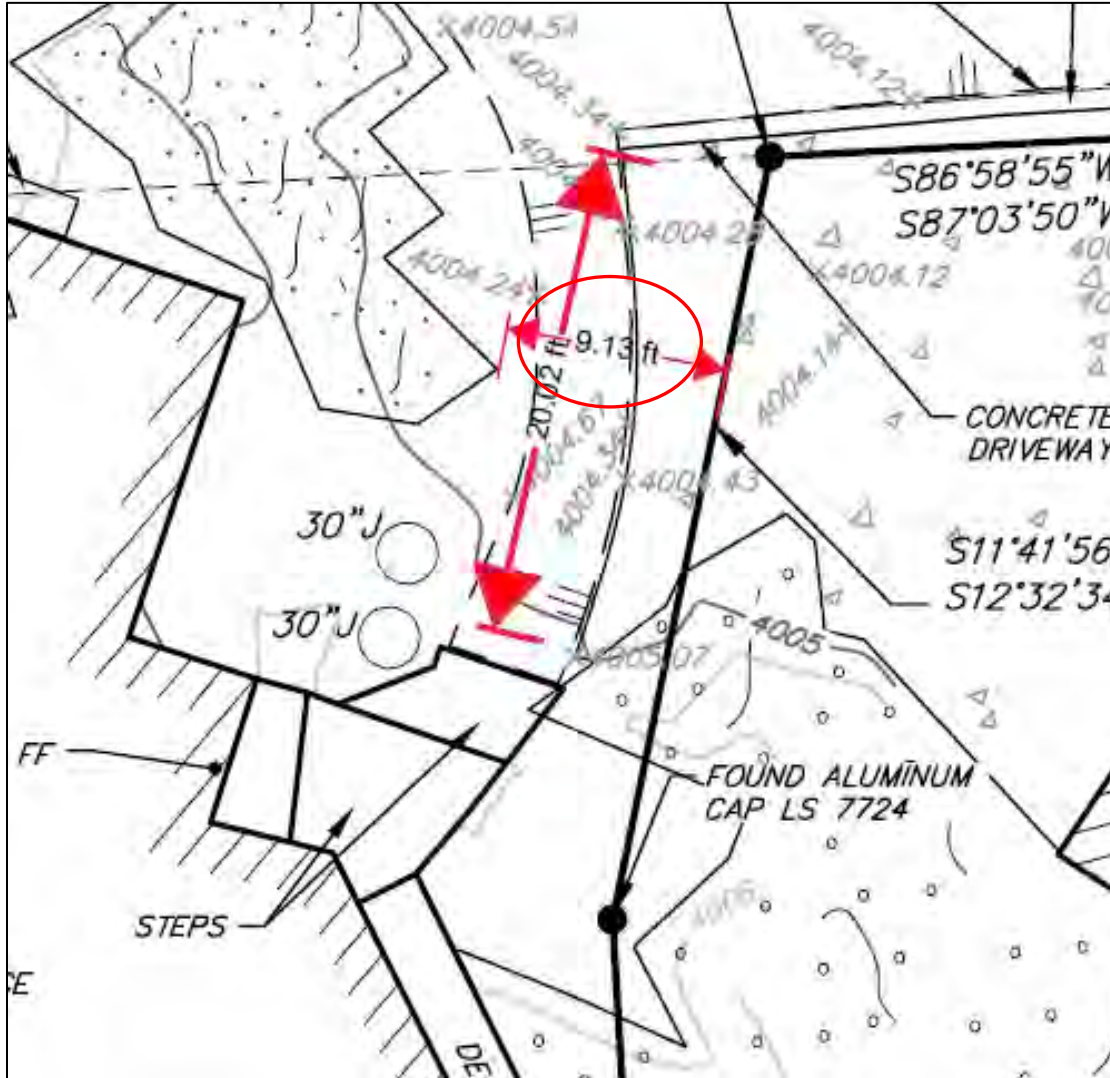


FIGURE 6. PHOTO SHOWING THE MILLER RESIDENCE (LEFT) AND APPLICANT'S PRIMARY ENTRANCE (RIGHT).



FIGURE 7. PHOTO SHOWING THE VOSS'S GARAGE AND PROPOSED DIRT PARKING SPACE (AREA ON THE LEFT).

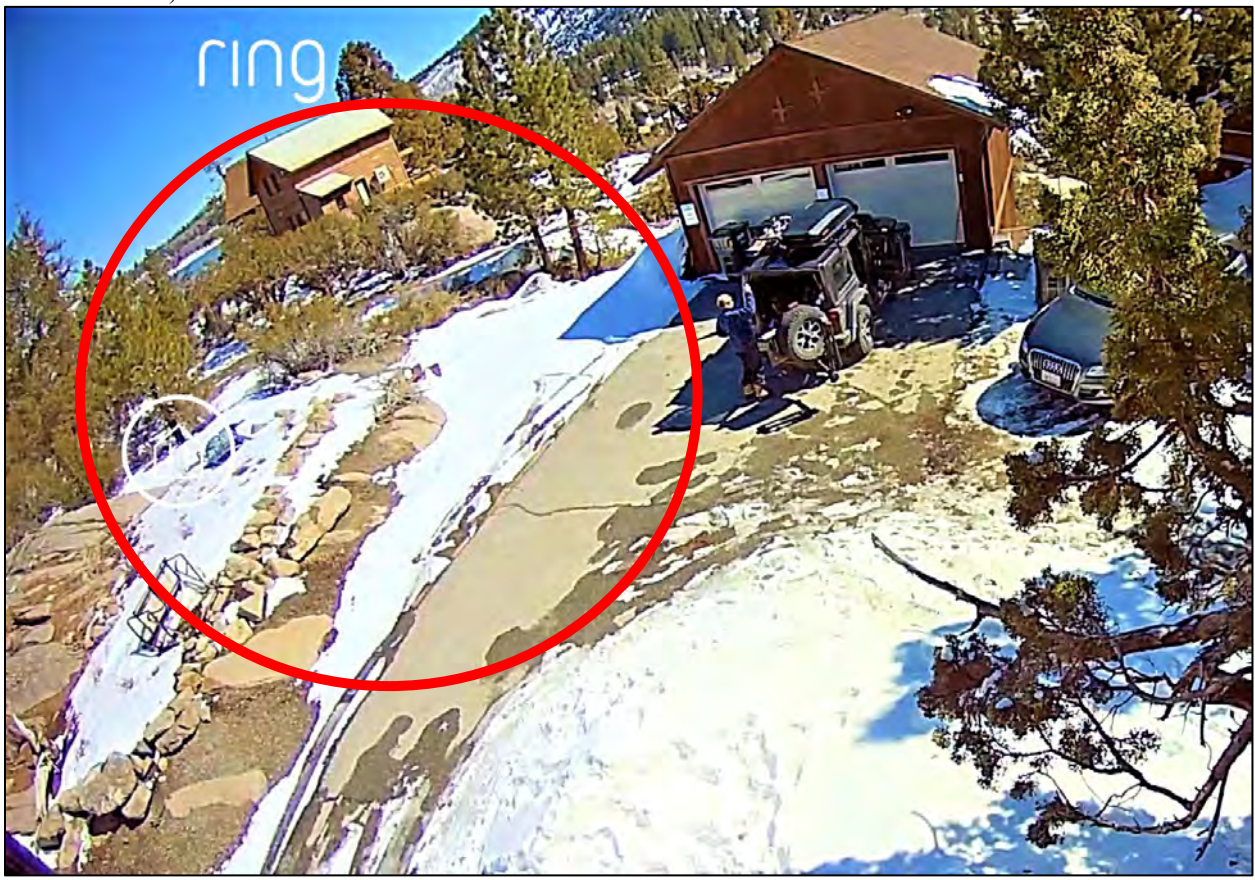


FIGURE 8. PHOTOS OF THE PROPERTIES' ACCESS AND PRIVATE ROAD EASEMENT.





III. Fire Safety Regulations

An analysis of General Plan Chapter 22, Fire Safety Regulations, is required for Use Permit applications taking place within State Responsibility Areas. Roads must provide safe access for emergency wildland fire equipment and civilian evacuation concurrently and must provide for unobstructed traffic circulation during a wildfire emergency.

Per General Plan Chapter 22, dead-end roads serving parcels less than one acre may not exceed 800' in length. Roads are required to provide a minimum of two 10' traffic lanes, not including shoulder and striping, and lanes shall provide for two-way traffic flow to support emergency vehicles and civilian egress. Road surface is to support the weight of at least 75,000 pounds and provide an aggregate base.

Skyline Drive is a private, dead-end road, approximately 1,465' long. Eight total properties use the dead-end road for access. The road is 14' wide and the surface is of dirt, gravel and decomposed granite. The road does not contain a turnaround with a radius of 40', or hammerhead at the dead-end. Small turnouts are provided at a distance of 645' and 870', but these turnouts do not meet sizing requirements (12' wide and 30' long with a minimum 25' taper on each end). No engineering specifications have been provided to support the required weight. Based on this analysis, Skyline Drive does not meet General Plan Chapter 22 standards.

The road is an existing nonconforming access to the project site. The fire district and residents have expressed concern about providing emergency services because of the access road, and the General Plan provides for denial of a project due to safety considerations when a neighborhood lacks a secondary access point, is accessed by partially or wholly dirt roads,

and/or concerns exist over emergency vehicle access (see Land Use Element Action 1.M.3.a. below), all of which apply to this project. On the other hand, a short-term rental is considered to be no more impactful than, for example, long-term rental of the unit and likely results in fewer occupied days than a long-term rental.

IV. Mono County General Plan Land Use Element, Countywide Land Use Policies

Objective 1.D. Provide for the housing needs of all resident income groups, and of part-time residents and visitors.

Policy 1.E.4. Allow for the integration of small-scale commercial uses with associated residential uses, such as employee housing.

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

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

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

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

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

Policy 1.M.4. To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities may be explored.

V. Mono County General Plan Land Use Element, Planning Area Land Use Policies, June Lake.

Objective 13.B. Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

Objective 13.F. Protect existing and future property owners and minimize the possibility of future land ownership/use conflicts through the building and planning permit processes.

VI. Mono County General Plan Land Use Element, Issues/Opportunities/Constraints, June Lake.

17. To provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 300 hours of staff time from December 2016 to December 2017. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for the development of policies and regulations.
18. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed and approved the application for processing on February 17, 2021. The draft conditions of approval and staff report for this project were reviewed by LDTAC on June 7, 2021 and no edits or comments were made.

PUBLIC HEARING NOTICE

A notice was published in the April 17, 2021 edition of The Sheet, 30-days prior to the hearing. Notices were also mailed to all property owners within 500' of the project site on March 12, 2021. The public hearing was continued from the May 20, 2021, Planning Commission meeting.

COMMENTS RECEIVED

A total of eight comment letters were received on the project (Attachment 3). One comment letter is from the June Lake Fire Protection District, and seven letters are from surrounding property owners. All comment letters oppose the project, and the greatest concern is the access road, Skyline Drive. To summarize, the following concerns were stated:

- Safety is a primary concern. Skyline Drive is a single-lane, dead-end, dirt road with blind curves and few turn-out points to allow vehicles to pass one-another. There is no secondary access to the properties. Commenters believe that short-term renters will not practice safe driving on the road or be prepared for road conditions. If vehicles are parked within Skyline Drive, emergency service will be impacted, and emergency vehicles will have difficulty functioning properly.
 - Staff response: *Skyline Drive is a private dead-end road that is existing nonconforming with respect to General Plan Chapter 22, Fire Safe Regulations and emergency access concerns have been raised by the June Lake Fire Department. However, the short-term rental use is no more impactful than a long-term rental or full-time owner occupancy, and likely results in fewer occupancy*

days. Therefore, the risk is no greater than use of the unit for outright permitted uses.

Conditions of the permit require renters to park in the on-site spaces provided. Vehicles parked within Skyline Drive would be a violation of permit conditions. If evidence of the violation is submitted to the Code Compliance Division, this permit may be revoked.

- The project will increase use of Skyline Drive, causing greater wear and erosion of the road surface and therefore requiring surrounding property owners to pay for maintenance more often.
 - Staff response: *The project will generate traffic similar to use of the property as a single-family residence. This area has historically been used seasonally and temporarily by second homeowners; however, that does not preclude property owners from using their property on a daily basis or renting to long-term tenants who could use the property on a daily basis.*
- During winter months, snow-removal on Skyline Drive is completed as needed and costs are split between all property owners at the end of the season. If any vehicle is obstructing snow-removal or snow-storage, all properties will be affected. Additionally, the four proposed on-site parking spaces shown in the dirt area, are in a location typically used for snow-storage. Snow-storage is limited in this area and has the potential to impact neighbors and access to surrounding properties.
 - Staff response: *Parking is required to be onsite and in designated parking areas. Any parking violation should be reported to the Code Compliance Division for enforcement and may result in revocation of this permit. Staff's recommendation is to restrict parking to the two on-site garage spaces to limit conflicts with accessing properties and snow removal.*
- Commenters are concerned for the safety and privacy for the adjacent neighbor, Barbara Miller. The interior of Ms. Miller's home and exterior deck are visible from within the potential short-term rental. Commenters believe renters will likely park within the property's private easement, impacting access to Ms. Miller's home.
 - Staff response: *The recommendation is to not allow parking within the easement; violations would result in code enforcement action up to permit revocation. Privacy is certainly a consideration. While the privacy concerns remain the same regardless of whether the homeowners or long-term renters are occupying the unit, short-term rentals do introduce an element of unknown and rotating guests. Property management is required to be available 24-hours a day, seven days a week to address concerns.*
- Enforcement of short-term rental conditions are difficult, and commenters do not believe the County will address concerns in a timely matter.
 - Staff response: *The vast majority of complaints result from unpermitted short-term rentals. Permitted short-term rentals result in very few violations and complaints, but any that are submitted are followed up on immediately by Code Enforcement staff. Failure to comply with permit conditions may result in notices of violations, administrative citations, and permit revocation.*

FIGURE 9. LOCATION OF PROPERTY OWNERS WHO SUBMITTED COMMENT LETTERS.



CEQA COMPLIANCE

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

- a) The site is adequate to accommodate a short-term rental for up to eight persons and staff recommends a maximum of two vehicles allowed to be parked within the garage due to site constraints. The single-family dwelling is existing nonconforming to current front and rear-yard setback standards. Two parking spaces are provided within the existing detached garage. Short-term rentals are operated in a manner similar to residential occupancy.

OR

- b) Due to the existing nonconforming nature of the structure on the site, the lack of setback between uses on the adjacent property makes this location unsuitable for short-term rental uses due to inability to preserve the privacy of both units.

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

- a) The parcel is accessed by Skyline Drive, a private, single-lane, dirt road that dead-ends 0.2 miles from Leonard Avenue. The kind of traffic generated by the proposed use is similar to that of the existing residential uses or a long-term rental. The road is managed informally by the homeowners as needed, and costs are divided equally between owners. Each winter season, the homeowners contract for snow removal with a local company that will remove snow greater than 2-5" as-needed. Skyline Drive is existing nonconforming with respect to General Plan LUE Chapter 22, Fire Safe Regulations, and therefore a will serve letter from the June Lake Fire Protection District is a condition of approval for the project.

OR

- b) General Plan Land Use Element Action 1.M.3.a. indicates a project may be denied due to insufficient emergency access resulting from lack of secondary access, and if access includes an unimproved dirt road and/or the roads are not served by emergency vehicles. Skyline Drive is existing nonconforming with respect to General Plan Chapter 22, Fire Safe Regulations, and the Fire Chief has stated that the road is very narrow with few turnouts available to pass traffic. No secondary access to or evacuation route is available in the case of an emergency. The terminus does not provide for a fire engine to turn around, and snow management in the winter will create additional access challenges. Furthermore, the JL Fire Chief has stated that if onsite parking is limited and guests park along Skyline Drive (which would be a violation of recommended permit conditions), emergency vehicles would be further hindered.

Another commenter has noted that the project will increase the use of Skyline Drive, increasing erosion and damage to the road. While a short-term rental use is no more impactful than full-time occupancy, whether by a homeowner or long-term rental, and therefore additional traffic is not generated, the surrounding homeowners are responsible for maintenance of the road and are essentially burdened with those costs

which benefits this property owner's rental use. This issue is a civil matter between the other homeowners and the applicant to agree to an equitable cost sharing for road maintenance. Further, public comment pointed out that visitors may not be knowledgeable of the narrow roads in the area, resulting in unsafe conditions.

Therefore, this finding cannot be made for the proposed project.

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

- a) The proposed use is not expected to cause significant environmental impacts. No modifications are proposed to the site which contains a single-family residence and detached garage. The property has a Single-Family Residential designation and the use of it as a short-term rental is permissible via a Use Permit. As a short-term rental, the land use will be consistent with that of a single-family residence.
- b) The applicant shall comply with all June Lake Fire District and June Lake PUD requirements. Both agencies received notices for the project and a will serve letter from the June Lake Fire District is a condition of approval.

OR

- c) The project poses impact to adjacent property owners because of the proximity to the immediate neighbor, road conditions, and access. Due to existing nonconforming setbacks, adequate setbacks between uses is not maintained for safety and privacy. Due to the existing nonconforming access road, adequate emergency services and public access is not provided to the property and may cause public safety issues. Therefore, this finding cannot be made for this project.

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

- a) The Single-Family Residential land use designation allows the use of a property as a short-term rental consistent with Chapter 25 and area plan policies.
- b) The project is located within the Leonard Avenue neighborhood, a neighborhood where not owner-occupied short-term rentals may be permitted.
- c) The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of commercial uses and services for residents and tourists. The project encourages a well-rounded economy by providing visitor accommodations and patronage to the June Lake businesses.

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

ATTACHMENTS

Attachment 1: Parcel Map 34-33

Attachment 2: Site Plan

Attachment 3: USFS Easement for Skyline Drive.

Attachment 4: Public Comment letters

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 21-003

APPLICANT: Nancy and David Voss

ASSESSOR PARCEL NUMBER: 015-060-046-000

PROJECT TITLE: Not Owner-occupied Short-term Rental

PROJECT LOCATION: 212 Skyline Drive, June Lake

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: June 17, 2021

EFFECTIVE DATE USE PERMIT: June 27, 2021

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

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

MONO COUNTY PLANNING COMMISSION

DATED: June 17, 2020

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

CONDITIONS OF APPROVAL
Conditional Use Permit 21-003/Voss

1. Occupancy shall not exceed eight renters and two vehicles total.
2. Two parking spaces within the detached garage shall be available to short-term rental guests.
3. Vehicle parking shall occur only on the property and as designated in the existing garage. Off-site and on-street parking are prohibited. Vehicle(s) shall not obstruct the flow of traffic on or access to the turnaround on Skyline Drive.
4. The existing private road easement for the use and benefit of the Miller Family Trust shall not be inhibited. The access way to 214 Skyline Drive shall remain open. No cars shall be parked within the easement at any time.
5. The applicants must receive a Will-Serve letter from the June Lake Fire Protection District prior to beginning operation.
6. During winter months, vehicles shall not be parked within any areas used for snow-storage.
7. All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
8. The project shall comply with provisions of the Mono County General Plan (including Chapter 25, Short-Term Rentals), Mono County Code (including but not limited to 10.16.060(A)), and project description and conditions.
9. The project shall comply with all provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations and obtain the STR Activity permit, TOT certificate, and business license prior to commencing operation.
10. Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Mono County Building Division, Public Works, and Environmental Health requirements, and any California state health orders.
11. 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.

PARCEL MAP NO. 34-33

IN THE COUNTY OF MONO,
STATE OF CALIFORNIA

BEING A BOUNDARY LINE ADJUSTMENT BETWEEN PARCEL 3 OF PARCEL MAP 34-24 AS RECORDED IN VOLUME 2 OF PARCEL MAPS AT PAGE 76, AND PARCEL 1 OF MAP RECORDED IN VOLUME 6, PAGE 39 OF MAPS; AND A BOUNDARY LINE ADJUSTMENT BETWEEN PARCEL 1 OF PARCEL MAP 34-24 AND PARCEL 4 OF MAP RECORDED IN VOLUME 6, PAGE 94 OF MAPS; LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, T. 2. S., R. 26 E., M. D. B. & M.

We the undersigned, being all parties having any record title ownership in the real property being subdivided, do hereby consent to the preparation and recordation of this Parcel Map.

As owner, parcel 2,3,4:
James W. Cross
James W. Cross

Nina F. Cross
Nina F. Cross

As owner, parcel 1:
Carl L. Schaniel
Carl L. Schaniel

Willa M. Schaniel
Willa M. Schaniel

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JAMES CROSS ON 6-14-83. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP IF ANY, AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

dated: July 14, 1983

David A. Lavery L.S. 4587



State of California S.S.
County of Mono

On this the 29th day of January 1984 before me, the undersigned Notary Public, in and for said County and State, personally appeared James W. Cross and Nina F. Cross, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same. Witness my hand and official seal

My commission expires Nov 20 1984
Marianne M. Gautier
Notary Public

This map conforms with the requirements of the Subdivision Map Act and local Ordinance.

Richard J. Melim
County Surveyor

date: 1-14-85

by: Richard Boardman
Deputy County Surveyor

State of California S.S.
County of Alpine

On this the 26th day of September 1984, before me, the undersigned Notary Public, in and for said County and State, personally appeared Carl L. Schaniel and Willa M. Schaniel, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Witness my hand and official seal

My commission expires July 24 1987
Shirley M. Leggett
Notary Public

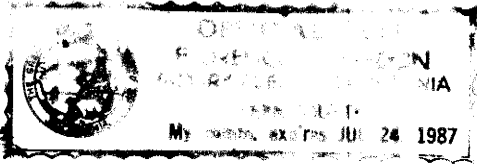
I hereby certify that according to the records on file in this office that there are no liens against this subdivision or any part thereof, for unpaid State, County, Municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

Taxes or special assessments collected as taxes which are a lien but not yet payable are estimated to be in the amount of \$ 0 for which receipt of good and sufficient security conditioned upon payment of these taxes is hereby acknowledged.

Claude N. Olsen
Tax Collector

by: Betty Wilmet
Deputy Mono County Tax Collector

date: 12-12-84



I hereby certify that this Parcel Map is in accord with the approved or conditionally approved Tentative Map and that it is hereby approved by the Mono County Planning Commission

date: 1-10-85

David R. Dawson
Chairman
Mono County Planning Commission

Filed this 14th day of Jan. 1985 at 2:30 PM, in Book 3 of Parcel Maps at Pages 37, 37A at the request of James Cross.

Instrument No. 5111
Fee: \$7.50

Renn Nolan
County Recorder

by: Jo Anne M. Roberts
Deputy County Recorder











THE SIGNATURES OF SOUTHERN CALIFORNIA EDISON COMPANY AND CONTINENTAL TELEPHONE COMPANY OWNERS OF EASEMENTS AS DISCLOSED BY DEED RECORDED IN BOOK 226 PAGE 526, AND BOOK 226 PAGE 528 OF OFFICIAL RECORDS OF MONO COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION C-1 OF THE SUBDIVISION MAP ACT.

PARCEL MAP NO. 34-33

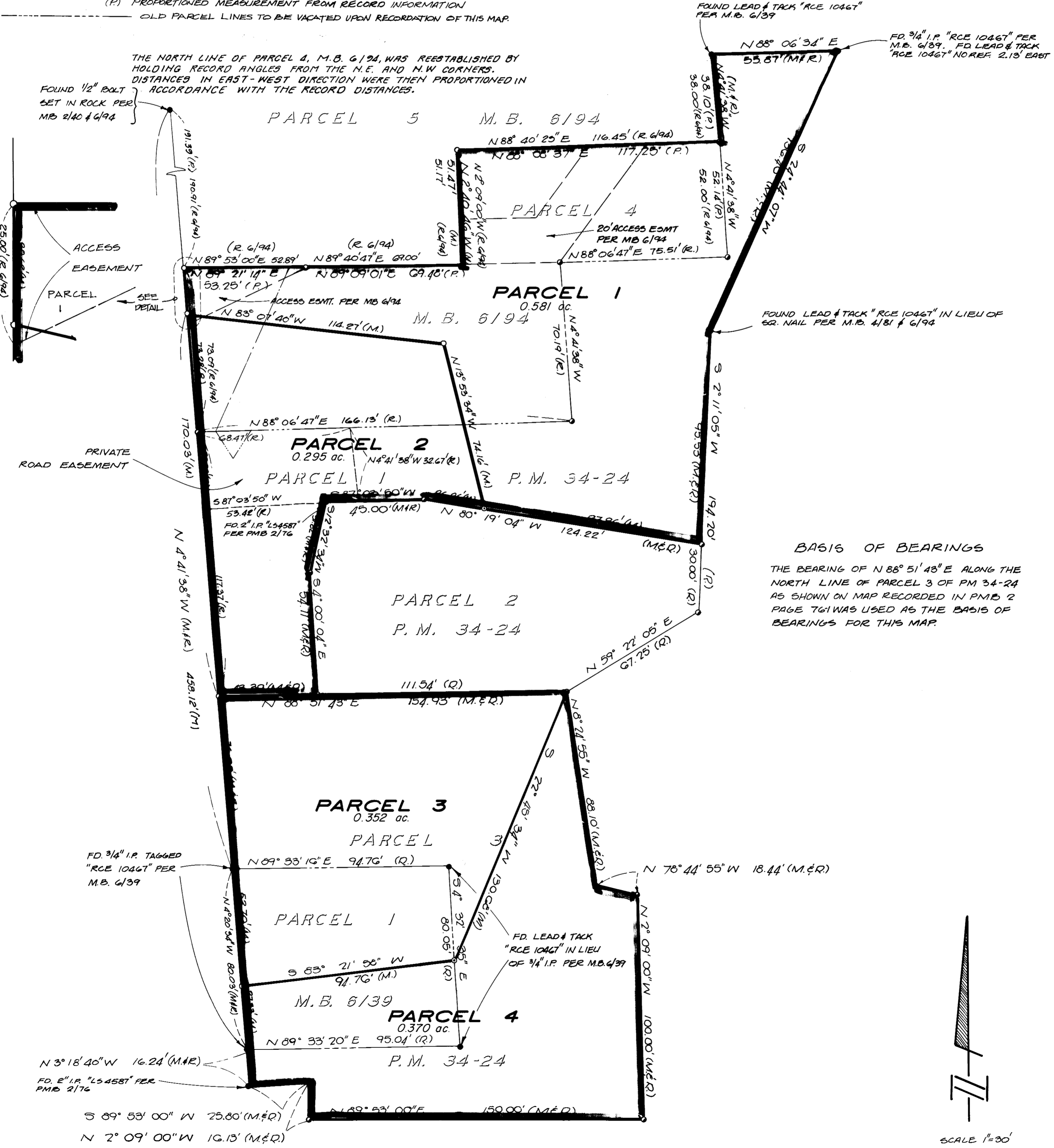
IN THE COUNTY OF MONO,
STATE OF CALIFORNIA

BEING A BOUNDARY LINE ADJUSTMENT BETWEEN PARCEL 3 OF PARCEL MAP 34-24 AS RECORDED IN VOLUME 2 OF PARCEL MAPS AT PAGE 76, AND PARCEL 1 OF MAP RECORDED IN VOLUME 6, PAGE 39 OF MAPS, AND A BOUNDARY LINE ADJUSTMENT BETWEEN PARCEL 1 OF PARCEL MAP 34-24 AND PARCEL 4 OF MAP RECORDED IN VOLUME 6, PAGE 94 OF MAPS. LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, T.2.S., R.26.E., M.D.B. & M.

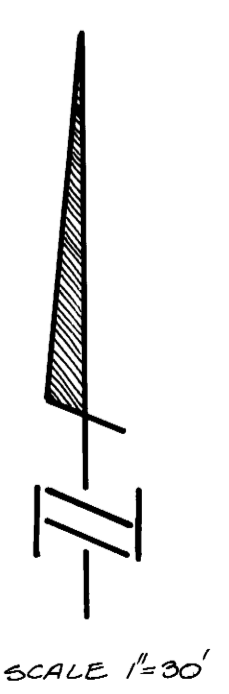
LEGEND

-  EXTERIOR BOUNDARY
-  INDICATES FOUND MONUMENT AS NOTED
-  INDICATES FOUND LEAD & TACK TAGGED "L54587" PER PMB 2/76-1
-  INDICATES SET 2" I.P. TAGGED "L54587"
-  INDICATES SET LEAD & TACK TAGGED "L54587"
-  APPROX. 6" UNDERGROUND UTILITY ESMT. PER 226/528 O.R.
-  APPROX. 6" UNDERGROUND UTILITY ESMT PER 226/526 O.R.
-  (R) RECORD INFORMATION PER PMB 2/76 UNLESS OTHERWISE NOTED
-  (P) PROPORTIONED MEASUREMENT FROM RECORD INFORMATION
-  OLD PARCEL LINES TO BE VACATED UPON RECORDATION OF THIS MAP.

THE NORTH LINE OF PARCEL 4, M.B. 6/94, WAS REESTABLISHED BY HOLDING RECORD ANGLES FROM THE N.E. AND N.W. CORNERS. DISTANCES IN EAST-WEST DIRECTION WERE THEN PROPORTIONED IN ACCORDANCE WITH THE RECORD DISTANCES.



BASIS OF BEARINGS
THE BEARING OF N 86° 51' 43" E ALONG THE NORTH LINE OF PARCEL 3 OF PM 34-24 AS SHOWN ON MAP RECORDED IN PMB 2 PAGE 76 WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.



BOOK 3 OF Parcel Maps AT PAGE 37-A

REVISIONS:	BY:

PREPARED FOR:
 NANCY VOSS
 370 FOWLING STREET
 PLAYA DEL RAY, CA
 90293

PARCEL 2 OF PARCEL MAP 34-33
BOUNDARY & TOPOGRAPHIC SURVEY
 212 SKYLINE DRIVE
 JUNE LAKE, CALIFORNIA

DATE	12/29/2020
SCALE	1" = 10'
DRAWN	SF
JOB NO.	01.4322
DWG.	1
SHEET	1 OF 1

LEGEND

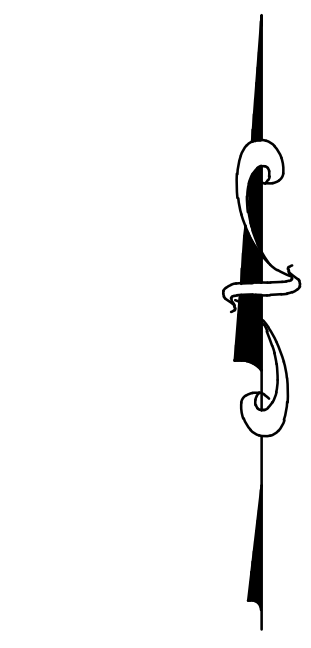
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EDGE OF PAVEMENT
- ROCK OUTCROPPING ORIENTATION VARIES
- TREE TYPE & SIZE (P=PINE/F=FIR/S=SNAG)
- EXISTING GROUND CONTOUR & ELEV.
- EXISTING GROUND SPOT ELEVATION
- FIRE HYDRANT
- WATER VALVE BOX
- TEMPORARY BENCHMARK PER ASSUMED DATUM: (60D NAIL IN PLANTER) ELEVATION=4008.64'

PARCEL 2 OF PARCEL MAP 34-33

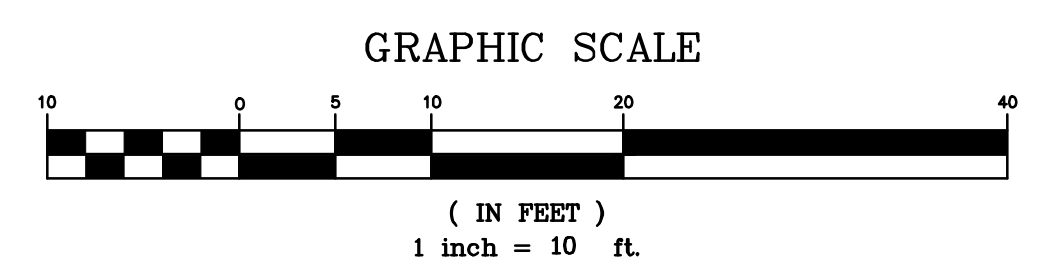
12,901 sq.ft.
 ±0.296 ACRES

BOUNDARY INFORMATION

(R) = PARCEL MAP NO. 34-33
 (M) = MEASURED INFORMATION PER FIELD SURVEY DECEMBER 2020



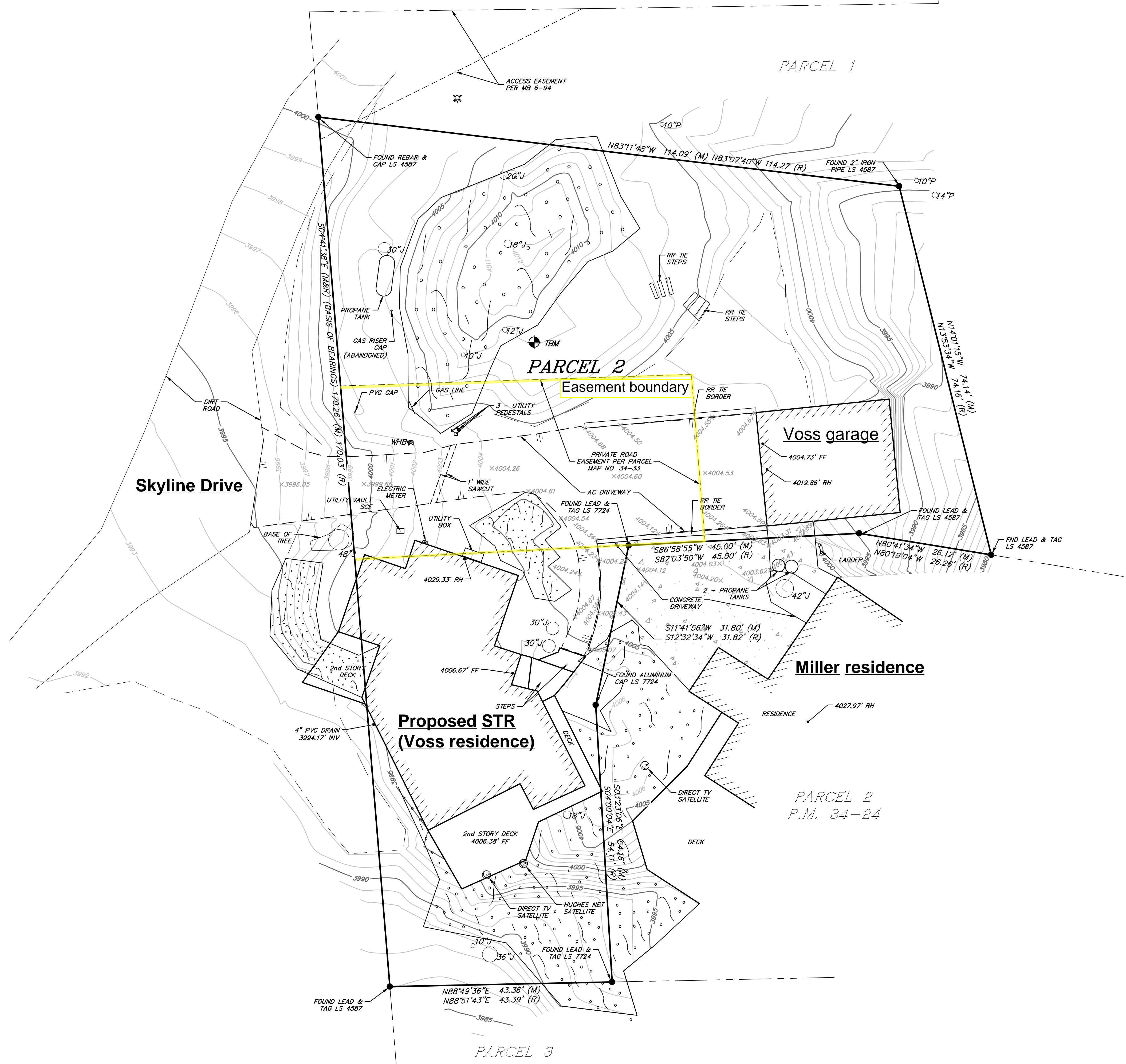
CONTOUR INTERVAL: 1'



I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN DECEMBER 2020, THAT PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND DO NOT REFLECT A BOUNDARY SURVEY UNLESS SPECIFICALLY NOTED HEREON, AND THAT THIS MAP DOES NOT INCLUDE EASEMENTS EXCEPT THOSE SPECIFICALLY DELINEATED HEREON.

IF UNDERGROUND UTILITIES, ZONE, SETBACK AND STREET WIDENING DATA ARE SHOWN HEREON, IT IS FOR INFORMATION ONLY, HAVING BEEN OBTAINED FROM AVAILABLE SOURCES NOT CONNECTED WITH THIS CORPORATION. THEREFORE, NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID INFORMATION.

ANDREW HOLMES L.S. 4428



Z:\01_Mammoth\4322_Voss Skyline Dr. & MCD\14322_Topo.dwg Dec. 29, 2020 11:31am. sbl

Attachment 3

Vol 123 PAGE 164

*When Recorded Mail to
Inyo National Forest
2957 Birch Street
Bishop, Calif. 93514*

3771

RECORDED AT REQUEST OF
John J. McCarthy, Jr., et al
AT 45 MIN. PAST 12 P.M.
VOL 123 OFFICIAL RECORD, PG 164
MAY 24 1971

INYO COUNTY, CALIFORNIA

Quinn M. Walker
COUNTY RECORDER

COMPARED
INDEXED

ROAD RIGHT-OF-WAY EASEMENT DEED

Fee \$3.60

We, ENID R. YANDELL, a widow, of Bishop, California; JOHN J. MC CARTHY, JR., and CYNTHIA J. MC CARTHY, husband and wife, of Bishop, California; ANDY M. OLDFIELD and DOROTHY M. OLDFIELD, husband and wife, of June Lake, California; and CLAUDE O. RIDD and MARIAN S. RIDD, husband and wife, of Wasco, California, in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby duly acknowledged, grant unto:

Edward M. Kuhlins &
Hazel A. Kuhlins

Albert C. Chalmers, Jr. &
Marie J. Chalmers

John K. Totten &
Agnas M. Totten

Carl L. Scheniel,
Vilja M. Scheniel, &
Helen C. Bond

Seymour O. Schienger &
Sara W. Schienger

George B. Shingle, Jr., &
Elizabeth J. Shingle

Standard Pressed Steel Company

and their assigns an easement for an existing road over the parcel of land in the County of Inyo, State of California, described as follows:

T.2 S., R.26 E., N.D.M.
Section 14, Lot 5. (Formerly called W/4 of Lot 1)

The said easement hereby granted is for the reconstruction, maintenance and full, free and quiet use and enjoyment of the existing road as it is presently located and in place over and across the above-described premises according to the following general courses and distances:

Beginning at a point in the center of the existing road on the edge of Leonard Street, County Road No. S3166 in Lot 5, Section 14, T.2 S., R.26 E., N.D.M., said point lying S 21°E, 656 feet more or less, from the NW corner of said Section 14, thence in an easterly direction to a point in the center of the road on the east line of said Lot 5, said point lying S 31°W, 677 feet, more or less, from the NW corner of said Section 14.

The width of said easement shall be 14 feet, 7 feet on each side of the center line, or more if necessary to accommodate cuts and fills. The boundary lines

of said easement shall be prolonged or shortened to begin and end on and conform to, the Grantor's property lines.

The purpose of this easement and road is to give access to the Grantees' parcels of land in the NE1/4, of Section 14, T.2 S., R.26 E., M.D.M. as shown on that certain Bureau of Land Management Plat of the Dependent Resurvey and Subdivision of said Section 14, approved on February 28, 1950. Said Grantees' parcels tied to the respective owners are as listed below:

<u>NAME</u>	<u>Parcel Description</u>
Edward M. Kuhlins & Mazel R. Kuhlins	Assessor's Parcel No. 15-060-05, Tax Code Area 54-04 as said parcel is now shown in the above described NE1/4, of said Section 14, T.2 S., R.26 E., M.D.M.
John K. Totten & Agnes M. Totten	Parcel 2 as shown in Map Book 6, page 39, Recorded March 1, 1969 Mono County Records.
George B. Shingle, Jr., & Elizabeth J. Shingle	Parcel 1, M.B. 6, page 39, 3/1/69.
Albert C. Chalmers, Jr., & Marie J. Chalmers	Parcel 6, as shown in Map Book 6, page 94, Recorded August 26, 1970 Mono County Records.
Carl L. Scheniel, Willa M. Scheniel, & Helen C. Sand	Parcel 4, M.B. 6, page 94, 8/26/70.
Seymour G. Schlangar & Sara M. Schlangar	Parcel 5, M.B. 6, page 94, 8/26/70.
Standard Pressed Steel Company	Parcel 3, M.B. 6, page 94, 8/26/70.

Grantors reserve unto themselves, their successors and assigns the right to cross and recross the easement at any point and for any purpose in such a manner as will not materially interfere with Grantees' use of the road and the right to use the existing road for all proper and lawful purposes to serve Grantor's property.

Grantors reserve unto themselves, their successors and assigns the right to relocate the easement and reconstruct thereon the road which gives satisfactory access to the Grantees' parcels described above and to a standard equal to or better than the existing road, PROVIDED, however, upon completion of said relocation and reconstruction, the easement presently herein conveyed shall cease and determine, and shall merge with the title to the surrounding land, and become vested in the then owners of the land.

IN WITNESS WHEREOF, We, Enid R. Yandell, John J. McCarthy, Jr., Cynthia J.

Attachment 4

Public Comments received for Use Permit 21-003/Voss.

Compiled at 10:00 am on Wednesday, June 10, 2021.

Michael Draper

From: Dan Bartlett <h2ologg@gmail.com>
Sent: Monday, March 1, 2021 1:30 PM
To: Michael Draper
Cc: barbara miller
Subject: Fwd: 212 SKYLINE ROAD JUNE LAKE

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Hi Mike,

I'm forwarding our email/conversation addressed to Nancy and David Voss voicing our concerns about short-term rental of 212 Skyline Rd, June Lake 93529. Please add this to any neighborhood opposition while planning/decision on the proposed rental.

Side note: I'm curious as to how Skyline Road, an unimproved dirt road with forest service permits, can be considered as part of the "rental district of Leonard Ave" an improved road under public care (see originator's email).

Thank you for your consideration.

Dan and Lou Bartlett

----- Forwarded message -----

From: **Dan Bartlett** <h2ologg@gmail.com>
 Date: Fri, Feb 26, 2021 at 11:42 PM
 Subject: Re: 212 SKYLINE ROAD JUNE LAKE
 To: Nancy Voss <nancylvoss@gmail.com>
 Cc: E.Kajiwara <efkajiwara@gmail.com>, <schaniel@gmail.com>, Thomas Schaniel <tschaniel@gmail.com>, bbmiller1010@gmail.com <bbmiller1010@gmail.com>, JOHN DEHOLLANDER <jadbiker@aol.com>, Dave Voss <david@vsblp.com>

Hello Nancy and Dave,

My wife Lou and I are the "Newcomers" on the block and will most likely be the least affected by having daily "Renters" stay at your place. Although we appreciate you notifying us of your intentions, plans and progress you've made for short term rental of 212 Skyline Rd, we are expressing to you that we don't like the prospects of increased traffic along Skyline Road as the result of your venture.

Lou and I have resided up the road since the beginning of the COVID 19 breakout. As teachers, we have relocated our vocation from the classroom to the cabin and we have seen June Lake change over the seasons. What a heavenly place. What we've also seen over the past year, is the steady deterioration of Skyline Rd. As residents, we all can appreciate the fragility of our only access road. We take care of how we drive on "our" road. As shareholders we are mindful of our vehicular speed and avoid driving where it would worsen its deterioration. I believe short term renters would not be cognizant nor as concerned, hastening the need for repair in addition to the increased wear and tear of more frequent road use.

Additionally, I have safety concerns with oncoming traffic along Skyline Road. As neighbors, we drive cautiously, with anticipation of the blind turns and with awareness of the limited passing spots that are needed in case someone approaches. With a regular influx of short term renters, traffic along Skyline will certainly increase, thereby increasing potential conflicts along one unimproved single lane dirt road. Not something any of us would like to see.

From what you've stated, money is what's driving your decision on this. Very sorry to hear this. The beauty of June Lake is so captivating, it's something I think we can all agree that we love to share this beauty with our family and friends. I hope that our family never has to share these experiences for financial reasons.

Thank you for allowing us to voice our immediate concerns about your proposed motion on renting out your place to short term renters.

Sincerely,

Dan and Lou Bartlett

On Fri, Feb 26, 2021 at 11:41 AM Nancy Voss <nancyvoss@gmail.com> wrote:

Good afternoon everyone,

My name is Nancy Voss (wife of Dave Voss) . I am reaching out today to let you all know Dave and I have decided to begin the process to make our home available for occasional short term rental use , all of our homes exist in the designated approved short term rental district (Leonard Ave.) and are eligible to apply . The actual process began almost a year ago with Mono County to be certain we were complying and certifying our property for safety and compliance purposes.

To date , our application has been accepted and processed by the Mono County advisory committee and proceeds to the planning commission in April, 2021 for approval (the county will notify neighbors 30 days prior), then forwarded to Mono County Board of Supervisors for final approval for a use permit. After that date , we are eligible to apply for a vacation home permit. Although we are still a few months away from completing the process, we wanted to let our neighbors in the immediate area be aware and also to be able to address and or alleviate any expressed concerns.

We have hired June Lake Accommodations to provide 24 hour management and supervision of the occupants. They may also be contacted for concerns or issues .

Lydia March - Rental Supervisor
(760) 672-6948 cell(760) 648-1919. main office
Lydia@junelakeaccommodations.com

Most importantly , Dave and I love our June lake home and are mindful to maintain the peace we all sense when we are in June Lake . We are merely seeking the permit to offset our expenses of occasional rental of our home.

Please feel free to contact us directly via email or cell
Nancy 310 923 2735 Dave 310 413 3355

Thank you

Have a nice day

Nancy and David Voss

Michael Draper

From: JOHN DEHOLLANDER <jadbiker@aol.com>
Sent: Thursday, March 4, 2021 12:04 PM
To: Michael Draper
Subject: Fwd: Leonard Ave Area

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

Hello Mr. Draper,

Regarding Erik Kajiwara's message that was recently forwarded to you, my wife Teresa and I (John De Hollander) share the concerns that Eric mentions in his message. We have owned our cabin which is located at the very end of Skyline Drive since July of 1997. It is a vacation home used by just my wife and I. We aren't in June Lake as often as our other vacationing neighbors but we do relish our visits to enjoy the peace and serenity of June Lake. Regarding the rental of the Voss cabin, we are most concerned about our neighbor Barbara Miller, who is a full time resident. Her home is located adjacent to the Voss cabin. We think the approval of this rental proposal would greatly affect Barbara Miller's privacy. It is one thing to know your neighbors as occasional vacation visitors but quite another to have strangers staying in such close proximity on a more regular basis.

Thank you in advance for allowing us to voice our concerns on this matter.

Respectfully,
 John and Teresa De Hollander
 714-686-2781 (Cell)

Sent from my iPhone

Begin forwarded message:

From: "E.Kajiwara" <efkajiwara@gmail.com>
Date: March 1, 2021 at 3:46:11 PM PST
To: Barbara Miller <bbmiller1010@gmail.com>, Dan Bartlett <h2ologg@gmail.com>, John and Teresa De Hollander <jadbiker@aol.com>, Thomas Schaniel <tschaniel@gmail.com>
Subject: Fwd: Leonard Ave Area

I emailed Wendy Sugimura about my concerns about the Voss' intentions of zoning their cabin for a short term rental. Not sure if it's a done deal or not but sounds like the decision will be made in April. - Eric

----- Forwarded message -----

From: **Wendy Sugimura** <wsugimura@mono.ca.gov>
 Date: Mon, Mar 1, 2021 at 9:12 AM
 Subject: RE: Leonard Ave Area
 To: E.Kajiwara <efkajiwara@gmail.com>
 CC: Michael Draper <mdraper@mono.ca.gov>

Mr. Kajiwara,

Thank you for your comments. I've cc'd Michael Draper, the staff planner on this project, into the conversation as well. We will pass you comments on to the Planning Commission for consideration, and a response to the issues you raise will be included in the staff report for the Planning Commission meeting.

Thanks,

Wendy Sugimura

Community Development Director

760.924.1814

From: E.Kajiwara <efkajiwara@gmail.com>
Sent: Sunday, February 28, 2021 6:29 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Leonard Ave Area

[EXTERNAL EMAIL]

Wendy Sugimura,

My name is Eric Kajiwara and I am the owner of a Single Family Cabin (245 Skyline Road) in the Leonard Ave Area. Our neighbors, Nancy and Dave Voss, are planning on zoning their cabin as a short term rental property. The Voss' are one of 6 families that live at the end of Skyline Road. Other than being neighbors, five of us are good friends. I really don't know the Voss' that well. Most of us use our cabins as vacation homes, except Barbara Miller who is a full time resident. I see the Voss' cabin being a rental as someone having a business out of their home in a residential area bringing with it increased traffic, parking, noise, and yes crime. Specific to our area where our cabins are located, there are other added concerns. Parking will be a problem. The parking is limited on the top of the mountain as you can see from the property survey map. I can see gridlock if the Voss' renters have more than one vehicle. The single lane dirt road up to our cabins is fragile and the increased traffic will deteriorate it more rapidly requiring more maintenance costs. Snow removal during the winter may increase since Marzano if on an on call basis. Like us, most of the time our cabin is unoccupied, except for Barbara. We don't have a lot of valuables in the cabin but we do have some tvs and artwork therefore we are concerned about break-ins. Barbara is a single lady living by herself and is vulnerable. So we ask that you stop the action to make the Voss' cabin zoned for short term rental. Thanks - Eric Kajiwara

Michael Draper

From: J Baldwin <capt3410@gmail.com>
Sent: Tuesday, April 20, 2021 2:07 PM
To: Michael Draper
Cc: Debbie Feiner
Subject: 212 Skyline Dr...

[EXTERNAL EMAIL]

Hey Michael,

Nice talking with you this afternoon. Regarding our conversation about 212 Skyline Dr request for nightly/short term rentals.

I have a couple of concerns regarding their request to allow nightly rentals in this area...

1. Skyline Dr is not a County maintained road. The residents on Skyline Dr maintain this road for their purposes. Snow removal, erosion control, repairs etc...are all subject to the residences timing and need. It is very narrow and with the added traffic would be difficult to pass on. There are only a couple of "turnouts" or places to pass on this road. It is also a dead end road that would dead end at 245 & 271 Skyline Rd properties with little room to turn around. In an emergency scenario, with extra traffic and vehicles, would be a challenge for emergency services to function in.

2. The property at 212 Skyline Dr is an "L" shape with a permanent resident in the back of this "L", at 214 Skyline Dr. Parking becomes a concern. In winter months with the extra vehicles in this area would most definitely hinder firefighting/EMS efforts with these two properties. My concern would be with the limited parking in the driveway, guests would start to park down below the property on Skyline Dr and further hinder access of emergency vehicles and even residents.

3. In a wild land urban interface type scenario, evacuations become a concern. With the road being narrow and it being a dead end road, evacuations would be difficult and timely.

From the Fire District's view, this is not a good area for nightly/short term rentals. If you have any questions, please contact me.

Thank you,
Juli Baldwin
June Lake Fire Protection District
Chief
Capt3410@gmail.com
760-914-1836

Sent from my iPad

Michael Draper

From: E.Kajiwara <efkajiwara@gmail.com>
Sent: Thursday, March 4, 2021 2:48 PM
To: Michael Draper
Cc: Dan Bartlett; Thomas Schaniel; Steve Schaniel; John and Teresa De Hollander; Barbara Miller
Subject: 212 Skyline Road

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL EMAIL]

Michael Draper,

I believe that you have our comments that were forwarded to you by Wendy Sugimira. I would like to resend them with some additional comments.

My name is Eric Kajiwara. I and my wife, Jo, are the owners of a Single-Family Cabin (245 Skyline Road) in the Leonard Ave Area. Our neighbors, Nancy and Dave Voss, are planning on zoning their cabin as a short-term rental property. The Voss' are one of 6 families that live at the end of Skyline Road. Other than being neighbors, five of us and their families are good friends. I really don't know the Voss' that well. Most of us use our cabins as vacation homes, except Barbara Miller who is a full-time resident. I see the Voss' cabin being a rental as someone having a business out of their home in a residential area bringing with it increased traffic, parking, noise, access and egress problems and yes crime. Specific to our area where our cabins are located, these are our concerns.

Parking will be a problem. The parking is limited on the top of the mountain as you can see from the property survey map. I can see gridlock if the Voss' renters have more than one vehicle, especially between the Voss' and Miller's cabins.

The single lane dirt road up to our cabins is fragile and the increased traffic will deteriorate it more rapidly requiring more maintenance costs. Snow removal during the winter may increase since Marzano is on an on-call basis. Furthermore, access and egress to and from the mountain top can be problematic in the case of emergency vehicles and for the residents due to the increased number of vehicles occupying the limited parking areas.

Like us, most of the time our cabins are unoccupied, except for Barbara. We don't have a lot of valuables in the cabin but we do have some TVs and artwork therefore we are concerned about break-ins. Barbara Miller is a single lady living by herself and is vulnerable to theft or worse. I don't have data on estimated response times for law enforcement if called but it could be some time before help can arrive.

Thank you for giving us the chance to comment on this proposed action. Therefore, for the reasons stated, we ask that you stop the action to make the Voss' cabin zoned for short term rental.

Thanks - Eric and Jo Kajiwara

From: [Kevin Larsen](#)
To: [CDD Comments](#); [Melissa Pitts](#)
Subject: Comment on 212 Skyline Drive Permit 21-003/Voss
Date: Thursday, April 8, 2021 2:44:44 PM

[EXTERNAL EMAIL]

Hello Mono County Community Development Team,

We would like to voice our disapproval of the request to rent 212 Skyline as a short term rental. We reside directly below the house in question and so would be directly affected by any discourteous guests that might stay.

We have found some of the hotel guests and visitors to June Lake are not courteous or thoughtful of others. We have no interest in dealing with short term renters that have no interest in being "good neighbors".

There are some neighborhoods that are interested in doing short term rentals and have voted in favor of having them. I don't believe ours was one that was in favor.

With no one on site there will be no one to deal with discourteous individuals and therefore we prefer to not have a short term rental above our house on the hill.

Thank you for your consideration,
Kevin Larsen
100 Bruce St. June Lake, CA 93529

Barbara Miller
214 Skyline Drive
June Lake, CA 93529

March 15, 2021

Dear Mr. Draper,

I am writing this letter in response to the communication I received from Dave and Nancy Voss on Friday, February 26th, informing me of their desire to use their secondary residence as a short-term rental. I am fairly certain the Voss' have been renting/sharing their home already. From recent experiences, I am very concerned about having a short-term rental next door. Following are the reasons as to why I am opposed to this application being granted.

- The road that accesses my house, the Voss Residence, as well as four other private cabins, Skyline Drive, is not a county-maintained road. It is a dirt road with a Forest Service Lease agreement and fee. It is a narrow, one-way road with one pull-out area for passing and there are multiple blind turns. Any obstruction or disabled vehicle makes our road impassible. As a result, snow removal has been a challenge at times. We contract with Marzano and Sons for snow removal, and they do the best they can. I have multiple concerns with short-term rental traffic on Skyline Drive. Increased traffic on the road from people unfamiliar with the road and conditions may present dangerous situations. Owners know to drive slowly and to anticipate a car coming. In addition, increased traffic on the road will further deteriorate the integrity and safety of the road.
- The Voss Residence and my home were built very close to one another over 40 years ago. Both properties share access and parking. The driveway and yard are shared. I am concerned with short-term renters not parking appropriately or considerately in our shared areas. On multiple occasions my parking gets blocked, often causing me to have to knock on the Voss' front door to get people to move their vehicle/vehicles so I can access my home. One example of this occurred last month. I came home to discover multiple cars parked in the yard. One vehicle was parked in a way that I could not drive up the driveway nor access my parking area. I was forced to park at the bottom of the driveway, walk up the driveway and knock on the door of the Voss Residence. The people staying there were polite but asked me where I was staying. This question was off-putting to me. I immediately felt anxious about a stranger asking where I was staying.
- Winter presents many more challenges for parking in our shared yard. The space in the yard becomes far more limited during the winter to accommodate snow storage. The driveway is very steep and very tricky to maneuver, especially when it gets icy. Marzano and Sons needs vehicles to be moved out so the plow can properly clean the yard of snow. My late husband, BZ, used to snow blow the yard so the vehicles could be moved around and out for the plow. I am not physically able to operate the snow blower and continue this practice. If cars are not moved during snow removal, parking in our yard is a nightmare. I am concerned short-term renters will only exacerbate this situation.

- A nightly rental next to my home will greatly impact my privacy. My front door is approximately 10 feet from the path that gives front access to the Voss Residence. Anyone exiting and entering their house has a direct line of sight into my home. The idea of a continuous repetition of strangers being that close to my home is very concerning. I do not believe the proximity of our homes, shared driveway and yard are compatible to short-term rentals.
- I am a 70-year-old widow of six years now, I live alone and the anxiety of having frequent strangers coming and going is very disturbing to me. I have had multiple occasions of strangers knocking on my door late at night asking for help with the Voss' home. One example of this occurred this fall. Late one evening, a man opened my outer door and entered my entry way. He knocked on my inner door, begging for a vacuum because the Voss' carpet was covered in glass and they didn't know what to do. This was an extremely upsetting experience. I am scared that these types of experiences will become more frequent if the Voss' are granted a short-term rental. Neither Dave nor Nancy have approached me about making their secondary home a rental property. The February email was the first communication about their intentions. I am saddened and dismayed in the way that this has taken place.
- My understanding, until the Voss' letter mentioned the Leonard Avenue District, was that Skyline Drive was not zoned for short-term rentals. I was aware that there have been a few illegally rented properties on Leonard Avenue, that eventually went through some sort of process and were granted permits. I am a homeowner at this location for 35 years, and have never been made aware of any changes to zoning or public process I could have participated in. I believe Skyline Drive is an inherently different situation than the rest of Leonard Avenue for many of the reasons I have already expressed and should not be lumped with Leonard Avenue via a process that does not seem to have involved input from the homeowners on Skyline Drive.

I love June Lake and I love Mono County. It has been my home for almost 40 years. I spend every day here, and I plan to for the foreseeable future. I love the quiet tranquility of Skyline Drive. Having a short-term rental next door will disrupt this quality of life and my sense of security. Thank you for taking the time to listen to my concerns. I graciously ask that you would consider these personal experiences in your review and deny the short-term rental request.

Sincerely,

Barbara Miller

The Schaniel Family Trust
 241 Skyline Drive
 June Lake, CA 93529

April 26, 2021

Michael Draper, Mono County Planning Analyst II
 Wendy Sugimura, Mono County Community Development Director
 Jora Fogg, Mono County Planning Commissioner, District 3
 Bob Gardner, Mono County Supervisor, District 3
 Mono County Planning Commission and Mono County Board of Supervisors
 P.O. Box 347
 Mammoth Lakes, CA 93546

Subject: Application for a short-term rental permit at 212 Skyline Drive, June Lake, California
 by David and Nancy Voss

Mr. Draper, Ms. Sugimura, Ms. Fogg, Mr. Gardner, Planning Commissioners, Supervisors:

My name is Tom Schaniel, and I am a member of and represent the Schaniel Family Trust, which owns the cabin at 241 Skyline Drive. After careful consideration, I'm writing this letter in opposition of the approval of the subject permit application.

First let me give you a little background for my family and myself. In 1970, my parents, Carl and Willa Schaniel, purchased the cabin that overlooks June Lake Village long before the private road now named Skyline Drive even had a name. That cabin is still owned by my family, and ownership interest in the Trust that owns the cabin is divided equally among the six children of Carl and Willa.

I am the member of the family that lives closest to the cabin, living in Bishop, California, while other siblings reside around the country. In general, the points made in this letter are mine, but have been reviewed by all members of my family. Because of my background I am probably the most amenable of my family to the possibility of short-term rentals. I would describe the views of my other siblings as generally cautious and possibly even opposed to short-term rentals, at least at the top of Skyline Drive. My background that makes me sympathetic to short-term rentals is that from 2016 to 2019 I was employed at Inyo County as a planner, and was highly involved in the development of Inyo County's short-term rental policy, as well as overseeing its implementation after its approval, and being the lead planner on over a dozen short-term rental applications. I know that many of the arguments against short-term rentals can be NIMBY (Not In My Back Yard) in nature and not rooted in fact and ignoring the tools the County has, through a Conditional Permit process, to craft a permit that holds permit holders accountable, and generally has the opportunity to create a win-win situation. If an applicant is following a policy that was developed with reasonable community input, including outreach to affected stakeholders, and accepted through a public process, and is willing to agree to and enforce conditions that will mitigate the potential impacts of the permitted use, then the permit should be

approved. I believe, however, that in this case, the residents of the top of Skyline Drive were not properly engaged in the policymaking activities that resulted in the inclusion of these properties in the Leonard Avenue District of the community of June Lake, or in the allowance of short-term rentals in the Leonard Avenue District. I also believe that there are some situations that are unique to the property at 212 Skyline Drive that are inline with concerns raised during the Mono County Short-Term Rental policy development about access on private drives and roads. Lastly, implementation and enforcement of conditions that I believe will be minimal requirements for the approval of, and successful operation of this short-term rental, appear to be between very difficult and impossible to implement year round for this residence.

First, addressing the policy that allows for short-term rentals at Skyline Drive. Being a resident of the Eastern Sierra, I am aware that Mono County has found the development of a short-term rental policy to be very difficult, with certain communities being fully in opposition, while others have been at least open to carefully regulated short-term rental permits. The community of June Lake is a microcosm of those issues at the county level, with neighborhoods both for and against short-term rentals. The most recent policy development effort that currently allows for short-term rentals occurred mostly in 2017 and 2018. I have reviewed the staff reports, and Planning Commission and Board of Supervisors meeting minutes for the deliberations on short-term rentals, especially in the June Lake Community. In the end, the ordinance appears to allow for short-term rentals in three neighborhoods within June Lake, and one of those only partially. The Leonard Avenue “neighborhood” appears to consist of 35 properties. At the top of Skyline Drive are six occupied properties, which represents 17% of the properties in the Leonard Avenue District. Of these six properties, five are second homes and one is occupied full time by Barbara Miller (214 Skyline Drive). None of the five property owners (the applicants excluded, and their knowledge at the time this ordinance was being considered is not known) at the top of Skyline Drive had any knowledge of the inclusion of their property in a district that primarily consisted of properties directly off of Leonard Avenue. None of the 6 siblings in my family had any knowledge of this Leonard Avenue Planning District. And none of these property holders (or members of my family) had in any way been informed about the most recent efforts by the County to allow for short-term rentals in June Lake, especially in the Leonard Avenue Planning District.

Several documents and presentations before the Planning Commission describe the Leonard Avenue Planning District as having some unique characteristics including:

- Skyline Drive and Carson View Drive are private roads
- Private roads have maintenance, snow removal and other general impacts to be considered
- Emergency access to properties can be limited by single access point and limited ingress/egress
- High percentage of second homeowners

Based upon these issues already observed by the Mono County Planning Department, the limited number of properties in the Leonard Avenue District, and the reality that second homeowners are far less likely to see advertisement for outreach meetings in local newspapers,

notices on the Planning Department's webpage and flyers at the local library, it seems that the County should have considered a direct mailing campaign to property holders in districts that were being considered for adding short-term rentals, especially those that are on private drives, an impact that the County identified repeatedly as being one of the issues of most concern during the development of short-term rental policy for June Lake. Based on the lack of adequate outreach to some of the stakeholders identified by the County as the most likely to be impacted and have concerns, it is my opinion that the current short-term rental policy governing June Lake, and specifically the end of Skyline Drive, did not have reasonable and sufficient community input which was a direct result of inadequate and ineffective community outreach, particularly when the stakeholders were identified by the County as being primarily second homeowners. Had the outreach effort reached any one of the five property owners besides the applicants, it is highly likely that all the property owners at the end of Skyline Drive would have been made aware of the planning effort, as the owners are in fairly regular communication about the road, snow removal and other concerns about our little neighborhood.

In addition to these concerns about the process that allowed for short-term rentals in the community of June Lake, the Leonard Avenue District and the properties at the end of Skyline Drive, I have a few concerns about the enforceability of the Conditions of Approval that will be required for this particular short-term residence to be in compliance with Mono County Code. One area of obvious concern is the private drive that accesses the property seeking the short-term rental permit. All six occupied properties at the top of Skyline Drive utilize the over 1,000 foot long private road known as Skyline Drive. This private road is mostly single lane (there are a few wide areas that serve as pull-outs, if vehicles are not too large). A further issue is that there is a private driveway off of the Skyline Drive that accesses the Miller residence (214 Skyline Drive) as well as the Voss residence (the property seeking the short-term rental permit at 212 Skyline Drive). The six properties at the top of Skyline Drive have an informal road association for maintenance and snow removal. If private drives are a concern, as they seem to be based on analysis by the Mono County Planning Department staff during short-term rental policy development, this particular property has some of the most severe issues with a long, single lane private drive and another shared private accessway. This driveway situation provides a single point of ingress and egress that is quite long. Should ingress and egress be cut-off, this would affect not only the Voss residence, but at a minimum also the Miller residence, and possibly all six occupied properties. The County should also consider inclusion of provisions for approval by the private road association as a means of accounting for the added impacts a short-term rental permit will impose in comparison to the current usage and division of costs by the members of the road association.

Additionally, the Voss' will be required, by Mono County Ordinance, to have all of their parking (four spaces required), on their property. The parking for the Miller and Voss residence is a common area (partially on both properties) that, as mentioned earlier, is accessible by a private drive off of Skyline Drive. The private parking area is a mixture of pavement and dirt and what parking belongs to each residence is not obvious. To keep visitors from parking in the areas used and owned by Barbara Miller, signage will probably be required, as the differentiation in parking areas is not immediately discernible to guests. This signage, if required, will take away from the residential character of the Voss and Miller residences. Additionally, in the winter, the

parking area becomes restricted as snow accumulates and is moved around to maintain access and parking. The parking shown on the Voss' site plan seems unlikely to be adequately maintained in a heavy winter, forcing cars to park in areas that belong to the Miller residence or elsewhere. What has typically happened is that overflow parking for both of these residences has occurred before the private driveway off of Skyline Drive that accesses the Miller and Voss residences. This overflow parking area is on U.S. Forest Service land and not on the Voss property, and therefore is not in compliance with the parking requirements of the Mono County Short-Term Rental Ordinance. This past winter, a group of people arrived at the Voss residence while my family was staying at the Schaniel family cabin. It appeared that this group must have been guests of some sort as they did not seem familiar with the parking situation. The driveway off of Skyline Drive that accesses the Voss and Miller residences is moderately steep. With snow on the ground it takes an able four-wheel drive or all-wheel drive vehicle to make the ascent up this driveway. While walking our dogs, we witnessed the guests in one of their vehicles, a sports-utility vehicle that apparently did not have four-wheel drive, attempt and fail to ascend the private driveway, only to slip back down into Skyline Drive. We did not see the resolution of this situation at the time, but later noted that the vehicle was parked in the area to the side of the driveway, that, as mentioned earlier, is on U.S. Forest Service land. It does not seem likely that a short-term rental can require guests to come in a four-wheel drive vehicle, but that is what would be required to park on the Voss property when there is fresh snow on the ground.

In conclusion, the Schaniel family wishes to express that the subject permit application be denied by the Mono County Planning Commission and/or the Mono County Board of Supervisors because the public process that preceded the adoption of the current ordinance allowing for short-term rentals in June Lake did not obtain (or attempt to obtain) adequate input from directly affected stakeholders. Further Mono County should consider revisiting its short-term rental policy to include and reflect a broader range of stakeholder input. Also, because the approval of this short-term rental permit as it is currently written has impacts on a private road and the road association that have not fully been addressed and mitigated. Lastly because of the existing parking conditions at the Voss and Miller residences, any permit conditions imposed to mitigate adverse impacts will most likely be unenforceable, particularly during the winter months.

Thank you for your time and consideration.

Tom Schaniel
The Schaniel Family Trust

cc: Dan and Lou Bartlett; John and Teresa De Hollander; Eric and Jo Kajiwara; Barbara Miller; David and Nancy Voss

To: Michael Draper, Planning Analyst
 c/o Secretary of the Planning Commission
 P.O. box 347, Mammoth Lakes, CA 93546

From: Russell R. and Kandace R. Veenker
 114 Bruce St., June Lake CA 93529

Re: Conditional Use Permit 21-003/ Voss
 APN 015-060-046

Dear Planning Commission;

We are writing to express our concerns and thus opposition to the granting of a Conditional Use Permit 21-003/Voss, APN 015-060-046.

We have three areas of overlapping concern pertaining to the request:

- First is the issue of traffic flow and thus increased public safety to gain entrance to Skyline Dr., where APN 015-060-046 is located. Highway 158 is admittedly the busiest travel route in the June Loop. The next busiest traffic route is the Knoll Avenue to Bruce St. to Leonard Avenue traffic route. Along this travel corridor is access to the Lakeshores of June and Gull Lakes, the June Lake Community Center and Public Park, various businesses, and the many private residences that reside on those Streets. By 2018, the current vehicular traffic load had turned the above routes into a raceway. Those of us living on the above route began to experience “near” traffic collisions with the speeding vehicles driving on Bruce St., including several “near” misses of cars colliding with the children residing on Bruce St. The traffic flow on the narrow roads became a MAJOR public safety issue and we pressed the County Road Department to install seasonal speed bumps in 2019-2020--which, has slowed down about 90% of the vehicular traffic. Now, with regard to the requested Conditional Use Permit 21-003 APN 015-060-046: Access to Skyline Dr. is along the Knoll/Bruce/Leonard travel corridor. Approving this Conditional Use Permit will only increase vehicular traffic, and thus present an increase to public safety for all those residents and businesses living/operating on said corridor. Therefore we oppose the issuing of the Conditional Use Permit.
- Second, Skyline Dr. is not an engineered, paved, dedicated County roadway. It is a dirt road the US Forest Service has graciously provided the private property owners’ right-to-pass in order to access their cabins. Consequently, the property owners at the end of Skyline Dr. maintain the road and, since it is a Dead End road, there are few that use the road. If the Conditional Use Permit 21-003/Voss were granted, the vehicle traffic would increase substantially on Skyline Dr. There would be multiple vehicles driving in/out multiple times per day, not-to-mention the maid service vehicles as well. Then there is the erosion factor upon a dirt road; and the potential drainage issues for the property owners whose cabins sit down slope drainage from Skyline Dr. Who is responsible for any mudslides/flooding issues because of overuse of Skyline Dr.? We protest the issuing of any Conditional Use Permit for any of the property owners at the end of Skyline Dr. until all issues pertaining to road maintenance and drainage are addressed and resolved by all parties involved.

- The parking issue. 21-003/Voss have requested four parking spaces and occupancy of eight persons. That vehicle parking request makes things very tight for all the property owners at the end of Skyline Dr. Currently there are a few residences on Leonard St who have Conditional Use Permit status. It has been our observation pertaining to the Knoll/Bruce/Leonard route above that many times there will be five to six vehicles in driveways and parked on the side of streets, and "stacking" of persons beyond what is permitted in the Owners Conditional Use Permit. Also there are the various off-road vehicles and trailers (Jeeps, Razors, dirt bikes, and quads) that occasionally take up space on the side of our narrow streets as well. Who monitors the occupancy and vehicle parking to ascertain the conditions of the Permit are not being violated? Who enforces the conditions of the Permit? We are opposed to any new Conditional Use Permits by the County along Skyline Dr. until these questions are answered and policies are in place to penalize the violators (renters? property owners?). All existing property owners must sign off on any agreements made to address and resolve these issues.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Russell R Veenker, and the signature on the right is for Kandace R Veenker. Both signatures are written in a cursive, flowing style.

Russell R Veenker
114 Bruce St., June Lake, 93529

Kandace R Veenker

Mono County Community Development Department

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Date: June 17, 2021

To: Mono County Planning Commission

From: Wendy Sugimura, Director

Re: Commission Interpretation 20-01 of the permanent perimeter foundation requirement in General Plan Land Use Element §04.280 for Mountain View Fire rebuilds

RECOMMENDATION

1. Make the findings as recommended in the staff report for Planning Commission Interpretation 20-01 of a manufactured home “permanent perimeter foundation constructed of concrete or masonry” per General Plan Land Use Element §04.280 for Mountain View Fire rebuilds.

BACKGROUND

In November 2020, the Mountain View Fire (MVF) destroyed over 70 residential units in the Walker community. Survivors are not only dealing with the emotional trauma of the incident, but also may be facing the prospect of homelessness unless they can rebuild quickly, lack of contractors and designers to assist with development of rebuilding plans, lengthy backorders on manufactured homes, and financial constraints. Residents in this community are often unfamiliar with planning and building regulations and process, and find navigating the rebuilding process to be overwhelming.

Mono County is diligently working to assist homeowners with the rebuilding and recovery process, and therefore is simplifying requirements and process when at all possible. A number of survivors are considering installing manufactured homes and the requirement for a “permanent perimeter foundation constructed of concrete or masonry” in General Plan Land Use Element (LUE) §04.280 (see Attachment 1) appears to be a barrier.

General Plan Land Use Element (LUE) §04.280 has been in place since the early 1990’s and provides standards to ensure the appearance of manufactured homes are compatible with conventional (stick-built) single-family residential units. The policy has been successful over the years, maintaining community character and eliminating controversy over manufactured homes, and the aesthetics of manufactured homes have improved. As a result, in 2015 the policy was relaxed to allow for single-wide manufactured homes (<20 feet width), which were previously prohibited, if consistent with community or countywide design guidelines. To make this determination, architectural renderings of proposed single-wide manufactured homes are brought to the local Regional Planning Advisory Committee (RPAC), where applicable, to determine community compatibility. On May 6, 2021, the Antelope Valley RPAC determined that all manufactured homes with a minimum width of less than 20 feet are consistent with community design guidelines.

The policy interpretation for consideration before the Planning Commission today is related to the requirement for a “permanent perimeter foundation constructed of concrete or masonry” for Mountain View Fire rebuilds under General Plan LUE §01.040 Interpretation: *Unless otherwise provided, any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 04.030, Interpretation of "Similar Uses") or, on appeal therefrom, by the Board of Supervisors.*

Section 04.030, Interpretation of “Similar Uses,” contains four findings that must be made for a Commission Interpretation:

1. *That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;*
2. *That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;*
3. *That the use is capable of meeting the standards and requirements of that designation; and*
4. *That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.*

DISCUSSION

A structural permanent perimeter foundation is not required to satisfy the requirements of the California Residential Building Code for manufactured homes and is primarily to promote the appearance of a stick-built structure. This intent to protect community aesthetics can be satisfied by a non-structural permanent perimeter foundation meeting the following requirements:

1. A permanent and complete non-structural perimeter of siding, skirting, or similar paneling on a non-load bearing frame that connects the unit to the ground with no gaps.
2. An appearance similar to a standard concrete or masonry foundation. Examples of acceptable exterior siding materials include, but are not limited to, the following:
 - a. Masonry siding, such as Hardi Plank
 - b. Adhered masonry veneer (i.e., cultured stone)
 - c. Anchored masonry veneer (i.e., river rock or ledger stone)
 - d. Wood siding assemblies that meet Office of State Fire Marshal (OFSM) standards for Wildland Urban Interface (WUI) compliance
3. California Residential Code (CRC) standards including, but not limited to, the following:
 - a. If the non-load bearing frame is constructed of wood, the wood must be pressure treated as it will be in close proximity or in contact with the earth.
 - b. Underlayment and attachment must be per the manufacturer’s specifications for the product.
 - c. Anchored masonry veneer must have a concrete support base and be attached per CRC R703.8.
 - d. A minimum 6” separation between dirt and wood siding must be maintained, which can be attained by locating gravel, stone, or concrete at the bottom of the siding assembly such that there is at least 6” clearance from dirt to the wood siding in any direction.
4. Sheet or corrugated metal, reflective materials, or other materials not resembling a concrete or masonry foundation in appearance are not acceptable.

Because this interpretation is a response to the Mountain View Fire (MVF) and needs specific to recovery in the Walker area, the recommendation is to limit this interpretation to MVF rebuilds at this time. Further, the Antelope Valley RPAC has already provided a blanket determination that single-wide manufactured homes are consistent with community design, indicating reduced concern regarding the aesthetic appearance of manufactured homes. The Commission may direct staff to vet application of this interpretation countywide to promote housing construction. Staff would recommend taking the discussion to the RPACs for community input as an initial step.

FINDINGS

1. *That the proposed use is consistent with this General Plan and any applicable area plans or specific plans:*
General Plan LUE §04.280 states “These building and architectural standards are intended to ensure visual compatibility with traditional single-family home construction (stick built).” The proposed criteria for complete perimeter siding honors the intent of this policy, ensuring the siding or skirting resembles a stick-built foundation while reducing design and construction costs and time for MVF survivors to recover and rebuild.
2. *That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;*
Per §04.280, the interpretation would only apply to residential land use designations where residential dwellings, such as manufactured homes, are a compatible use and aesthetics are a concern. The proposed criteria ensure visual compatibility with neighborhood character and conventional, stick-built residential units. At this time, the interpretation is recommended to be limited to MVF rebuilds on residential land use designations (excluding Rural Mobile Home) to specifically facilitate recovery from this disaster unless otherwise directed by the Commission. The Commission may request further investigation into expanding the policy countywide to promote housing stock construction in general.
3. *That the use is capable of meeting the standards and requirements of that designation; and*
This interpretation does not affect or modify any other standards or requirements within the applicable land use designations.
4. *That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.*
The interpretation requires compliance with the California Residential Code and meets the intent of visual compatibility of the original LUE language, and therefore is not more obnoxious to the general welfare than other uses in the applicable designations.

CONCLUSION

If the Planning Commission interprets that General Plan LUE §04.280 is satisfied by the proposed criteria, then Planning staff will approve building permits for MVF manufactured home rebuilds proposing complete non-structural perimeters with acceptable exterior materials.

ATTACHMENTS

- General Plan LUE §04.280

04.280 Placement of manufactured homes in conventional SFR areas.

These standards permit the placement of manufactured, factory-built or modular housing in all areas designated for conventional single-family residential dwellings: SFR, ER, RR, MFR-L, MU, RU, RM, AG and OS.

These building and architectural standards are intended to ensure visual compatibility with traditional single-family home construction (stick built). Before an installation permit is issued for any manufactured, factory-built or modular housing, plans shall be submitted in compliance with the following standards:

- A. A site plan in full compliance with the building permit application checklist.
- B. Evidence that the home is 10 years old or newer (except in RMH) and bears a seal of the US Department of Housing and Urban Development (HUD) certifying that HUD construction standards are met ();
- C. Elevations showing the roof slope, roof materials, eave overhang and exterior siding materials;
- D. The unit must meet the design wind, seismic and roof load requirements;
- E. In addition, the following standards shall apply except in the RMH land use designation:
 1. Have a minimum width of 20 feet or more. A minimum width less than 20 feet may be allowed when the home is generally consistent with community or countywide design guidelines.
 2. Be attached to a permanent perimeter foundation constructed of concrete or masonry. This foundation shall meet the same requirements as foundations for all other single-family residential structures in the county. If the home is installed on an engineered foundation system, perimeter concrete or masonry walls shall be required;
 3. Be covered with an exterior material customarily used for conventional dwellings and approved by the Mono County Building Division;
 4. Have a roof pitch of not less than 3 inches for each 12 inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the Mono County Building Division; and
 5. Eaves (roof overhang) shall extend a minimum of 10 inches on all sides of the home. An exception to this eave requirement may be granted by the building official if proof is provided that the 10-inch eave would prohibit transportation of the home.

ADVISORY NOTE: Mono County is not responsible for enforcing Covenants, Codes and Restrictions (CC&Rs). Property owners should consult their applicable CC&Rs for any restrictions on the type of housing.