

13 Feb. 2023

RE: Use Permit 23-001 Sherer

Mono County Planning Commission has stated the project use permit 23-001-Sherer (heavy equipment repair garage for Eastside Iron) qualifies as a categorical exemption under CEQA guideline 15303(d).

Categorical exemptions are considered not to have potential impacts on the environment. According to the National Park Service, noise pollution has an enormous environmental impact and does serious damage to wildlife. Experts say noise pollution can interfere with breeding cycles and rearing and hastening the extinction of some species.

A heavy equipment repair garage for Eastside Iron does have an environmental impact and a categorical exemption does not apply. The Mono County Community Development/Planning Division, in the 16 Conditions of Approval for the use permit 23-001, requiring the applicant to conform to the Mono County Noise regulations: Code Chapter 10.16, Noise Regulation= Daytime noise level not to exceed 55 dB(A), nighttime 50 dB(A). This is not attainable for a heavy equipment garage. See dB(A) list below;

#1. Tractor trailer hauling 44,000 lb D7 CAT 100 dB(A)s

#2. D7 CAT off loading, moving to repair facility 75dB(A), returning to and loading onto trailer 75dB(A)

#3. Hydraulic repair as stated by applicant would require operation of the unit= 75 dB(A). If a hydraulic leak is in the steering system, it will require operation of the unit and movement of the unit after for repair checks= 75 dB(A)

#4. Welding as mentioned by applicant;

a. TIG up to 75 dB(A)

b. MMA 85-95 dB(A)

c. MIG 95-102dB(A)

d. Plasma Cutting-98-105 dB(A)

e. Delagging/chipping 105 dB(A)

f. Grinding- 95-105 dB(A)

#5. Normal repairs;

Just to remove 4 2" nuts that haven't been removed for years requires an industrial, heavy duty, 1 1/2" square drive impact wrench.

**IMPACT SOUND LEVEL 101 dB(A)**

Of course, it would have to be ATEX Certified for hazardous locations, hydraulic oil is extremely flammable.

The only time this heavy equipment repair facility could meet the Mono County noise regulations (55-50 dB(A)) would be lunch and bedtime.

As stated in the legal section of a local newspaper, the project qualifies as a categorical exemption under CEQA guideline 15303(d).

CEQA 15303(d): "Watermain sewage, electrical, gas and other utility extensions including street improvements or reasonable length to serve such construction."...

... there have been no road improvements as stated above to support the weight of a loaded 80,000 lb (4 ton) tractor trailer. Has the Planning Dept. Dispatched the Mono County Road Engineers to verify Swall Meadows Road can support an 80,000 lb 18 wheeler, this is equivalent to 9,600 cars?

I am not sure that the old US395 (constructed in 1939) could even support this enormous weight without degradation. The road technology in 1939 required many switchbacks to get up Sherwin Grade that were not designed for a 40' tractor trailer, making it impossible to remain on the correct side of the road while making these turns. An avoidable dangerous situation.

There are no stipulations in the Conditions of Approval by CDD/Planning regarding how many times a delivery or pick up can be made per day.

Applicant states that school buses, trash trucks, propane trucks, etc. Travel these roads on a daily basis. All the previous are for the benefit of the community. Applicants 18 wheeler, delivering a D7 CAT for repair, is for the benefit and profit of the Eastside Iron business.

Submitted by:

Jim Browning

377 Mountain View Dr

Swall Meadows CA 93514

**From:** [Karen](#)  
**To:** [CDD Comments](#)  
**Subject:** Comment: UP23-001/Sherer, Application for an Expanded Home Occupation Permit  
**Date:** Tuesday, February 14, 2023 11:04:16 AM

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**[EXTERNAL EMAIL]**

We are writing to request that the Mono County Planning Commission uphold the goals of the Swall Meadows Area Plan to retain, as nearly as possible, the character and quality of life presently enjoyed in the community. Expanded commercial uses would not be consistent with the current quiet residential nature of Swall Meadows.

We view our zoning and Area Plan like a contract with Mono County. Residents making a significant investment in property rely on Mono County to uphold zoning so that property values are maintained and quality of life is preserved. Setting precedents by making exceptions to zoning should be very carefully evaluated to ensure fairness and reliability.

Thank you for your attention to our comments and concerns.

***Karen Ferrell-Ingram***  
***Stephen Ingram***  
***140 Willow Road***  
***Swall Meadows, CA 93514***

## Heidi Willson

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**From:** Blythe Ousterman <blythee@earthlink.net>  
**Sent:** Monday, February 13, 2023 4:26 PM  
**To:** CDD Comments  
**Cc:** Blythe Ousterman  
**Subject:** Letter from Swall Landowner about the Sherer Accessory Unit

You don't often get email from blythee@earthlink.net. [Learn why this is important](#)

**[EXTERNAL EMAIL]**

Dear Mono County Planning Commission,

I am writing to strongly object to and to yes protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"

2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director. 1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.

3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment,

as it enters and exits the enormous garage. As noted above, this area is zoned for “single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner’s business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? *Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity. My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.*

Many of us in Swall Meadows would love the opportunity to create businesses on our land, to execute our professions from home. I am an art teacher. Should I be able to build an art school on my lot? Perhaps there’s a great cook in the neighborhood who would like to start a restaurant. Would that fly with the Planning Commission? I would guess not.

The Planning Commision only has authority to permit that which is in the General Plan. With very rare exceptions, neither a 30 foot building nor commercial business allowances are allowed in the General Plan.

In sum, it’s neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it’s tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,  
Blythe Ousterman

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## Heidi Willson

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**From:** Charles Tucker <ctuckernh@hotmail.com>  
**Sent:** Sunday, February 12, 2023 2:41 PM  
**To:** CDD Comments  
**Subject:** Sherer/East Side Construction application

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### [EXTERNAL EMAIL]

I am a resident of Swall Meadows.

The height issue of the accessory building: IF indeed the height's exceeding what is permitted is the fault of the County, as is being represented, then the County should reimburse the applicant the cost of reforming the structure to conform with the rules.

The use: The use permit goes with the land, not the owners, and as much as I believe the applicant's representations that their use will be minor, that will not necessarily be true going forward over the years. Swall Meadows has no outdoor commercial/industrial uses as far as I know. Keep in mind the fable of allowing the nose of the camel into the tent, once the nose is in, it is very hard to keep the remainder from following. This permit would be cited as precedent by others wanting to change the residential character of Swall Meadows for their convenience.

Both applications ought to be denied, with the County picking up the tab for its mistake in allowing the over height part of the structure.

Charles F. Tucker, 52 Pinon Drive, Swall Meadows

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**From:** Blythe Ousterman <blythee@earthlink.net>

**Sent:** Monday, February 13, 2023 5:14 PM

**To:** Michael Draper <mdraper@mono.ca.gov>

**Subject:** Re: I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

**[EXTERNAL EMAIL]**

Yes, that would be great.

On Feb 13, 2023, at 5:03 PM, Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)> wrote:

Hello Mr. Ousterman,

Would you like your comment to be transmitted to the Planning Commission?

I do not have the ability to change the General Plan noticing requirements, however the Planning Commission or Board of Supervisors may direct staff to make the change.

Thank you,  
Michael Draper

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**From:** Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>

**Sent:** Monday, February 13, 2023 5:01 PM

**To:** Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>

**Subject:** Re: I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

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**[EXTERNAL EMAIL]**

Mr. Draper,

In all the counties where I've lived, throughout the CA bay area, notifications are given to adjacent property owners right when a permit is pulled. I urge you and Mono County to consider doing the same.

Many thanks,

Blythe Ousterman

On Feb 13, 2023, at 4:53 PM, Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)> wrote:

Hello Mr. Ousterman,

Notices were sent to property owners within 300' of the project site at least 10-days prior to the hearing, as required by Chapter 32 and Chapter 46 of the Land Use Element of the Mono County General Plan. A notice was mailed to the address we have on-file for you, 1666 Center Road #A, Novato, CA 94947.

We do not notice property owners when we receive an application, only when a public hearing is scheduled for a project. Also, this project has yet to be decided on; the Planning Commission will hold a public hearing this week on Thursday to decide the outcome.

Please feel free to contact me with any questions, or to submit comments on the project that you would like transmitted to the Commission. The public will also have the opportunity to speak during the hearing.

Thank you,

**Michael Draper**  
Mono County Principal Planner  
PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1805

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**From:** Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>

**Sent:** Monday, February 13, 2023 4:45 PM

**To:** Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>

**Subject:** I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

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**[EXTERNAL EMAIL]**

Dear Mr. Draper,

My name is Blythe Ousterman and my property lies adjacent to that of the Sherer's, right where their new steel structure resides.

I find it outrageous that I wasn't notified of the permit having been applied for/granted or the structure having been framed and partially filled in **until two weeks ago**, when you sent out the flier



for the public hearing this week. This building, 12 feet from the property line, has a severe and dramatic effect on my property.

I am incredulous that local government could be so entirely remiss. It especially hurts after having paid Mono County taxes for almost 20 years.

Sincerely,  
Blythe Ousterman  
owner lot #21, Swall Meadows

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**From:** Emily Fox <efox@mono.ca.gov>

**Sent:** Tuesday, February 14, 2023 11:49 AM

**To:** Bob Paull <robert.c.paull@gmail.com>; CDD Comments <cddcomments@mono.ca.gov>

**Cc:** Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amy Motroni <amy.pete@sbcglobal.net>; Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>

**Subject:** RE: Opposition to the Sherer Use Permit

Hi Robert—

Your comments and the comment from Blythe Ousterman will be part of the record before the Planning Commission on this use permit application for the hearing on Thursday.

Staff will show at the Planning Commission meeting on Thursday the map of the 300' radius of the project site and how it was determined who would receive notice. All property owners within that 300' radius received notice.

As to publication: The Sheet in Mammoth is a newspaper of general circulation as we are required to publish notice in pursuant to Government Code 6000 et seq. Though Swall Meadows is near to Bishop and Inyo, the County has an obligation to post notices in an adjudicated newspaper of general circulation published from within the jurisdiction of Mono County. Publication in The Sheet satisfies the requirements the County has to comply with.

Thanks,  
Emily

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**From:** Bob Paull <[robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com)>

**Sent:** Tuesday, February 14, 2023 11:05 AM

**To:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>; CDD Comments <[cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov)>

**Cc:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amy Motroni

<[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>)  
<[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman  
<[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>;  
[vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com); Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>

**Subject:** Opposition to the Sherer Use Permit

**[EXTERNAL EMAIL]**

Dear Emily Fox and the Planning Commission -

Thank you Emily for your prompt email reply. I'm sure you and the Planning Commission are well aware that Swall Meadows is at the edge of Mono County and has a Bishop address. Inyo County even has sent some of us requests to serve on jury duty. I'm curious about how available the information about this permit and the Planning Commission meeting really has been. What newspaper is the newspaper of record? You do not state that in your email. How far would someone in Swall Meadows have to drive just to get a copy? How would we even know to anticipate the notice? Is the paper a daily paper? I know you can tell from some of the comments from neighbors who live within 300' that everyone within 300' of the proposed use permit was not properly notified either.

I have attached below a copy of Blythe Ousterman's thoughtfully crafted email opposing this permit. That email clearly states the details of what many of us see as how the permit does not comply with the master plan.

Please know that my wife and I are opposed to this project and do not see it conforms to the master plan for Swall Meadows.

Know that if there have been errors in understanding the nature of this project before, they are not a valid reason to approve the requested permit or the building now.

Robert C. Paull  
769 Mountain View Drive

On Feb 13, 2023, at 2:35 PM, Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)> wrote:

Hi Robert—

Your email will be noted as a comment for the Planning Commission. Written comments are accepted by the Planning Commission as described in both the notice sent to nearby property owners and in the public notice posted in the newspaper. You can find a copy of that notice with the instructions for submission of written comments at page 66 of the Planning Commission Agenda Packet. They may be sent via email to [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) before 8am on Thursday, February 16.

The time for the Sherer Use Permit to be heard is listed in both notices and on the

agenda. If you have other comments or suggestions about how notices should be made in excess of what is required statute and the General Plan, you are welcome to make those suggestions to the Planning Commission during the public comment period.

Thanks,  
Emily

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**From:** Bob Paull <[robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com)>  
**Sent:** Monday, February 13, 2023 2:19 PM  
**To:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Cc:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>) <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com); Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>  
**Subject:** Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

You don't often get email from [robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com). [Learn why this is important](#)

**[EXTERNAL EMAIL]**

Dear Emily:

The fact that one has to read the agenda to find out what time the Sherer Use Permit is scheduled to actually know what time the Permit will be reviewed and that it is not in the actual announcement is in itself a conflict. If the Planning Commission wants to serve the entire community and not just the person or persons requesting the Use Permit, they would make an effort to be more transparent, particularly when the Commission surely already recognizes that there is a lot of concern in the community about this project. Even if the announcement is in keeping with the posting requirements, it would be more on keeping with building strong communities, if there was more consistent effort to keep the spirit of the requirements.

I would also hope there would be some explanation about the discrepancy between perceived height of the building. Is it more than 30 feet about the ground when one includes distance the slab is about the ground or if the building is over 30 feet per the Triad Holmes topographic survey dated August 2021? Please tell the community.

It would also be helpful if written comments were being accepted and there was information about how to do that in the announcement.

Thank you.

Robert Paull  
769 Mountain View Drive

Dear Planning Commission,

I am writing to strongly object to and to yes protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"
2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director. 1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.
3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment, as it enters and exits the enormous garage. As noted above, this area is zoned for "single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner's business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity. My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.

In sum, it's neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish

both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. And what kind of precedent will this set for permits in the future? Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it's tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,  
Blythe Ousterman

On Feb 13, 2023, at 11:23 AM, Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)> wrote:

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**From:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Sent:** Monday, February 13, 2023 11:10 AM  
**To:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>  
**Cc:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>) <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com)  
**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Alisa,

There is no time discrepancy between the posted materials and the mailed notice. As you can see in the agenda, attached, another use permit

is scheduled for a public hearing at 9am prior to the Sherer Use Permit. That hearing is set to open at or after 9:00am. The Sherer Use Permit hearing can only begin at or after the time listed on the agenda, which means it will be heard at or after 9:30am. That is why the mailed notice specific to the Sherer Use Permit lists 9:30am—to reflect the time at or after which interested members of the public should join the Planning Commission for that item. The emailed notice below reflects the start of the Planning Commission meeting as a whole, including the other public hearing.

The hearing on the Sherer's use permit has been noticed in accordance with public hearing requirements. Notice has been given to nearby property owners in accordance with the Mono County General Plan. This is an application for a use permit for an accessory structure and an expanded home occupation, not for a change in use designation to industrial.

Thanks,  
Emily

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**From:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>  
**Sent:** Monday, February 13, 2023 10:48 AM  
**To:** Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>; Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Cc:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>) <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com)  
**Subject:** Planning Commission meeting time and information discrepancy - needs to be re-scheduled

**[EXTERNAL EMAIL]**

There is a time discrepancy on the notice mailed out for the Planning Commission meeting and the notice emailed. The mailed notice says 9:30, see attached. The emailed notice says 9:00am, see below. This meeting needs to be delayed for many reasons, but a time discrepancy is a big one. The notification period should start over with everything having the correct time. The height of the building also needs to be



corrected on notices. You know this is inaccurate, yet this number has continued through all postings without being corrected, despite me pointing this out at the first LDTAC meeting. The building is over 30 feet not under, per the Triad Holmes topographic survey dated August 2021. You have the topographic survey in your office showing this. The prefab drawing of the erector set building that came with the building only shows height off slab because they are not specific to the location. If the application followed the checklist for a permit, there would be a cross section elevation showing the building on the lot with the heights off grad, pad, and slab. Yet this seems to be missing. The public does not get to see the real information. There is a responsibility to post accurate information and there is no reason not to. It is frustrating and alarming to see inaccurate information continuing after the initial mistake of permitting the building. Isn't there a duty to the public? Is there a reason that I cannot understand why the inaccurate height continues to be posted? I would appreciate an explanation so that I can understand.

Furthermore, this is clearly a contentious issue in the neighborhood. The 2 week notification period for such an issue does not allow people to notify neighbors or unite in opposition. Allowing a commercial industrial use in a residential zoning ought to require more than 2 weeks' notice as well as written notification to all property owners affected by the Planning Commission ruling, not just within 300 feet. This should include all property owners within view or hearing distance from the property, which is the entire upper Swall area.

[Planning Commission AB361 Meeting](#)

**Calendar Date:**

Thursday, February 16, 2023 - 9:00am

Hybrid Meeting: Zoom & Mono Lake Room  
Mono Lake Room-Mono County Civic Center  
1290 Tavern Rd  
Mammoth Lakes, CA

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

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#### **Meeting Information**

##### **Agenda:**

[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

##### **Supporting Documents**

[Planning Commission AB361 Packet 02.16.2023](#) (1 MB)

[Unsubscribe](#)

<planning\_commission\_02.16.2023.pdf>

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**From:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Sent:** Monday, February 13, 2023 2:14 PM  
**To:** Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>  
**Cc:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Heidi Willson <[hwillson@mono.ca.gov](mailto:hwillson@mono.ca.gov)>  
**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Blythe,

The scope of what the Sherer's are requesting to do with the accessory structure is described in the "Project Description" in the staff report beginning at page 42 of the agenda packet. The Commission will be required as part of the hearing to make a determination about whether the findings required for issuance of an expanded home occupation permit can be made. Those findings and alternative findings begin at page 49 of the agenda packet.

Thanks,  
Emily

---

**From:** Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>  
**Sent:** Monday, February 13, 2023 11:57 AM  
**To:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Subject:** Fwd: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

**[EXTERNAL EMAIL]**

How can they not have to apply for a "change in use designation to industrial" **since industrial work is exactly what they will be doing in this building??!** Swall is a residential zone, not a commercial zone.

Begin forwarded message:

**From:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>

**Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled**

**Date:** February 13, 2023 at 11:10:05 AM PST

**To:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>, Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>

**Cc:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>, Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>, Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>, Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>, "Hanna Browning (<mailto:hannabrowning@aol.com>)" <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>, acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>, Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>, Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>, "[vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com)" <[vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com)>

Hi Alisa,

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The hearing on the Sherer's use permit has been noticed in accordance with public hearing requirements. Notice has been given to nearby property owners in accordance with the Mono County General Plan. This is an application for a use permit for an accessory structure and an expanded home occupation, not for a change in use designation to industrial.

Thanks,  
Emily

---

**From:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>

**Sent:** Monday, February 13, 2023 10:48 AM

**To:** Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>; Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>

**Cc:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>) <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com)

**Subject:** Planning Commission meeting time and information discrepancy - needs to be re-scheduled

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[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

#### **Supporting Documents**

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[Unsubscribe](#)

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**From:** Emily Fox <efox@mono.ca.gov>

**Sent:** Monday, February 13, 2023 4:32 PM

**To:** Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; Bob Paull <robert.c.paull@gmail.com>

**Cc:** Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>; CDD Comments <cddcomments@mono.ca.gov>

**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Jim and Hannah,

Notices were sent to property owners within 300' of the project site as required by Chapter 32 and Chapter 46 of the Land Use Element of the Mono County General Plan.

Thanks,  
Emily

---

**From:** Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>

**Sent:** Monday, February 13, 2023 3:09 PM

**To:** Emily Fox <efox@mono.ca.gov>; Bob Paull <robert.c.paull@gmail.com>

**Cc:** Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>; CDD Comments <cddcomments@mono.ca.gov>

**Subject:** Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

**[EXTERNAL EMAIL]**

Reading through the avalanche of comments we have a question..... what constitutes a nearby neighbor? We haven't been notified of any use permits or new building plans even when it is next to us. In the past it was 300' property line to property line, did the county change that? Looking forward to your reply.

Jim and Hanna Browning  
377 Mountain View Dr  
Swall Meadows

[Sent from the all new AOL app for iOS](#)

On Monday, February 13, 2023, 2:35 PM, Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)> wrote:

Hi Robert—

Your email will be noted as a comment for the Planning Commission. Written comments are accepted by the Planning Commission as described in both the notice sent to nearby property owners and in the public notice posted in the newspaper. You can find a copy of that notice with the instructions for submission of written comments at page 66 of the Planning Commission Agenda Packet. They may be sent via email to [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) before 8am on Thursday, February 16.

The time for the Sherer Use Permit to be heard is listed in both notices and on the agenda. If you have other comments or suggestions about how notices should be made in excess of what is required statute and the General Plan, you are welcome to make those suggestions to the Planning Commission during the public comment period.

Thanks,

Emily

---

**From:** Bob Paull <[robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com)>

**Sent:** Monday, February 13, 2023 2:19 PM

**To:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>

**Cc:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning



(mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com); Rhonda Duggan <rduggan@mono.ca.gov>

**Subject:** Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

You don't often get email from [robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com). [Learn why this is important](#)

**[EXTERNAL EMAIL]**

Dear Emily:

The fact that one has to read the agenda to find out what time the Sherer Use Permit is scheduled to actually know what time the Permit will be reviewed and that it is not in the actual announcement is in itself a conflict. If the Planning Commission wants to serve the entire community and not just the person or persons requesting the Use Permit, they would make an effort to be more transparent, particularly when the Commission surely already recognizes that there is a lot of concern in the community about this project. Even if the announcement is in keeping with the posting requirements, it would be more on keeping with building strong communities, if there was more consistent effort to keep the spirit of the requirements.

I would also hope there would be some explanation about the discrepancy between perceived height of the building. Is it more than 30 feet about the ground when one includes distance the slab is about the ground or if the building is over 30 feet per the Triad Holmes topographic survey dated August 2021? Please tell the community.

It would also be helpful if written comments were being accepted and there was information about how to do that in the announcement.

Thank you.

Robert Paull

769 Mountain View Drive

On Feb 13, 2023, at 11:23 AM, Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)> wrote:

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**From:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
**Sent:** Monday, February 13, 2023 11:10 AM  
**To:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>  
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Hi Alisa,

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**Sent:** Monday, February 13, 2023 10:48 AM  
**To:** Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>; Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>  
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**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

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**Sent:** Monday, February 13, 2023 2:19 PM

**To:** Emily Fox <efox@mono.ca.gov>

**Cc:** Alisa <[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)>; Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>; Michael

Draper <[mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)>; Kelly Karl <[kkarl@mono.ca.gov](mailto:kkarl@mono.ca.gov)>; Amelia Motroni <[amy.pete@sbcglobal.net](mailto:amy.pete@sbcglobal.net)>; Hanna Browning (<mailto:hannabrowning@aol.com>) <[hannabrowning@aol.com](mailto:hannabrowning@aol.com)>; acurtright <[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)>; Blythe Ousterman <[blythee@earthlink.net](mailto:blythee@earthlink.net)>; Blythe Ousterman <[beousterman@gmail.com](mailto:beousterman@gmail.com)>; [vegetarianbacon@gmail.com](mailto:vegetarianbacon@gmail.com); Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>

**Subject:** Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

You don't often get email from [robert.c.paull@gmail.com](mailto:robert.c.paull@gmail.com). [Learn why this is important](#)

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Dear Emily:

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769 Mountain View Drive

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Emily

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[Planning Commission AB361 Meeting](#)

**Calendar Date:**

Thursday, February 16, 2023 - 9:00am

Hybrid Meeting: Zoom & Mono Lake Room  
Mono Lake Room-Mono County Civic Center  
1290 Tavern Rd  
Mammoth Lakes, CA

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#### **Meeting Information**

##### **Agenda:**

[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

##### **Supporting Documents**

[Planning Commission AB361 Packet 02.16.2023](#) (1 MB)

[Unsubscribe](#)

<planning\_commission\_02.16.2023.pdf>

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**From:** Emily Fox <efox@mono.ca.gov>

**Sent:** Monday, February 13, 2023 11:33 AM

**To:** Alisa <alisa@taoedreamteam.com>; Rhonda Duggan <rduggan@mono.ca.gov>

**Cc:** Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com

**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Alisa—

For a public hearing item, it cannot begin before the time listed on the agenda, but may start at any time after the listed time. LDTAC does not conduct public hearings and therefore complies with general Brown Act rules for posting an agenda and discussing only items on the agenda. A Board or Commission may not move agenda items such that it hears a public hearing item before the time listed in the notices and on the agenda. Other non-public hearing items may be re-ordered.

Staff will address the height of the structure with the Commission as part of the report during the hearing and in response to any questions from Commissioners. I believe staff has addressed your question previously and I cannot add any further response.

As to notice, you may raise concerns with the Commission during general public comment if you feel the General Plan rules should be adjusted.

Thanks,  
Emily

---

**From:** Alisa <[alisa@taoedreamteam.com](mailto:alisa@taoedreamteam.com)>

**Sent:** Monday, February 13, 2023 11:21 AM

**To:** Emily Fox <[efox@mono.ca.gov](mailto:efox@mono.ca.gov)>; Rhonda Duggan <[rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)>

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**[EXTERNAL EMAIL]**

Hi Emily,

So the time cannot be changed at the meeting with a motion to change the agenda? The agenda order was changed at the LDTAC meeting. Can you comment as the to height distributed? I understand that the posting may have followed the requirements. Maybe the commission will rule that all affected people need to be notified or hopefully they don't approve anything and it can be over.....

Thank you,

**ALISA ADRIANI** | CA Broker Associate

Intero Real Estate Services

**C 530.412.3070**

CA BRE# 01303619

[www.TahoeDreamTeam.com](http://www.TahoeDreamTeam.com)

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##### **Agenda:**

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## Michael Draper

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**Subject:** Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Some people who received this message don't often get email from robert.c.paull@gmail.com. [Learn why this is important](#)

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**Subject:** RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

February 9, 2023

To The Mono County Planning Commission  
c/o Michael Draper et al

I am writing today to express my **OPPOSITION** to proposed Use permit 23-001/Sherer. I have lived in Swall Meadows longer than any living person. This proposal marks the biggest inflection point in the community's history since the addition of the Pinyon Ranch and Rimrock subdivisions, because it opens the floodgates to conspicuous and overt commercial activity.

The immediate effect of establishing a loud, unavoidably visible, diesel, heavy equipment shop with its comings and goings, disinterested traffic, back-up alarms, commercial structures and equipment storage and the like, will be to suppress the property values of any nearby parcels. Appeals for sympathy from the applicants ignore that intentional damage. How can pneumatic tools, pressure washers, body work hammers, all housed in a massive metal resonating chamber possibly respect the peace and quiet and **native wildlife** of a purely residential community?

Mono County would be well advised to promote the kind of \$million plus homes that are now routinely being constructed in its tax base rather than to undermine our life and environmental values by forcing hodge-podge, lot crowding, complaint magnets into a **legally** rural residential bedroom community.

Thank you very much



Daniel Bacon  
675 Mountain View Drive  
Swall Meadows, California

My NAME IS RAYMOND T. DUTCHER I AM A RESIDENT  
OF SMALL MEADOW. I OWN MY HOME AND HAVE LIVED  
HERE FOR THIRTYTWO YEARS.

I OPPOSE AND AM ABSOLUTELY OUTRAGED AT WHAT  
IS UNDER CONSTRUCTION AT 1273 SMALL MEADOW ROAD.  
WHAT WAS INITIALLY TO BE A RESIDENTIAL GARAGE IS NOW  
PROPOSED TO BE A HEAVY EQUIPMENT REPAIR FACILITY  
AND IT SEEMS TO BE BEING PUSHED THROUGH WITHOUT  
ADEQUATE COMMUNITY NOTIFICATION. FOR GODS SAKE  
SMALL MEADOWS IS A RESIDENTIAL COMMUNITY. THERE'S  
NOTHING RESIDENTIAL ABOUT THIS "GARAGE" AND  
SETS A PRECEDENT THAT DEGRADES AND DESTROYS  
WHAT IT MEANS TO BE RESIDENTIAL.

Thank you for listening

Raymond T. Dutcher