



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Meeting Location: Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting March 14, 2023

TELECONFERENCE INFORMATION

This meeting will be held in person at the location listed above. Additionally, a teleconference location will be available where the public and members of the Board may participate by electronic means.

1. Mammoth Teleconference Location – for meetings held on the first and second Tuesday of each month - Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA. 93546;
2. Bridgeport Teleconference Location – for meetings held on the third Tuesday of each Month - Mono County Courthouse, Second Floor Board Chambers, 278 Main Street, Bridgeport, CA. 93517;
3. Zoom Webinar.
Members of the public may participate via 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/84165133055> or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 841 6513 3055.

To provide public comment, press the "Raise Hand" button on your screen.

To join the meeting by telephone: Dial (669) 900-6833, then enter Zoom Webinar ID 841 6513 3055. To provide public comment, press *9 to raise your hand and *6 to mute/unmute.

If you are unable to join the Zoom Webinar of the Board meeting, you may still view the live stream of the meeting by visiting: http://monocounty.granicus.com/MediaPlayer.php?publish_id=e7d204c7-e668-44f4-be12-b19e6bd13e27

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5530 or bos@mono.ca.gov. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517) and online at <http://monocounty.ca.gov/bos>. Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board and online.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Opportunity for the public to address the Board on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.) Please refer to the Teleconference Information section to determine how to make public comment for this meeting via Zoom.

2. RECOGNITIONS

A. General Aviation Appreciation Month

Departments: Clerk of the Board

10 minutes

(Steve Fong, Communications Director Alliance for Aviation Across America) - Proclamation recognizing March 2023 as General Aviation Appreciation Month.

Recommended Action: Approve the proclamation recognizing March 2023 as General Aviation Appreciation Month.

Fiscal Impact: None.

B. Proclamation Honoring Those Lost on Care Flight Crash in Stagecoach, Nevada

Departments: County Administration Office

5 minutes

(Mary Booher, Acting County Administrative Officer) - Presentation by Mary Booher honoring those who lost their lives in the Care Flight accident on February 24, 2023 in Stagecoach, Nevada.

Recommended Action: Approve the proclamation honoring those who lost their lives in the Care Flight accident on February 24, 2023 in Stagecoach, Nevada.

Fiscal Impact: None.

3. COUNTY ADMINISTRATIVE OFFICER

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work

activities.

4. DEPARTMENT/COMMISSION REPORTS

Receive brief oral report on emerging issues and/or activities.

5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Reappointment to Mono County Child Care Council

Departments: Clerk of the Board

The reappointment of Pam Kobylarz-Heays for a two-year term expiring March 14, 2025 to the Mono County Child Care Council.

Recommended Action: Reappoint Pam Kobylarz-Heays to the Mono County Child Care Council, for a two-year term expiring March 14, 2025.

Fiscal Impact: None.

B. White Mountain Fire Department Appointment

Departments: Clerk of the Board

Pursuant to Health and Safety Code sections 13000 - 13970, the White Mountain Fire Protection District (White Mountain Fire) informed the Mono County Clerk of a vacancy on its governing board. Notice of the vacancy was posted in three conspicuous places as required by Government Code section 1780. Since it is past the 60-day time frame in which the White Mountain Fire Board could have made the appointment, under section 1780, the Board of Supervisors may make the appointment. Subsequently, White Mountain received one application, from Robin Picken. Accordingly, the White Mountain Fire Board is asking that the Board of Supervisors appoint Robin Picken a member of the White Mountain Fire governing board for a term ending November 30, 2026.

Recommended Action: Appoint Robin Picken to the White Mountain Fire Protection District governing board for a term ending November 30, 2026.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

A. Letter from State Senator Marie Alvarado-Gil Requesting Emergency Support for Mono County

Departments: Clerk of the Board

Letter received from Marie Alvarado-Gil, State Senator, Fourth District regarding the request for urgent assistance obtaining additional snow removal equipment and personnel to respond to the State of Emergency in Mono County.

Recommended Action: None, Informational only.

Fiscal Impact: None.

7. REGULAR AGENDA - MORNING

A. Authorization of Remote Participation in Board Meeting Due to Winter Storms

Departments: County Counsel

10 minutes

(Stacey Simon, County Counsel) - Authorization for teleconference participation in today's meeting by members of the Board of Supervisors under the modified Brown Act procedures of AB 361, based on Governor Newsom's March 1, 2023, Proclamation of Emergency resulting from severe storms and a finding that in-person participation would result in an imminent risk to the health and safety of meeting attendees. This authorization may last through April 13, 2023, provided the above conditions remain in effect.

Recommended Action: Pursuant to subdivision (1)(B)(2) of Government Code 54953, find that: (1) on March 1, 2023, Governor Newsom proclaimed a state of emergency in Mono and twelve other California Counties due to the effects of severe winter storms; and (2) as a result of the conditions underlying the emergency declaration, the holding of an in-person meeting of the Board of Supervisors presents an imminent risk to the health and safety of attendees who would need to drive on icy and/or unplowed roads in poor driving conditions with low visibility to reach the in-person location.

Fiscal Impact: None.

B. Storm Update

Departments: Emergency Management

30 minutes

(Chris Mokracek, Director of Emergency Management) - Presentation by Chris Mokracek providing an update on the impacts of and response to the current winter storms.

Recommended Action: None (informational only). Provide any desired direction to staff.

Fiscal Impact: None.

C. PUBLIC HEARING: Appeal of a Planning Commission Decision Denying a General Plan Amendment to Redesignate a Parcel in Bridgeport

Departments: Community Development
PUBLIC HEARING: 9:00 AM (20 minutes)

(Wendy Sugimura, Community Development Director) - Appeal of the Planning Commission decision to deny General Plan Amendment (GPA 22-03), a proposed change of Land Use Designation from Multi-Family Residential–Moderate (MFR-M) to Mixed Use (MU), and Use Permit 22-011, in support of a transient rental use.

Recommended Action: Consider the appeal and either affirm, affirm in part, or reverse the Planning Commission’s decision denying GPA 22-03/Nichols, making appropriate findings and providing any other desired direction to staff.

Fiscal Impact: If the appeal is upheld and the Planning Commission’s denial is overturned, the proposed project will generate an incremental increase in transient occupancy taxes.

D. Workshop on Housing Opportunities for Mono County

Departments: County Administration Office
1 hour

(Stanley Keasling, Consultant) - Presentation by Stanley Keasling regarding the development of Affordable/Workforce Housing in Mono County.

Recommended Action: None (informational only). Provide any desired direction to staff.

Fiscal Impact: None.

E. Letter to Liberty Utilities Regarding Compliance with Requirements to Underground Utility Lines

Departments: Community Development Department
10 minutes

(Wendy Sugimura, Community Development Director) - The Planning Commission requests the Board of Supervisors send a letter to Liberty Utilities requesting a written response and attendance at meetings to discuss Mono County requirements to underground utility connections.

Recommended Action: Modify as desired, authorize the Chair to sign the letter, and direct staff to send to Liberty Utilities.

Fiscal Impact: No impact beyond budgeted expenses.

F. Employment Agreement - Chief People Officer

Departments: County Administration Office
10 minutes

(Mary Booher, Acting County Administrative Officer) - Proposed resolution approving a contract with John ("Jack") Conry as Chief People Officer, and prescribing the compensation, appointment and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Adopt resolution approving a contract with John Conry as Chief People Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Estimated cost of this position for the remainder of the fiscal year is \$43,931, of which \$31,647 is salary and \$12,283 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$163,171, of which \$117,547 is salary and \$45,624 is benefits. This is included in the County Administration FY 2022/23 budget.

G. Employment Agreement - Deputy District Attorney III

Departments: District Attorney

5 minutes

(David Anderson, District Attorney) - Proposed resolution approving a contract with Lauren Ryerson as Deputy District Attorney III, and prescribing the compensation, appointment and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Approve resolution, approving a contract with Lauren Ryerson as Deputy District Attorney III, and prescribing the compensation, appointment and conditions of said employment.

Fiscal Impact: Estimated cost of this position for the remainder of the fiscal year is \$44,192, of which \$31,836 is salary and \$12,356 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$160,687, of which \$117,547 is salary and \$43,140 is benefits. This is included in the District Attorney's FY 2022/23 budget.

H. Budget Update - March

Departments: County Administration Office

20 minutes

(Megan Chapman, Budget Officer) - A standard, repeatable, annual budget process and timeline will allow for transparency, collaboration and ensure needed services are provided in Mono County in compliance with the County Budget Act.

Recommended Action: 1. Approve Budget Calendar for implementation by Mono County staff for FY 2023-24. 2. Approve moving forward with a standard annual budget process and timeline for FY 2023-24 and future years.

Fiscal Impact: None.

I. Quarterly Economic Report

Departments: Economic Development

20 minutes

(Jeff Simpson, Economic Development Director) - Economic Development Department Staff will provide a quarterly report on Mono County economic data utilizing research and information available through local, State and federal sources.

Recommended Action: Receive presentation, provide any further direction to staff.

Fiscal Impact: None.

8. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Mary Booher, Stacey Simon, Janet Dutcher, Patty Francisco, and Oliver Yee. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

B. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: Interim Assistant County Administrative Officer.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer recruitment.

9. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

ADJOURN



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Clerk of the Board

TIME REQUIRED 10 minutes

SUBJECT General Aviation Appreciation Month

**PERSONS
APPEARING
BEFORE THE
BOARD**

Steve Fong, Communications Director
Alliance for Aviation Across America

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proclamation recognizing March 2023 as General Aviation Appreciation Month.

RECOMMENDED ACTION:

Approve the proclamation recognizing March 2023 as General Aviation Appreciation Month.

FISCAL IMPACT:

None.

CONTACT NAME: Danielle Patrick

PHONE/EMAIL: 7609325535 / despinosa@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Proclamation

History

Time	Who	Approval
3/6/2023 3:12 PM	County Counsel	Yes
2/28/2023 1:33 PM	Finance	Yes
3/6/2023 4:00 PM	County Administrative Office	Yes



**MONO COUNTY BOARD OF SUPERVISORS PROCLAMATION
RECOGNIZING MARCH 2023 AS
GENERAL AVIATION APPRECIATION MONTH**

WHEREAS, Bridgeport and Mono County in the state of California have a significant interest in the continued vitality of general aviation, aircraft manufacturing, aviation educational institutions, aviation organizations, and community airports; and

WHEREAS, general aviation and Bryant Field have a significant economic impact on the Town of Bridgeport, and Lee Vining airport has a similar economic impact on the Town of Lee Vining; and

WHEREAS, the PricewaterhouseCoopers study, Contribution of General Aviation to the US Economy in 2018, found that general aviation airports in the state support an annual economic impact of over \$32.7 billion, over 148,000 jobs, and a total payroll of over \$11.3 billion; and

WHEREAS, according to the 2018 Aviation in California: Fact Sheet, the state has 214 public-use airports serving general aviation. According to the FAA, these airports serve almost 69,000 pilots and almost 25,000 registered aircraft; and

WHEREAS, according to the FAA, the state is home to 555 repair stations, 65 FAA-approved pilot schools, over 25,000 student pilots, and over 10,000 flight instructors; and

WHEREAS, general aviation not only supports California's economy, it improves overall quality of life by supporting emergency medical and healthcare services, law enforcement, search and rescue, firefighting and disaster relief, investments in sustainable fuels and technologies, and investments in innovative experimental technology like Vertical Takeoff and Landing vehicles, and by transporting business and recreational travelers to their destinations quickly and safely; and

WHEREAS, the United States faces a shortage of aviation professionals, leaders should invest in this critical infrastructure to ensure future economic growth and our next generation of aviation professionals and pilots;

NOW, THEREFORE, BE IT PROCLAIMED, the Mono County Board of Supervisors hereby declares March 2023 be General Aviation Appreciation Month.

APPROVED AND ADOPTED this 14th day of March 2023, by the Mono County Board of Supervisors.

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Lynda Salcido, Supervisor District #5



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: County Administration Office

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Proclamation Honoring Those Lost
on Care Flight Crash in Stagecoach,
Nevada

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Mary Booher honoring those who lost their lives in the Care Flight accident on February 24, 2023 in Stagecoach, Nevada.

RECOMMENDED ACTION:

Approve the proclamation honoring those who lost their lives in the Care Flight accident on February 24, 2023 in Stagecoach, Nevada.

FISCAL IMPACT:

None.

CONTACT NAME: Mary Booher

PHONE/EMAIL: 760-932-5414 / mbooher@mono.ca.gov

SEND COPIES TO:

REMSA 450 Edison Way, Reno, NV 89502

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Proclamation

History

Time	Who	Approval
3/8/2023 9:12 AM	County Counsel	Yes
3/7/2023 10:02 AM	Finance	Yes

3/8/2023 8:10 PM

County Administrative Office

Yes



***MONO COUNTY BOARD OF SUPERVISORS PROCLAMATION
HONORING THE CARE FLIGHT CREW LOST ON FEBRUARY 24, 2023***

WHEREAS, Care Flight is an air ambulance service consisting of both helicopters and fixed wing aircrafts and operated by the Regional Emergency Medical Services Authority (REMSA) in Reno, Nevada; and

WHEREAS, Care Flight serves an integral role in the provision of Emergency Medical Services in Mono County; and

WHEREAS, Care Flight responds to medical emergencies in Mono County and throughout Western Nevada and the Eastern Sierra every day; and

WHEREAS, on February 24, 2023, a Care Flight fixed wing aircraft crashed near Stagecoach, Nevada, killing Pilot Scott Walton, Flight Paramedic Ryan Watson, Flight Nurse Ed Pricola, the patient, and a family member;

NOW, THEREFORE, the Mono County Board of Supervisors proclaims to honor these first responders lost in service to others; and that the Mono County Board of Supervisors honors all the members of the Care Flight team and thanks them for their service to Mono County.

APPROVED AND ADOPTED this 14th day of March 2023, by the Mono County Board of Supervisors

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Lynda Salcido, Supervisor District #5



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Reappointment to Mono County Child
 Care Council

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The reappointment of Pam Kobylarz-Heays for a two-year term expiring March 14, 2025 to the Mono County Child Care Council.

RECOMMENDED ACTION:

Reappoint Pam Kobylarz-Heays to the Mono County Child Care Council, for a two-year term expiring March 14, 2025.

FISCAL IMPACT:

None.

CONTACT NAME: Kevin Lian

PHONE/EMAIL: 7609325538 / klian@monocoe.org

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time	Who	Approval
3/8/2023 9:15 AM	County Counsel	Yes
3/7/2023 10:01 AM	Finance	Yes
3/8/2023 8:10 PM	County Administrative Office	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT White Mountain Fire Department
Appointment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Pursuant to Health and Safety Code sections 13000 - 13970, the White Mountain Fire Protection District (White Mountain Fire) informed the Mono County Clerk of a vacancy on its governing board. Notice of the vacancy was posted in three conspicuous places as required by Government Code section 1780. Since it is past the 60-day time frame in which the White Mountain Fire Board could have made the appointment, under section 1780, the Board of Supervisors may make the appointment. Subsequently, White Mountain received one application, from Robin Picken. Accordingly, the White Mountain Fire Board is asking that the Board of Supervisors appoint Robin Picken a member of the White Mountain Fire governing board for a term ending November 30, 2026.

RECOMMENDED ACTION:

Appoint Robin Picken to the White Mountain Fire Protection District governing board for a term ending November 30, 2026.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

PHONE/EMAIL: 7609325538 / sdedman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Redacted Application</p>

History

Time

Who

Approval

3/8/2023 9:15 AM	County Counsel	Yes
2/28/2023 1:32 PM	Finance	Yes
3/8/2023 8:11 PM	County Administrative Office	Yes

MONO COUNTY APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES

DATE	2/15/2023
NAME	Robin Picken
POSITION APPLIED FOR: Commissioner	
White Mountain Fire Protection District Board of Commissioners	

RESIDENCE ADDRESS	[REDACTED]
PHONE	[REDACTED]
BUSINESS ADDRESS	City of Bishop 377 W. Line St. Bishop, CA 93514
PHONE	760-873-5863 x124
OCCUPATION	City Clerk

How did you learn of the opening? Word of mouth.

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: I have over 30 years of administrative experience working for the President/CEO and Chairman of the Board of Cedars-Sinai Medical Center, The Town of Mammoth Lakes Town Manager and City Council, and the City of Bishop City Administrator and City Council.

Other information may be submitted by resume if desired.

Summary of background and skills: I am of Hawaiian and Japanese descent. I graduated from the University of California, Los Angeles with a bachelor degree in Sociology. I have over 30 years of problem solving, computer, and writing skills. I have lived in Mono County for 19 years, specifically in Hammil Valley for 18 years. I am married and raised two boys.

Professional experience: Please see my resume - attached.

Education: Please see my resume - attached.

Professional and/or community organizations: I am currently the City Clerk and Risk Manager for the City of Bishop. As the City's Risk Manager, I attend and participate in the California Joint Powers Insurance Authority meetings and conferences.

Personal interests and hobbies: I enjoy spending time with my family, hiking with my dogs, cross-country skiing, listening to music, and playing my ukulele.

Have you ever been convicted of a felony, which would disqualify you from appointment? No If you are appointed and cannot be bonded as required, your appointment will be revoked.

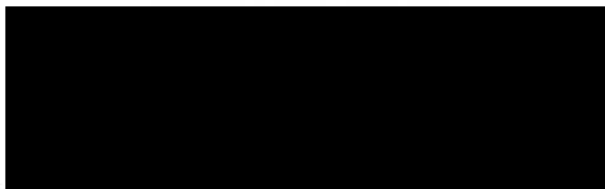
If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5530.

Please return application to: Clerk of the Board
County of Mono
P. O. Box 715
Bridgeport, CA 93517


Signature

2/15/2023
Date

Robin M. Picken



Highly motivated; professional; able to monitor and direct a broad range of operations and programs with an emphasis on timely delivery of service; able to analyze complex administrative problems; develop innovative solutions and alternatives, and present recommendations and implement approved solutions; ability to think strategically and critically and recognize the issues associated with various stakeholders; experience that demonstrates a full and complete understanding of municipal government operations including, but not limited to, strategic planning, budgeting, and other administrative processes; ability to establish and maintain effective relationships, deliver public presentations, and communicate persuasively and effectively; ability to negotiate agreements between differing stakeholders; ability to develop and implement organizational goals, objectives, policies, and priorities; experience and desire to develop, motivate, and supervise staff; ability to analyze and evaluate program effectiveness; and the political acumen to resolve conflicts.

Skills: Provide effective leadership and coordinate the various activities of a municipal organization; analyze, summarize and present administrative and technical information and data in an effective manner; appraise situations and people accurately and quickly and adopt an effective course of action; serve effectively as an administrative agent to the board and the executive staff; select, supervise, train, and evaluate staff.

Education: Graduated from University of California, Los Angeles in March 1988
Bachelor of Arts in Sociology (Social-Psychology)

PROFESSIONAL EXPERIENCE

**City of Bishop
377 West Line Street
Bishop, CA 93514**

February 8, 2013 – Present

City Clerk

September 10, 2018 – Present

Under general supervision from the City Administrator and City Council, performs a variety of highly responsible and complex administrative support tasks for the City Administrator and the City Council; coordinates and organizes City Council meetings and agendas; produces City Council meeting staff reports and minutes; certifies City resolutions and

ordinances; processes legal filings required by the Fair Political Practices Commission; coordinates employee training and development programs; supervises other administrative/clerical staff in specified operations; administers municipal elections in coordination with the County Elections Office, manages and maintains official records for the City, monitors compliance with the Brown Act; and serves as City Clerk to the City Council and as Manager of Personnel and Risk Management to the City Administrator.

City Clerk / Interim City Administrator

August 21, 2019 – January 12, 2020

Plans, directs, and coordinates the overall administrative activities and operations of the City; provides advice, assistance, and staff support to the City Council; exercises independent judgment and initiative; provides administrative direction to City department heads and staff; and serves as City Clerk to the City Council and as Director for Community Services, Personnel, Risk Management, Planning, and Finance.

City Clerk

September 10, 2018 – August 21, 2019

Under general supervision from the City Administrator and City Council, performs a variety of highly responsible and complex administrative support tasks for the City Administrator and the City Council; coordinates and organizes City Council meetings and agendas; produces City Council meeting staff reports and minutes; certifies City resolutions and ordinances; processes legal filings required by the Fair Political Practices Commission; coordinates employee training and development programs; supervises other administrative/clerical staff in specified operations; administers municipal elections in coordination with the County Elections Office, manages and maintains official records for the City, monitors compliance with the Brown Act; and serves as City Clerk to the City Council and as Manager of Personnel and Risk Management to the City Administrator.

Assistant City Clerk / Executive Secretary

February 8, 2013 – September 10, 2018

Performs highly responsible and complex administrative support to the City Administrator/City Clerk/Community Services Director and the City Council including preparation and recording of the activities and decisions of the City Council; processes and maintains official City documents and records; ensures compliance with legal requirements for municipal records management; coordinates employee trainings; supervises other administrative/clerical staff in specified operations; and administers municipal elections in coordination with the County Elections Office.

**Town of Mammoth Lakes
P.O. Box 1609
437 Old Mammoth Road, Suite R
Mammoth Lakes, CA 93546**

June 2004 – February 2013

Personnel and Risk Manager

December 2011 – February 2013

(Affiliated with Cedars-Sinai Medical Network Services)
11600 Indian Hills Road
Mission Hills, CA 91345

Executive Assistant to the Administrator

September 1997 – February 1999

Under general direction, provides administrative support to the Administrator of the Medical Group and the Independent Physician Association, as well as the Chief Executive Officer of the Medical Staff Office, Cedars-Sinai Medical Care Foundation; screened and prioritized calls and appointments; routed inquires to other departments in the organization as appropriate; maintained the Administrator's calendar, arranged meetings, typed memorandums and letters from dictation; maintained filing system and records; prepared Independent Physician agreements and Ancillary agreements; updated physician roster.

Cedars-Sinai Health System
8700 Beverly Boulevard
Los Angeles, CA 90048

Executive Assistant to the

May 1995 – August 1997

Senior Vice President of Finance and Business Affairs & Chief Financial Officer

Under general direction, provides administrative support to the Senior Vice President of Finance and Business Affairs & Chief Financial Officer; coordinated all administrative activities of the office; applied a detailed knowledge of the responsibilities, functions, and underlying management structure of the Finance Department and of the larger Health System organization in ensuring the orderly and timely flow of business through the office; distributed and took minutes for the Finance Committee, Investment Committee, and Audit Committee. Also performed duties requested by the President and the Chairman of the Board when assigned.

Management Assistant II -

January 1993 – May 1995

to the Vice President of Facilities Planning & Development

Management Assistant I -

August 1992 – January 1993

to the Annual Giving Officer in the Community Relations Department

Temporary Assignments at Cedars-Sinai Health System March 1992 – July 1992

Management Assistant I – to the Vice President of Facilities Planning and Development

Management Assistant I – to the Vice President of Government and Industry Relations

Extracurricular Activities:

I enjoy the outdoors, walking, running, hiking, cross-country skiing, fishing, and golfing. I also enjoy photography, knitting, playing the ukulele, listening to music, and cooking.

I have volunteered for the following organizations in Bishop since 2014:

Bishop Mule Days

California High School Rodeo Association State Finals

Bishop Area Chamber of Commerce and Visitors Bureau
California Waterfowl Association
California Deer Association
Ducks Unlimited

I volunteered for the following organizations in Mammoth prior to 2014:

Mammoth Lakes Lions Club: 2006 – 2013

Club Secretary 2007 – 2012

Second Vice President 2012 - 2013

Mammoth Lakes Jazz Jubilee Board: 2009 – 2013

Board Secretary 2010 – 2013

Music Society of the Eastern Sierra (MUSES) Board: 2009 – 2013

President 2012-2013

References available upon request.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Letter from State Senator Marie Alvarado-Gil Requesting Emergency Support for Mono County

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter received from Marie Alvarado-Gil, State Senator, Fourth District regarding the request for urgent assistance obtaining additional snow removal equipment and personnel to respond to the State of Emergency in Mono County.

RECOMMENDED ACTION:

None, Informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Danielle Patrick

PHONE/EMAIL: 7609325535 / despinosa@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
3/8/2023 1:16 PM	County Counsel	Yes
3/8/2023 11:44 AM	Finance	Yes
3/8/2023 8:08 PM	County Administrative Office	Yes

CAPITOL OFFICE
1021 O STREET
SUITE 7240
SACRAMENTO, CA 95814
(916) 651-4004

DISTRICT OFFICE
1020 15TH STREET
SUITE 21
MODESTO, CA 95354
TEL. (209) 848-4001

California State Senate

SENATOR
MARIE ALVARADO-GIL, M.P.A.
CHAIR, HUMAN SERVICES
FOURTH SENATE DISTRICT

COMMITTEES
AGRICULTURE
BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT
GOVERNMENTAL ORGANIZATION
HUMAN SERVICES
INSURANCE
MILITARY & VETERANS AFFAIRS



March 3, 2023

Tony Taveras
Director, Caltrans
1120 N Street
Sacramento, CA 95814

Re: Emergency Mutual Aid Support for Mono County

Dear Mr. Taveras,

I write to request your urgent assistance obtaining additional snow removal equipment and personnel to respond to the State of Emergency in Mono County.

Beginning on February 27, 2023, a series of extreme winter storms caused disastrous conditions resulting in hazards to the safety of people and property in counties across California's Senate District 4 (CA SD-4). My office has been working around the clock to stay in communication with local county and emergency services leaders across the impacted areas of my district as well as communication with the Governor's office. As of March 1, 2023, the Counties of Amador, Madera, Mariposa, Mono and Nevada in my district have been included in the Governor's State of Emergency Proclamation to support disaster response and relief efforts.

The situations in these impacted areas remains dangerous and dynamic, especially on the heels of additional storms moving in within the next 24 hrs. In Mono County specifically, the extreme amounts of snow accumulation have resulted in unprecedented challenges for roadways, straining emergency services, inhibiting utility repair crews working to restore power, and preventing delivery of essential goods to isolated communities, etc. Impassable roadways have created a dire safety situation and Mono County leaders have requested urgent deployment of mutual aid assistance with snow plow equipment and personnel to help clear roadways.

I ask that you move expeditiously to approve the appropriate resources for Mono County and all impacted communities across CA SD-4. To keep my office updated regarding the status of these requests please contact my District Director, Lauren Hernandez, via email at Lauren.Hernandez@sen.ca.gov and phone at 916-835-7976.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marie Alvarado-Gil".

MARIE ALVARADO-GIL
State Senator, Fourth District



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: County Counsel

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Stacey Simon, County Counsel

SUBJECT Authorization of Remote Participation
in Board Meeting Due to Winter
Storms

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Authorization for teleconference participation in today's meeting by members of the Board of Supervisors under the modified Brown Act procedures of AB 361, based on Governor Newsom's March 1, 2023, Proclamation of Emergency resulting from severe storms and a finding that in-person participation would result in an imminent risk to the health and safety of meeting attendees. This authorization may last through April 13, 2023, provided the above conditions remain in effect.

RECOMMENDED ACTION:

Pursuant to subdivision (1)(B)(2) of Government Code 54953, find that: (1) on March 1, 2023, Governor Newsom proclaimed a state of emergency in Mono and twelve other California Counties due to the effects of severe winter storms; and (2) as a result of the conditions underlying the emergency declaration, the holding of an in-person meeting of the Board of Supervisors presents an imminent risk to the health and safety of attendees who would need to drive on icy and/or unplowed roads in poor driving conditions with low visibility to reach the in-person location.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 1704 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff report](#)

History

Time	Who	Approval
3/8/2023 1:13 PM	County Counsel	Yes
3/8/2023 11:43 AM	Finance	Yes
3/8/2023 8:06 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Anne L. Frievault

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**

Mono County

South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Stacey Simon

Date: March 14, 2023

Re: Authorization for Teleconference Participation in Board Meetings due Winter Storm emergency

Severe winter storms have been impacting Mono County since early January of 2023. The most recent round of such storms caused avalanches and road closures and resulted in communities within the County being cut off from supplies, mail, medicine and other essentials. The roads that have remained open (or which open periodically) can be narrow, icy and dangerous. Non-essential traffic during snowfall and snow clearing activities interferes with the work of road crews tasked with keeping those roads safe and open for emergency services.

As a result of the above-described (and similar) conditions, on February 28, 2023, the Mono County Director of Emergency Management proclaimed a state of emergency in Mono County. This is the second such declaration since January. The February 28 declaration was ratified and extended by the Board of Supervisors. On March 1, 2023, Governor Newsom also proclaimed a state of emergency related to severe weather conditions throughout the state. That proclamation included Mono County as an affected area.

As the Board will recall, in 2021, AB 361 amended the Brown Act to allow local legislative bodies to meet under modified teleconferencing rules through January 1, 2024, if the meeting occurred during a proclaimed state of emergency and the legislative body found one of the following to be true:

- (A) State or local officials have imposed or recommended measures to promote social distancing; or
- (B) The meeting is held for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The legislative body has already determined pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The Board utilized subdivision (A) above during the COVID emergency and up and until the County's and Governor's emergency proclamations terminated on February 28, 2023.

Due to the severe winter conditions, the Board may wish to again utilize the teleconferencing procedures made available by AB 361 for the newly-proclaimed storm emergencies. To do so, the Board would need to make one of the findings listed in subdivisions (B) or (C) described above. For the first such occasion, subdivision (B) is the most appropriate and is included as the recommended finding on your agenda.

If the Board makes the recommended finding, then Board Members would be authorized to join agendaized meetings of the Board from remote locations today, and for a period of 30 days hereafter, without those locations having to be noticed on the agenda or opened to the public. Moreover, the requirement that at least a quorum of the Board be present within the County, or at a singular physical location would be waived. As a result, clerk staff would not need to manage and maintain multiple meeting locations to accommodate Board members' inability to safely travel to an in-person meeting location.

Adoption of the proposed findings *does not require* that Board members utilize the modified teleconference rules of AB 361 to meet remotely, but merely *authorizes* them to do so. Accordingly, a Board Member who is able to safely travel to an in-person meeting location is free to do so.

If you have any questions regarding this item prior to your meeting, please email me at ssimon@mono.ca.gov.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Emergency Management

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Chris Mokracek, Director of
Emergency Management

SUBJECT Storm Update

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Chris Mokracek providing an update on the impacts of and response to the current winter storms.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Mary Booher

PHONE/EMAIL: 760-932-5414 / mbooher@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time	Who	Approval
3/9/2023 8:37 AM	County Counsel	Yes
3/9/2023 12:36 PM	Finance	Yes
3/9/2023 12:37 PM	County Administrative Office	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Community Development

TIME REQUIRED PUBLIC HEARING: 9:00 AM (20 minutes)

PERSONS APPEARING BEFORE THE BOARD

Wendy Sugimura, Community Development Director

SUBJECT PUBLIC HEARING: Appeal of a Planning Commission Decision Denying a General Plan Amendment to Redesignate a Parcel in Bridgeport

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Appeal of the Planning Commission decision to deny General Plan Amendment (GPA 22-03), a proposed change of Land Use Designation from Multi-Family Residential–Moderate (MFR-M) to Mixed Use (MU), and Use Permit 22-011, in support of a transient rental use.

RECOMMENDED ACTION:

Consider the appeal and either affirm, affirm in part, or reverse the Planning Commission’s decision denying GPA 22-03/Nichols, making appropriate findings and providing any other desired direction to staff.

FISCAL IMPACT:

If the appeal is upheld and the Planning Commission’s denial is overturned, the proposed project will generate an incremental increase in transient occupancy taxes.

CONTACT NAME: Wendy Sugimura

PHONE/EMAIL: 760-924-1814 / wsugimura@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
staff report
1 Resolution
2 Appeal Application

[3 Planning Commission staff report](#)

[4 Public Hearing notice](#)

History

Time	Who	Approval
3/9/2023 10:09 AM	County Counsel	Yes
3/7/2023 9:59 AM	Finance	Yes
3/9/2023 10:10 AM	County Administrative Office	Yes

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

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

March 14, 2023

To: The Mono County Board of Supervisors

From: Wendy Sugimura, Director, for Michael Draper, former Principal Planner

Re: Appeal of Planning Commission denial of General Plan Amendment (GPA 22-03), a proposed change of Land Use Designation from Multi-Family Residential–Moderate (MFR-M) to Mixed Use (MU) and Use Permit 22-011.

RECOMMENDATION

1. Consider the appeal and either affirm, affirm in part, or reverse the Planning Commission's decision denying GPA 22-03/Nichols, making appropriate findings and providing any other desired direction to staff.

A draft resolution (Attachment 1) containing the required findings is provided should the Board affirm the Planning Commission's denial of the use permit. If the Board's intention is to grant the appeal and reverse the Planning Commission's decision, staff recommends that the Board move to tentatively grant the appeal and direct staff to return with written findings within 30 days.

FISCAL IMPACT

If the appeal is upheld and the Planning Commission's denial is overturned, the proposed project will generate an incremental increase in transient occupancy taxes.

APPEAL PROCESS

Mono County General Plan Land Use Element Chapter 47, Appeals, allows for an appeal of any Planning Commission decision provided that written notice is submitted within 10 calendar days following the Commission action. The Board of Supervisors may affirm, affirm in part, or reverse the Commission's determination that is the subject of appeal, provided that an appeal is not to be granted when the relief sought should be granted through a variance or amendment. Chapter 47 specifies that appeals are de novo, meaning the Board of Supervisors is not limited to a review of the record and may hear the matter over again (as if for the first time).

The Planning Commission determination to deny the General Plan Amendment and Use Permit was made on November 17, 2022, and the appeal was received November 22, 2022 (Attachment 2). Per §47.030, the hearing for the appeal must be agendaized for consideration by the Board of Supervisors within 60 days of the date the appeal was filed. The appeal was originally scheduled for January 17, 2023, within 60 days, but the appellant was unavailable and so the appeal hearing was carried to March 14, 2023.

BACKGROUND

The subject property, 171 Aurora Canyon Road (APN 008-210-003), has a land use designation of Multi-Family Residential-Moderate (MFR-M) which does not permit transient rental uses (rentals for fewer than 30 consecutive days). The property



owner had been operating a short-term rental and, in order to come into compliance with Mono County regulations, filed an application on February 7, 2022, for a General Plan Amendment to change the land use designation of the property to Mixed Use (MU), which allows transient rentals subject to Director Review permit. At the time, the Board of Supervisors was considering a moratorium on overnight rentals and the applicant requested to wait until the Board made a final decision. On May 3, 2022, the Board adopted a moratorium on overnight rentals in all single-family residences regardless of the land use designation. The Board also directed staff to elevate to all overnight rental applications that had been deemed complete for processing and were currently in progress to use permits. Further, the Board directed staff to bring back the potential to expand the moratorium to multi-family dwellings, which has not yet been considered.

The transient rental proposed by this General Plan Amendment and Use Permit is not technically subject to the moratorium because the project is in a multi-family dwelling unit.

PROJECT DESCRIPTION

The proposed project would change the land use designation (LUD) of 171 Aurora Canyon Road (APN 008-210-003) from Multi-Family Residential-Moderate (MFR-M) to Mixed Use (MU) for the purpose of conducting a transient rental operation (fewer than 30 consecutive days). The applicant also owns 14 Hays Street, Bridgeport, which is designated Commercial and was approved for transient rental by the Planning Commission on May 19, 2022 (UP 22-003).

The project site is 0.34-acres and accessed by Aurora Canyon Road. The property contains a 1,500-sf detached garage and 1,883-sf, multi-family dwelling consisting of a one-bedroom unit on the first floor and two-bedroom unit on the second floor. The dwelling was constructed in 1972. The garage is used by the owner for storage of personal items and will not be used a part of the transient rental operation. In 2013 a building permit was issued to remodel the residence into two units and add an exterior deck on the second story to provide separate entry ways. In the same year, building permits were issued to construct a bathroom and install a wood stove in the detached garage.

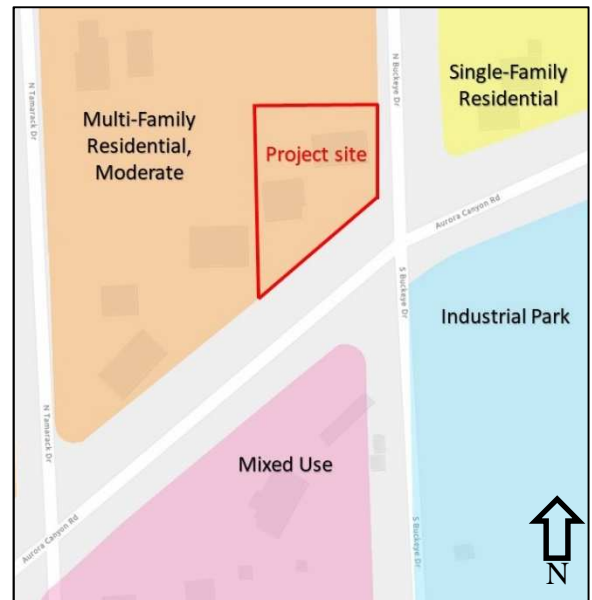
The second story, two-bedroom unit of the duplex is currently occupied by the owner, and the garage is used for personal storage and use by the owner. The owner had illegally used the first story, one-bedroom unit for transient rental and was issued a Notice of Violation (NOV) in June 2017 to immediately cease renting the unit. The property’s land use designation prohibits short-term rental, and no land use permit had been approved to allow the use. However, the applicant did have a transient occupancy tax (TOT) license. The owner was allowed to honor existing reservations for the unit but was required to cease future operations.

A second NOV was issued on September 19, 2019, after learning the operation had not ceased, and a third NOV was issued on September 23, 2019. Again, the applicant did not have land use approval for the rental but did have a TOT license, which was cancelled on July 14, 2021. In July 2021, staff observed that property was still being advertised on AirBnB. The NOV was discussed with the owner along with the process needed to establish a permitted nightly rental. The owner was told no rental may take place until all permits have been obtained, to which the owner agreed. In August 2021, staff observed the property being advertised on AirBnB with documented stays. As of December 2021, the property was still being offered for short-term rental on AirBnB. There were continued documented stays at the property in August, September, and October of 2021. At this time, the unit does not appear on AirBnB.

Surrounding Land Use Designations

The land use designations and uses adjacent to the parcel are described below:

East:	Private land – Single-Family Residential, developed with a residential unit and garage
West:	Private land – Multi-family Residential, Moderate, developed with a residential unit
South:	Private land – Mixed Use, developed with a mobile-home residential unit. Private land- Industrial Park, contains six satellite dishes.
North:	Private land – Multi-Family Residential,



Moderate, undeveloped.

Figure 2. Surrounding land use designations



Figure 3. Front of property viewed from Aurora Canyon Rd.



Figure 4. Southwest view of property from North Buckeye Dr.



Figure 5. Rear yard of the property

BASIS FOR APPEAL

Following a public hearing held November 17, the Mono County Planning Commission denied GPA 22-003/Nichols by a 5-0 vote. In denying the GPA, the Use Permit application is void because the proposed use is prohibited in the current land use designation. The Commission found General Plan Amendment Findings C and D could not be met, as follows:

C. The site of proposed change in land use designation is suitable for any of the land uses permitted within the proposed land use designation because:

Find that the proposed project is not suitable for the land uses permitted within the proposed land use designation because surrounding properties have residential designations, and existing residential structures used for long-term occupancy. The MU designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, and to be applied to areas with existing mixed-use development. The project site is within an area characterized by residential development and use. Existing MU properties are separated from this site by Aurora Canyon Road. Furthermore, the MU properties contain residential uses. Allowing the project site to be designated MU for the purpose of conducting a commercial use, transient rental, does not align with the existing land uses of the area.

D. The proposed change in land use designation is reasonable and beneficial at this time because:

Find the project is not reasonable and not beneficial at this time. The existing designation, MFR-M, is intended to encourage long-term multifamily housing by allowing for high population densities and by not allowing commercial lodging facilities. The site contains a residential duplex unit that has been illegally used for transient rental. To correct the violation, the applicant is requesting the designation change rather than using the property for long-term occupancy. The Mono County Board of Supervisors has identified long-term housing as a need throughout the county, and in allowing this designation change, the property will no longer encourage long-term housing.

The complete Planning Commission staff report and all attachments are included as Attachment 3.

The Applicant appealed the decision on the basis that he was not given an opportunity to respond to the Commission's deliberation (see Attachment 2). Under Article II, Section 12, Rule 6b of the Planning Commission's Rules for the Transaction of Business (pursuant to 2.36.040.C.), the Commission has the discretion to set rules regarding time and relevance of public testimony. Section 12 also allows for an applicant statement to open the public hearing, and an applicant's rebuttal to close the public hearing after public testimony is heard.

The Commission Chair received the staff presentation and asked questions of staff before allowing the applicant to give a statement. The applicant provided a statement and answered questions from the Commission. The public hearing was then opened, no comments were received, and the public hearing was closed at 4:18 pm. Final Commission deliberation occurred and the vote took place at 4:32 pm. The applicant requested to speak using the Raise Hand feature of Zoom after the close of the public hearing. This request was not granted.

PROJECT EVALUATION AND ANALYSIS

The Planning Commission staff report (Attachment 3) contains a complete analysis of the proposed project, including General Plan consistency, review of land use designation standards, transient rental regulations, use permit findings, and existing nonconforming structures and findings. Key points are included below:

- MFR-M purpose: Encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities, i.e., hotels, motels.
- MU purpose: Provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; to provide for efficient use of land and increased opportunities for affordable housing; to provide a transition between intensive commercial uses and residential uses; and to be applied to areas with existing mixed-use development.

Table 1. Comparison of Development Standards – significant differences are highlighted in yellow.

Development Standards	
Multi-Family Residential, Moderate	Mixed Use
<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60’ Depth – 100’ • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> • Minimum Setbacks: Front: 20’ Rear: 10’ Side: 10’ • Maximum Building Height: 35’ • Building Density: Condominiums, multifamily residences and similar uses – 15 du/acre. In no case shall projects containing density bonuses exceed 26 units/acre. Units designated as manager/employee housing unit shall not be counted in density calculations. • MFR-M Minimum lot size – 7,500 sf <ul style="list-style-type: none"> ○ Developments of three or more units – (number of units) x 2,904 sf 	<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60’ Depth – 100’ • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> ○ An additional coverage bonus of 10% (total coverage of 70%) shall be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza. • Minimum Setbacks: Front: 10’ Rear: 5’ Side: 10’ • Maximum Building Height: 35’ • Building Density: Hotels, resort hotels, motels – 40 du/acre • Apartments, multifamily units, condominiums and similar uses – 15 du/acre <ul style="list-style-type: none"> • Minimum lot size: Areas lacking community water and sewer – one-acre minimum all uses; all uses – 10,000 sf <ul style="list-style-type: none"> ○ Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes.

Table 2. Comparison of permitted uses – significant differences are highlighted in yellow.

Permitted Use	
Multi-Family Residential, Moderate	Mixed Use
<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling – MFR-L only • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act. 	<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling. Mobile homes are excluded from June Lake • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.
USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)	
<ul style="list-style-type: none"> • MFR-L Model units • None stated for MFR-M and MFR-H 	<ul style="list-style-type: none"> • Residential uses – e.g., condominiums, townhomes, commercial lodging, cluster developments, and apartments • Retail trade – e.g., food, drug, hardware, apparel, arts and crafts, sporting goods, bookstores, bakery, florist • Social care facilities – e.g., medical and dental offices, welfare and charitable services • Professional offices – e.g., real estate, financial, insurance, rental and reservation services, legal services • Business services – e.g., business centers, general advertising, business and management consulting • Recreational activities – e.g., health clubs, dance studios • Food service establishments – e.g., restaurants, cafes, delicatessens • Conversion or expansion of existing operations • Transient rentals (fewer than 30 consecutive days)
USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)	
<ul style="list-style-type: none"> • Art galleries • Quasi-public buildings and uses • Public utility buildings and structures, not including service yards 	<ul style="list-style-type: none"> • All of the above uses subject to Director Review, if determined to be necessary by the Community Development director • Parking lots and parking structures other than required off-

<ul style="list-style-type: none"> • Country clubs and golf courses • Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units • Parking lots and parking structures 	<p>street parking when abutting a commercial district</p> <ul style="list-style-type: none"> • Religious and cultural activities – e.g., museums, art galleries, churches • Small-scale malls, plazas, parks and related pedestrian open space • Conversion or expansion of existing operations • Mobile-home parks (see Development Standards – Mobile-home Parks and RV Parks, Ch. 17) c • Recreational-vehicle parks (see Ch. 17) c • Manufactured housing subdivision (see Ch. 18) • Commercial cannabis activity: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.
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- The existing duplex is existing nonconforming to the western side yard setback. The property otherwise conforms to all development standards, including parking.
- The proposed transient rental would meet all development standards except for the existing nonconforming western side yard setback.

ENVIRONMENTAL REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164(a), and Addendum was prepared for the approval of the project (see the Planning Commission staff report – Attachment 3). Disapproval or denial of a project is exempt from CEQA.

PUBLIC NOTICING

This project was accepted for processing by the Land Development Technical Advisory Committee (LDTAC) on February 7, 2022. Draft conditions of approval were reviewed by the LDTAC on November 7, 2022.

Decisions to change the classification of land from one adopted land use designation to another shall be the subject of a public hearing and noticed according to the requirements of Chapter 46, Noticing Requirements. Public notice was published for the Planning Commission meeting in the November 5, 2022, edition of The Sheet newspaper, and mailed to property owners within 300’ of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch. 46. Notification was provided to California Native American tribes on March 15, 2022, for a 90-day period to request consultation, as required by Senate Bill 18. No requests were received at the date of publication.

A CEQA addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration (Cal. Code Regs. tit. 14 § 15164) (Appendix 2).

The Public Hearing for the appeal was published in The Mammoth Times on March 2, 2023 (Attachment 4).

PUBLIC COMMENT

No public comments have been received on the proposal at the time this report was drafted.

APPEAL DECISION

The appeal body may render its decision at the conclusion of the hearing or at any time within 30 days.

The appeal of any decision to the Board of Supervisors, pursuant to the provisions of this chapter, constitutes the administrative appeal and remedy procedure for all land use decisions of the County. The decision of the appeal body, pursuant to 47.050, shall be final for all purposes unless a judicial action challenging the same is commenced within the time provided by law. Failure to make timely utilization of the administrative remedies of this chapter and the exhaustion of same shall bar further review.

ATTACHMENTS

1. Resolution denying the application and upholding the Planning Commission's decision
2. Appeal application
3. Planning Commission Staff Report
4. Public Hearing notice



RESOLUTION R23-__

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS DENYING THE APPEAL OF THE PLANNING COMMISSION DECISION ON NOVEMBER 17, 2022, WHICH DENIED GENERAL PLAN AMENDMENT 22-03/NICHOLS FOR THE LAND USE DESIGNATION CHANGE OF 171 AURORA CANYON ROAD, APN 008-210-003, FROM MULTI-FAMILY RESIDENTIAL - MODERATE TO MIXED USE FOR THE PURPOSE OF CONDUCTING TRANSIENT RENTAL

WHEREAS, the property owner of 171 Aurora Canyon Road, Bridgeport, Assessor's Parcel Number 008-210-003, requested to change the parcel's designation from Multi-Family Residential - Moderate to Mixed Use for the purpose of creating a transient rental operation (fewer than 30 consecutive day rental) and concurrently applied for a use permit to conduct the transient rental; and

WHEREAS, all use and development of private land within the unincorporated area of Mono County shall fully comply with any and all applicable requirements of the Mono County General Plan, which incorporated the Mono County Code by this reference as though fully set forth, as the same may be amended from time to time, and any applicable area or specific plans, which are also incorporated by this reference; and

WHEREAS, on November 17, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed project, and unanimously voted 5-0 to deny the project; and

WHEREAS, the Planning Commission determined the proposed project is not suitable for the land uses permitted within the proposed designation because the surrounding properties are residential designations and developed with residential uses; and

WHEREAS, the Planning Commission determined the proposed change in land use designation is not reasonable or beneficial at this time because long-term housing has been identified as a need throughout the county and is supported by the MFR-M designation; and

WHEREAS, on March 14, 2023, the Board of Supervisors held a public hearing regarding the appeal of the Planning Commission's decision.

NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY RESOLVE AS FOLLOWS:

Having reviewed and considered all information and evidence presented, including public testimony, written comments, and Addendum and staff report and presentations, the Board of Supervisors denies the appeal of the Planning Commission's determination to deny General Plan Amendment 22-03 to change the current land use designation of Multi-Family Residential - Moderate (MFR-M) to Mixed Use (MU) and upholds the Planning Commission's findings, specifically:

- C. *The site of proposed change in land use designation is suitable for any of the land uses permitted within the proposed land use designation because:*

1 The proposed project is not suitable for the land uses permitted within the proposed land use
2 designation because surrounding properties have residential designations, and existing residential
3 structures used for long-term occupancy. The MU designation is intended to provide for a wide
4 range of compatible resident- and visitor-oriented residential and commercial uses, and to be
5 applied to areas with existing mixed-use development. The project site is within an area
6 characterized by residential development and use. Existing MU properties are separated from this
7 site by Aurora Canyon Road. Furthermore, the MU properties contain residential uses. Allowing
8 the project site to be designated MU for the purpose of conducting a commercial use, transient
9 rental, does not align with the existing land uses of the area.

10 D. *The proposed change in land use designation is reasonable and beneficial at this time because:*

11 Mono County has identified long-term housing as a need throughout the county, and the existing
12 designation, MFR-M, is intended to encourage long-term multifamily housing by allowing for
13 high population densities and by not allowing commercial lodging facilities. The site contains a
14 residential duplex unit that has been illegally used for transient rental. To correct the violation, the
15 applicant requested the designation change rather than using the property for long-term occupancy.
16 Granting the land use designation change would allow for commercial and transient rental uses,
17 rather than focusing on the provision of long-term housing.

18 **PASSED, APPROVED and ADOPTED** this 14th of March 2023, by the following vote, to wit:

19 **AYES** :

20 **NOES** :

21 **ABSENT** :

22 **ABSTAIN** :

23 _____
24 Rhonda Duggan, Chair
25 Mono County Board of Supervisors

26 ATTEST:

27 APPROVED AS TO FORM:

28 _____
29 Clerk of the Board

30 _____
County Counsel

Mono County Community Development Department

PO Box 347
Mammoth Lakes CA, 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

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

APPEAL APPLICATION

*** In order to be valid,
appeal must be filed **within**
10 days of action date.

APPLICATION # _____	FEE \$ _____
DATE RECEIVED _____	RECEIVED BY _____
RECEIPT # _____	CHECK # _____ (NO CASH)

APPELLANT _____

ADDRESS _____ CITY/STATE/ZIP _____

TELEPHONE (_____) _____ E-MAIL _____

APPLICATION # BEING APPEALED _____

DATE OF ACTION _____ **DATE OF APPEAL** _____

NATURE OF APPEAL: Describe what is being appealed. If it is a condition of approval, attach a copy of the project conditions and indicate which conditions are being appealed.

REASON FOR APPEAL: Describe why the decision is being appealed.

APPLICATION SHALL INCLUDE:

- Completed application form.
- Deposit for project processing: See Development Fee Schedule. Project Applicants are responsible costs incurred above deposit amount.

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

Chris Nichols
Signature

Signature

Date

Mono County Community Development Department

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November 17, 2022

To: The Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: General Plan Amendment (GPA 22-03) for a proposed change of Land Use Designation from Multi-Family Residential-Moderate (MFR-M) to Mixed Use (MU) and Use Permit 22-011.

RECOMMENDATION

1. Hold the public hearing, receive public testimony, deliberate the project including the associated Addendum to the 2015 General Plan Environmental Impact Report (EIR), and make any desired changes.
2. For General Plan Amendment (GPA) 22-03, certify the Addendum and make the findings as contained in the Resolution or with any desired modifications, and adopt Resolution R22-13 recommending the Mono County Board of Supervisors approve the GPA and certify the Addendum.
3. For Use Permit 22-011, make the findings in the staff report or with any desired modifications, certify the Addendum, and approve Use Permit 22-011 subject to Conditions of Approval, which requires the approval of GPA 22-03 by the Board of Supervisors.

OR

- A. For General Plan Amendment 22-03, determine the findings cannot be made, state the rationale, and do not take action on the Addendum. Per Mono County General Plan Land Use Element Section 48.020, denial shall terminate any application for a change in land district classification unless it is appealed in accordance with the provisions of Chapter 47, Appeals.
- B. For Use Permit 22-011, determine the findings cannot be made, state the rationale, and disapprove Use Permit 22-011.

BACKGROUND

Under Mono County General Plan Land Use Element Chapter 26, transient rental use may be permitted in a non-residential land use designation by Director Review or Use Permit and Multi-Family Residential- High land use designations.



Figure 1. Project site

At the March 1, 2022, Board of Supervisors meeting, Community Development staff conducted a workshop for a potential moratorium on short-term rentals. The

Board indicated support for a moratorium and directed staff to return with varying options. The Board did not provide direction on acceptance and processing of new applications, and therefore typical procedures were followed.

The project's application was accepted for processing at the February 7, 2022, Land Development Technical Advisory Committee (LDTAC) meeting. After acceptance, it was determined that the project would be elevated to a Conditional Use Permit per General Plan Land Use Element §31.010 because a potential moratorium on the use indicated controversy, and the applicant was informed of the decision. The applicant requested staff to wait to process the permit until the Board made a final decision on the moratorium.

On May 3, the Board approved an emergency moratorium on all overnight rentals conducted in a single-family residence regardless of the land use designation. However, the Board directed staff to process projects that were already deemed complete and accepted, and to elevate the applications to a use permit.

DISCUSSION

The applicant is requesting a change to the land use designation (LUD) of his property, located at 171 Aurora Canyon Road (APN 008-210-003), from Multi-Family Residential-Moderate (MFR-M) to Mixed Use (MU) for the purpose of conducting a transient rental operation (fewer than 30 consecutive days). The applicant also owns 14 Hays Street, Bridgeport, which is designated Commercial and was approved for transient rental by the Commission on May 19, 2022 (UP 22-003).

The project site is 0.34-acres and accessed by Aurora Canyon Road. The property contains a 1,500-sf detached garage and 1,883-sf, multi-family dwelling consisting of a one-bedroom unit on the first floor and two-bedroom unit on the second floor. The dwelling was constructed in 1972. The garage is used by the owner for storage of personal items and will not be used a part of the transient rental operation. In 2013 a building permit was issued to remodel the residence into two units and add an exterior deck on the second story to provide separate entry ways. In the same year, building permits were issued to construct a bathroom and install a wood stove in the detached garage.

The second story, two-bedroom unit of the duplex is currently occupied by the owner, and the garage is used for personal storage and use by the owner. The owner had illegally used the first story, one-bedroom unit for transient rental and was issued a Notice of Violation (NOV) in June 2017 to immediately cease renting the unit. The property's land use designation prohibits short-term rental, and no land use permit had been approved to allow the use. The owner was allowed to honor existing reservations for the unit but was required to cease future operations.

A second NOV was issued on September 19, 2019, after learning the operation had not ceased, and a third NOV was issued on September 23, 2019. In July 2021, staff observed that property was still being advertised on AirBnB. The NOV was discussed with the owner along with the process needed to establish a permitted nightly rental. The owner was told no rental may take place until all permits have been obtained, to which the owner agreed. In August 2021, staff observed the property being advertised on AirBnB with documented stays. As of December 2021, the property was still being offered for short-term rental on AirBnB. There were continued documented stays at the property in August, September, and October of 2021. At this time, the unit does not appear on AirBnB.

Surrounding Land Use Designations

The land use designations and uses adjacent to the parcel are described below:

East:	Private land – Single-Family Residential, developed with a residential unit and garage
West:	Private land – Multi-family Residential, Moderate, developed with a residential unit
South:	Private land – Mixed Use, developed with a mobile-home residential unit. Private land- Industrial Park, contains six satellite dishes.
North:	Private land – Multi-Family Residential, Moderate, undeveloped.

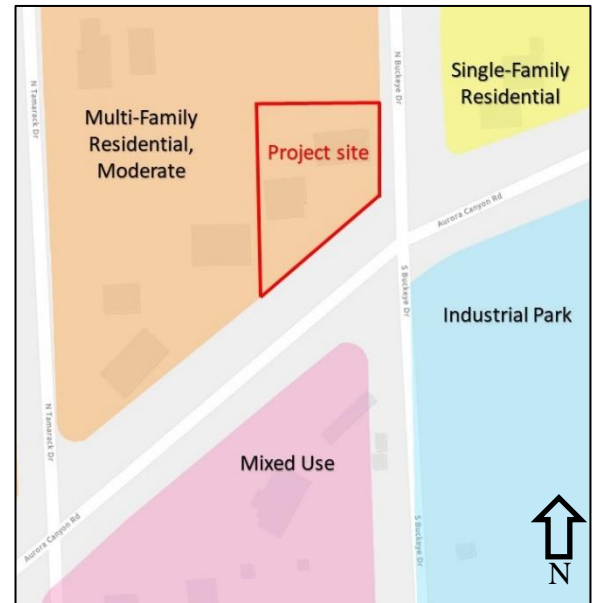


Figure 2. Surrounding land use designations



Figure 3. Front of property viewed from Aurora Canyon Rd.



Figure 4. Southwest view of property from North Buckeye Dr.



Figure 5. Rear yard of the property

GENERAL PLAN CONSISTENCY

Review of Land Use Designation Standards

The existing land use designation, MFR-M, prohibits transient rental which is the basis for the request to change land use designations. The Mono County General Plan Land Use Element (MCGP LUE) allows transient rental within the MU LUD per Director Review Permit, however all transient rental applications have been elevated to a discretionary Use Permit as directed by the Mono County Board of Supervisors. Duplex residential units are permitted outright in both designations.

The existing land use designation, MFR-M, has a minimum lot size of 7,500-sf, a maximum lot coverage allowance of 60%, a front setback distance of 20', and side and rear setback distances of 10'. The proposed land use designation, MU, has a minimum lot size of 10,000-sf, a maximum lot coverage allowance of 60%, a front setback distance of 10', side yard setback distance of 5', and a rear setback distance of 10'. However, on corner lots designated MU, a 10' required minimum side yard shall be required for all uses (MCGP LUE 4.120.D.1). (See Table 1.)

Table 1. Comparison of Development Standards.

Development Standards	
Multi-Family Residential, Moderate	Mixed Use
<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60' Depth – 100' • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> • Minimum Setbacks: Front: 20' Rear: 10' Side: 10' • Maximum Building Height: 35' • Building Density: Condominiums, multifamily residences and similar uses – 15 du/acre. In no case shall projects containing density bonuses exceed 26 units/acre. Units designated as manager/employee housing unit shall not be counted in density calculations. • MFR-M Minimum lot size – 7,500 sf <ul style="list-style-type: none"> ○ Developments of three or more units – (number of units) x 2,904 sf 	<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60' Depth – 100' • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> ○ An additional coverage bonus of 10% (total coverage of 70%) shall be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza. • Minimum Setbacks: Front: 10' Rear: 5' Side: 10' • Maximum Building Height: 35' • Building Density: Hotels, resort hotels, motels – 40 du/acre • Apartments, multifamily units, condominiums and similar uses – 15 du/acre <ul style="list-style-type: none"> • Minimum lot size: Areas lacking community water and sewer – one-acre minimum all uses; all uses – 10,000 sf <ul style="list-style-type: none"> ○ Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes.

Table 2. Comparison of permitted uses.

Permitted Use	
Multi-Family Residential, Moderate	Mixed Use
<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling – MFR-L only • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act. 	<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling. Mobile homes are excluded from June Lake • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.

USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)	
<ul style="list-style-type: none"> • MFR-L Model units • None stated for MFR-M and MFR-H 	<ul style="list-style-type: none"> • Residential uses – e.g., condominiums, townhomes, commercial lodging, cluster developments, and apartments • Retail trade – e.g., food, drug, hardware, apparel, arts and crafts, sporting goods, bookstores, bakery, florist • Social care facilities – e.g., medical and dental offices, welfare and charitable services • Professional offices – e.g., real estate, financial, insurance, rental and reservation services, legal services • Business services – e.g., business centers, general advertising, business and management consulting • Recreational activities – e.g., health clubs, dance studios • Food service establishments – e.g., restaurants, cafes, delicatessens • Conversion or expansion of existing operations • Transient rentals (fewer than 30 consecutive days)
USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)	
<ul style="list-style-type: none"> • Art galleries • Quasi-public buildings and uses • Public utility buildings and structures, not including service yards • Country clubs and golf courses • Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units • Parking lots and parking structures 	<ul style="list-style-type: none"> • All of the above uses subject to Director Review, if determined to be necessary by the Community Development director • Parking lots and parking structures other than required off-street parking when abutting a commercial district • Religious and cultural activities – e.g., museums, art galleries, churches • Small-scale malls, plazas, parks and related pedestrian open space • Conversion or expansion of existing operations • Mobile-home parks (see Development Standards – Mobile-home Parks and RV Parks, Ch. 17) c • Recreational-vehicle parks (see Ch. 17) c • Manufactured housing subdivision (see Ch. 18) • Commercial cannabis activity: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

The property is 14,810-sf and meets the minimum lot size of both existing and proposed LUDs. The dwelling unit was constructed in 1972 prior to existing development standards. Total lot coverage is 8,649-sf, or 58%, which meets the maximum lot coverage allowance of both LUDs. The residential unit meets the front and rear-yard setback distances of the current and proposed LUD but encroaches into the required side yard (west). The exterior of the first floor is 7.5' from the property boundary and the second story is 1.5' from the property boundary. On corner lots designated MU, a 10' required minimum front and side yard shall be required for all uses. The duplex is existing nonconforming to this standard.



Figure 6. West side of residential unit.

Required parking for the duplex is two spaces per unit plus two spaces for guest parking, or six spaces of 9' x 18'. The site can accommodate the required parking on site. There are additional parking spaces within the garage; however, the spaces would not be for use by transient rental guests. The garage and duplex structures are less than 35' in height, and utility connections are underground.

Land Use Designation change

The current land use designation, MFR-M, is intended to encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities; i.e., hotels, motels. The proposed MU designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; to provide for efficient use of land and increased opportunities for affordable housing; to provide a transition between intensive commercial uses and residential uses; and to be applied to areas with existing mixed-use development. Transient rental is not permitted within MFR-M. Within the MU designation, transient rental is a use permitted by Director Review.

Land use designation changes are approved by a General Plan Amendment, per Mono County Code Chapter 19, *Zoning*. The Mono County General Plan Land Use Element (MCGP LUE) Chapter 48, *Amendments*, provides the process and requirements for conducting an amendment. The Planning Commission shall conduct a hearing prior to taking action to approve or recommend a designation change and make five required findings included in Resolution 22-13 (Attachment 1).

Transient Rental

Transient rental standards and regulations are contained within MCGP LUE Chapter 26, *Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS*. Once a permit is issued for transient rental, the applicant must obtain a ministerial Mono County Business License, Transient Occupancy Certificate, and a Vacation Home Rental Permit (VHRP). Within the VHRP, the applicant must certify that all standards and requirements of MCGP LUE §26.040 are met.

The VHRP includes Health and safety standards that establish minimum requirements to safeguard public safety, health, and general welfare from fire and other hazards, and to provide safety for firefighters and emergency responders during emergency operations. The applicant must designate a management company or property manager who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly

licensed and shall be in good standing with the County. A person or organization in good standing is regarded as having complied with all their explicit obligations, while not being subject to any form of sanction, suspension or disciplinary censure. Alternatively, the property owner may serve as the property manager. The property must also meet parking requirements and applicable land use regulations. Exterior signage is required to provide the managing agency/agent contact information, maximum number of occupants and vehicles, and parking diagram. Interior signage is required to provide instructions for waste disposal, use of appliances, an evacuation plan, the physical street address, emergency contact information, and notification that violations may result in immediate removal from the premise.

Maximum occupancy for a transient rental is limited to two persons per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health. In 2013, a permit to replace the septic system was issued by the Environmental Health Department. The system is sized for three bedrooms maximum, with the consideration of two people per bedroom. Therefore, the maximum occupancy of the entire dwelling is six people, which is listed as a Condition of Approval. Maximum occupancy of the first floor one-bedroom unit is therefore two people, and the occupancy of the second floor two-bedroom unit is four people. The owner currently lives in the second-story unit but is requesting both units to be permitted for transient rental to facilitate the second-story use once the owner moves out.

Parking requirements are set forth in the Mono County General Plan and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on street parking allowed, and parking on property owned by other persons shall be considered a trespass. Six uncovered 9' x 18' parking spaces are provided on site and are adequate to meet the needs of the project.

USE PERMIT FINDINGS

The following analysis is based on the Mixed Use LUD standards. Use permits may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

- A. *All applicable provisions of the Land Use Designations and Land Development Regulations 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.*

Transient rental is a permitted use within the MU LUD, subject to a planning permit and compliance with MCGP LUE Chapter 26. The site is adequate in size and shape to accommodate six total rental customers and meet Chapter 26 regulations. Four parking spaces of adequate size are provided onsite to meet the demand of customers. Transient rentals are operated in a manner similar to long-term residential occupancy.

The property meets the lot size and lot coverage allowance. The existing structures meet the required front-yard and rear-yard setback distances, however the duplex is existing nonconforming for the required 10' side yard setback (see below findings for Existing Nonconforming uses). This finding can be made for the project.

Alternative Finding

A2. The site is existing nonconforming to General Plan land development standards. The existing duplex does not meet side-yard setback standards. The change of use to transient rentals for two

units may impact available housing units for the local workforce, contrary to General Plan Housing Element policies. The finding cannot be made for the project.

- B. *The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.*

The parcel is accessed by Aurora Canyon Road, a County-maintained road. All parking must occur on-site; off-site parking is prohibited. The kind of traffic generated by the proposed use is similar to that of the existing residential use. The parking area also meets Chapter 22, Fire Safe Standards. This finding can be made for this project.

- 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.*

The project will not be detrimental to the public or property or improvement in the area because the use of the units will be similar to the existing use. The duration of stay by renters is not anticipated to be detrimental to properties in the area. This finding can be made.

Alternative Finding

C2. The Board of Supervisors has enacted a moratorium on all new overnight rentals (rentals less than 30 days) of single-family residences (SFRs) in Mono County. The Board has identified overnight rentals as reducing the housing stock for long-term rentals, negatively affecting the ability of local residents and workforce to find housing. This project seeks to convert two housing units to overnight rentals, removing them from the long-term rental market. Public welfare may be impacted due to the lack of available and affordable housing. This finding cannot be made.

- D. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan*

After approval of GPA 22-03, the Mixed-Use land use designation allows the use of a property as a transient rental, consistent with Chapter 26 and area plan policies, subject to a Director Review Permit. The designation also permits commercial lodging subject to a Director Review Permit.

This project adheres to the following Countywide Land Use polices and goal:

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

Policy 1.D.3. Designate a sufficient amount of land for a variety of lodging facilities.

Objective 1.E. Provide for commercial development to serve both residents and visitors

Action 1.E.2.a. Orient new commercial development in a manner that promotes pedestrian use. Avoid strip commercial development.

COUNTYWIDE ISSUES/OPPORTUNITIES/CONSTRAINTS

23. Short-term rentals in single-family residential areas meet a tourism market need and have the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy. According to census data, Mono County has the second-highest vacation home ownership percentage of counties in the state. This finding can be made.

This project adheres to the Bridgeport Valley Area Plan as it provides additional visitor accommodations and commercial operations within the community of Bridgeport:

Bridgeport Valley Area Land Use Policies Objective 7.D. Preserve Bridgeport's historic significance and economic base.

Policy 7.D.3. Streamline permitting activity where possible to facilitate economic development in the town.

Alternative Finding

The Commission may find the project is not consistent with the map and text of the General Plan and applicable area plan:

D2. COUNTYWIDE ISSUES/OPPORTUNITIES/CONSTRAINTS

17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.

At this time, the County lacks long-term residential units and has a moratorium in place prohibiting short-term and/or transient rental of single-family residences. There is not a excess of available housing and businesses are struggling to maintain a local workforce. By approving this project, two long-term housing units may become transient rentals, furthering the lack of long-term housing in the County.

22. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already limited housing stock available for workforce housing.

The area of this project can be characterized as a residential area, and the intent of the existing designation is to encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities. Approving this permit has the potential to further reduce the already limited housing stock available for workforce housing.

Existing Nonconforming Structures

Any structure that does not conform to yard, height, parking, lot coverage requirements or other development standards of the land use designations may continue to be used as a lawful nonconforming use. The structure may not be altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinances unless the expansion complies with MCGP LUE 34.020 criteria A through D.

The criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

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

The project proposes to change the use of the nonconforming structure from long-term residential use to transient rental (fewer than 30 consecutive days). The residential structure will not be altered, and use as a transient rental is similar to that of residential use.

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

The nonconforming structure encroaches into the side yard setback. The structure's roof is pitched away from this property boundary such that shedding snow would remain on the property. The encroachment is not new and has existed since the structure was constructed in 1972. There has been no recorded detriment to public health, safety or welfare or injurious to the property or improvements Addendum to Mono County General Plan 2015 EIR.

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

The proposed change in use of the existing duplex will not increase the intensity of use of the property. Transient rental has been found to be similar to and not more obnoxious than typical residential use of property.

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

The alteration of use may generate public controversy. The application is being referred to the Planning Commission for a public hearing to consider use of the structure for transient rental.

ENVIRONMENTAL REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Likewise, California Public Resources Code (PRC) Section 21166 states that unless one or more of the following events occur, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

As demonstrated by the analysis herein (Attachment 2), the Modified Project would not result in any new additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Modified Project are within the envelope of impacts

addressed in the certified EIR and do not constitute a new or substantially increased significant impact. Based on this determination, the Modified Project does not meet the requirements for preparation of a Subsequent or Supplemental EIR pursuant to Section 15162 of the CEQA Guidelines.

PUBLIC NOTICING

This project was accepted for processing by the Land Development Technical Advisory Committee (LDTAC) on February 7, 2022. Draft conditions of approval were reviewed by the LDTAC on November 7, 2022.

Decisions to change the classification of land from one adopted land use designation to another shall be the subject of a public hearing and noticed according to the requirements of Chapter 46, Noticing Requirements. Public notice was published in the November 5, 2022, edition of The Sheet newspaper, and mailed to property owners within 300' of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch.46. Notification was provided to California Native American tribes on March 15, 2022, for a 90-day period to request consultation, as required by Senate Bill 18. No requests have been received at the date of publication.

A CEQA addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration (Cal. Code Regs. tit. 14 § 15164) (Appendix 2).

PUBLIC COMMENT

No public comments have been received on the proposal at the time this report was published.

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

ATTACHMENTS

1. Resolution 22-13
2. Addendum to Mono County General Plan 2015 EIR
3. Newspaper, mailing, and Tribal noticing

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION

USE PERMIT: UP 22-011

APPLICANT: Chris Nichols

ASSESSOR PARCEL NUMBER:

PROJECT TITLE: Use Permit 22-011/Nichols

PROJECT LOCATION: 171 Aurora Canyon Road, Bridgeport

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.

NOTICE IS HEREBY GIVEN PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1094.6 THAT THE TIME WITHIN WHICH TO BRING AN ACTION CHALLENGING THE COUNTY'S DECISION IS 90 DAYS FROM THE DATE THE DECISION BECOMES FINAL. IF NO APPEAL IS MADE TO THE BOARD OF SUPERVISORS, THE PLANNING COMMISSION DECISION SHALL BECOME FINAL ON THE EXPIRATION OF THE TIME TO BRING AN APPEAL. NOTICE IS ALSO HEREBY GIVEN THAT FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES BY FILING AN APPEAL TO THE BOARD OF SUPERVISORS MAY BAR ANY ACTION CHALLENGING THE PLANNING COMMISSION'S DECISION.

DATE OF DECISION/USE PERMIT APPROVAL: November 17, 2022

EFFECTIVE DATE USE PERMIT: December 2, 2022

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: November 17, 2022

cc: X Applicant
X Public Works
X Building
X Compliance

Conditions of Approval
Use Permit 22-011/Nichols

1. The Use Permit shall only be valid upon approval of General Plan Amendment 22-03 by the Mono County Board of Supervisors, changing the land use designation from MFR-M to MU.
2. Occupancy shall be limited to two persons per bedroom due to the size of the existing septic system. Increasing occupancy shall require an increase in the septic system's capacity, as permitted by the Environmental Health Department, and a Use Permit Modification. Max occupancy for the one-bedroom unit shall be two people total. Maximum occupancy of the two-bedroom unit shall be four people total. Occupancy shall not exceed six people total.
3. The existing garage shall not be used for transient rental occupancy or habitation.
4. The project shall comply with Mono County General Plan Chapter 26.
5. Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply.
6. All 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.
7. Prior to operating, the owner shall obtain a Mono County Vacation Home Rental Permit, Mono County Business License and Mono County Transient Occupancy Tax Certificate. The required Housing Mitigation Ordinance (HMO) fees shall be paid prior to business license issuance.
8. The project shall comply with provisions of the Mono County General Plan, Mono County Code, project description, and all conditions.
9. The 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.
10. 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.
11. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.11.
12. Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur: A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical

alteration of property in reliance with the terms of the use permit; B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and C. No extension is granted as provided in Section 32.070.

13. Extensions. If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
14. Revocation. The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.



RESOLUTION R22-13

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING ADOPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ADDENDUM TO THE GENERAL PLAN 2015 EIR, AND MAKING FINDINGS RECOMMENDING ADOPTION OF GENERAL PLAN AMENDMENT 22-03 CHANGING THE LAND USE DESIGNATION OF 171 AURORA CANYON ROAD, APN 008-210-003, FROM MULTI-FAMILY RESIDENTIAL - MODERATE TO MIXED USE

WHEREAS, the property owner of 171 Aurora Canyon Road, Bridgeport, Assessor's Parcel Number 008-210-003, requested to change the parcel's designation from Multi-Family Residential - Moderate to Mixed Use for the purpose of creating a transient rental operation (fewer than 30 consecutive day rental); and

WHEREAS, all use and development of private land within the unincorporated area of Mono County shall fully comply with any and all applicable requirements of the Mono County General Plan, which incorporated the Mono County Code by this reference as though fully set forth, as the same may be amended from time to time, and any applicable area or specific plans, which are also incorporated by this reference; and

WHEREAS, planning and land use maps are contained and set forth in the Mono County General Plan and applicable area or specific plans, all of which are incorporated herein by this reference, as the same may be amended from time to time, including but not limited to the general plan's countywide land-use maps and community-land-use designation maps; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), an Addendum was drafted to assess environmental factors potentially affected by the project including aesthetics, biological resource, tribal cultural resources, cultural resources, and air quality, and mandatory findings of significance; and

WHEREAS, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, an addendum to an adopted Environmental Impact Report may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred; and

WHEREAS, on November 17, 2022, the Planning Commission held a duly noticed public hearing regarding the General Plan Amendment 22-03 and Use Permit and associated CEQA Addendum.

NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION ONE: The Planning Commission initiates General Plan Amendment 22-03.

SECTION TWO: Having reviewed and considered the analysis in the staff report, comments received during the public review process and testimony provided in the public hearing, the Planning Commission adopts the Addendum, finding that on the basis of the whole record, including the initial study

1 and comments received, that there is no substantial evidence that the project will have a significant effect on
2 the environment and that the Addendum reflects the lead agency's independent judgement and analysis.

3 **SECTION THREE:** Having reviewed and considered all information and evidence presented,
4 including public testimony, written comments, and Addendum and staff report and presentations, the
5 Planning Commission makes the following findings to approve General Plan Amendment 22-03 changing
6 the current land use designation of Multi-Family Residential - Moderate (MFR-M) to Mixed Use (MU):

7 *A. The proposed changes in land use designation are consistent with the text and maps of the General
8 Plan because:*

9 The land use designation change to Mixed Use will allow the applicant to apply for a transient rental
10 (fewer than 30 consecutive days) land use permit and come into compliance of a code enforcement
11 case. The change of the land use designation is appropriate for conducting a transient rental
12 operation, as transient rental operations are prohibited in the Multi-Family Residential - Moderate,
13 land use designation. Transient rental is a permissible land use in Mixed Use, affirmed by the Mono
14 County Board of Supervisors in approving Resolution R12-90, initiating and adopting General Plan
15 Amendment 12-04, establishing the General Plan chapter for transient rental standards and
16 enforcement.

17 The property meets the development standards for the MU land use designation including minimum
18 lot area, minimum lot dimensions, maximum lot coverage, building and population density, and
19 building height. The existing structures meet the front and rear setback, however the residential
20 structure encroaches 3.5' into the west side yard setback. The encroachment has not generated
21 controversy or negatively impacted the adjacent neighbor of this setback. The duplex structure
22 would be allowed to change use and no alternations to the structure are proposed. Outright permitted
23 uses of the MU designation will not increase the intensity of use of the land and structure. Uses that
24 have the potential to increase the intensity of use of the land and structure are discretionary and
25 require further investigation of environmental impacts.

26 Infrastructure is available for development at the project site. The property is served by the
27 Bridgeport Utility District for water, and the Bridgeport Fire Department. The site contains a
28 permitted septic system adequate for the number of bedrooms.

29 **Alternate Finding** (delete if project is approved):

30 Find that the proposed project does not meet this finding because it conflicts with the text and maps
a part of the General Plan. By changing the property to Mixed Use, the existing land division pattern
of this area, and the existing land use designations may be impacted. The project site is located on
the corner of Aurora Canyon Road (running east-west) and North Buckeye Drive (running north-
south). Two of the four contiguous properties are designated MFR-M and are a part of a 11-parcel
MFR-M district. Properties along the east side of North Buckeye Drive are designated SFR. With
the exception of the project parcel, and the contiguous parcel north, all other parcels along North
Buckeye Drive are SFR. Properties to the south are designated MU, and the property to the
southeast is designated IP. Aurora Canyon Road separates the MU parcels from residential parcels,
and North Buckeye Drive separates the two MFR-M from SFR parcels. The redesignation of this
parcel interrupts the continuity of the area's land designation pattern and surrounding residential
land uses.

1 The existing duplex does not meet the required side yard setback and is existing nonconforming.
2 The alternation of use from long-term occupancy to transient rental will increase the intensity of
the use of the land and structure.

3 B. *The proposed change in land use designation is consistent with the goals and policies contained*
4 *within any applicable area plan because:*

5 “Issues/Opportunities/Constraints” for Bridgeport listed in the Mono County General Plan Land Use
6 Element (MCGP LUE), state the community has the desire to maintain agricultural uses to preserve
7 the scenic quality of the land. There is local interest in preserving the small-town character of
8 Bridgeport, and there is a critical need to create economic development opportunities in the town to
9 reverse the trend of a steady decline of population and economic activity. There is a strong interest
to preserve Bridgeport’s historic stature, as well as its historic infrastructure, for generations to
come. Allowing the land use designation change will allow new discretionary uses for economic
development opportunities at the property.

10 Policies identified for the Bridgeport Valley in the MCGP LUE, related to this project include:

11 *GOAL 7. Provide for orderly growth in the Bridgeport Valley in a manner that retains the*
12 *small town character, and protects the area's scenic, recreational, agricultural, and natural*
13 *resources.*

14 *Objective 7.A. Guide future development to occur on existing private lands in Bridgeport*
15 *Townsite, east of Bridgeport Reservoir, in the Evans Tract, and at Twin Lakes.*

16 *Objective 7.D. Preserve Bridgeport’s historic significance and economic base.*

17 *Policy 7.D.3. Streamline permitting activity where possible to facilitate economic*
18 *development in the town.*

19 Changing the land use designation of the property will allow the owner to pursue permits to conduct
20 a transient rental at the location. The change of designation will not impact agricultural land, or
21 impact the small town character of Bridgeport. There is a desire to maintain Bridgeport’s economy
and enhance the recreation opportunities to attract visitors

22 **Alternate Finding** (delete if project is approved):

23 Find that the proposed project does not meet this finding because it conflicts with the following
24 issues/opportunities/constraints and maps a part of the General Plan:

25 *The separation between jobs and housing may continue in the future due to the nature of the*
26 *county's economy and the limited potential for future economic expansion in many areas of the*
27 *county (Countywide Issues/Opportunities/Constraints, #2).*

28 The project will impact the duplex’s use for long-term occupancy. Bridgeport has been
29 identified as a community losing residences: “Bridgeport has faced a steady decline of
population and economic activity in recent years. Many local businesses and local services,
including health care and schools, have already closed or are on the brink of closure. There
is a critical need to create economic development opportunities in the town to reverse this
trend.” (Bridgeport Valley Issues/Opportunities/Constraints, #8). The project does not create
economic development opportunities and impacts long-term housing opportunities.

1 *Land use patterns in the county are influenced by land ownership and topography. Residential and*
2 *commercial uses are generally concentrated in small communities located in the valleys*
3 *agricultural and recreational uses are dispersed throughout the county. ...Additional issues that*
4 *could affect land use patterns within and adjacent to community areas include ... the potential for*
5 *mixed use development, existing land division patterns, and the existing land use designation*
6 *(Countywide Issues/Opportunities/Constraints, #7).*

7 By changing the property to Mixed Use, the existing land division patter of this area, and the
8 existing land use designations may be impacted. The project site is located on the corner of
9 Aurora Canyon Road (running east-west) and North Buckeye Drive (running north-south).
10 Two of the four contagious properties are designated MFR-M, and are a part of a 11-parcel
11 MFR-M district. Properties along the east side of North Buckeye Drive are designated SFR.
12 With the exception of the project parcel, and the contiguous parcel north, all other parcels
13 along North Buckeye Drive are SFR. Properties to the south are designated MU, and the
14 property to the southeast is designated IP. Aurora Canyon Road separates the MU parcels
15 from residential parcels, and North Buckeye Drive separates the two MFR-M from SFR
16 parcels. The redesignation of this parcel interrupts the continuity of the area's land
17 designation pattern and surrounding residential land uses.

18 *The availability and cost of infrastructure influences development patterns throughout the County.*
19 *Most of the land available for residential development requires septic systems and individual wells.*
20 *Some areas of the county have small community water systems but still require individual septic*
21 *systems; other areas have community sewer systems but require individual wells. Only four*
22 *unincorporated communities, portions of Bridgeport, Lee Vining, June Lake and Crowley Lake,*
23 *have both community water and sewer systems serving individual parcels. These parcels are*
24 *typically ready for immediate development without additional infrastructure costs (Countywide*
25 *Issues/Opportunities/Constraints, #8).*

26 The project site is served by the Bridgeport Utility District for water. Therefore, the site and
27 area, is desirable for development. At this time, the County has a priority of developing
28 residential units for long-term occupancy. By allowing the property to change its land use
29 designation to Mixed Use for the purpose of conducting transient rental, the County would
30 be losing a property desirable to long-term occupants.

The short-term rental phenomenon in residential neighborhoods has some basis in the idea that
excess assets can be rented to or shared with others, potentially for a fee that benefits the owner.
Given the growth in the short-term rental market, the market has evolved from a small-scale
supplemental sharing model to a full investment or business model. (Countywide
Issues/Opportunities/Constraints, #19); and

The increase in short-term rentals in single-family residential areas has the potential to further
reduce the already limited housing stock available for workforce housing (Countywide
Issues/Opportunities/Constraints, #22).

The County has identified a need for long-term residential units. Long-term residential units
are not in excess and therefore the existing housing stock needs to be preserved.

The adopted Mono County Housing Needs Assessment asserts that:

Much of the County's recent housing growth has been driven by second homeownership and, more
recently, vacation rentals. At 35 percent, Mono County has one of the lowest permanent resident
occupancy rates—and, conversely, highest seasonal occupancy rates—of peer counties. The
unincorporated County remains very much a single family detached home market, with typical rural

1 *development patterns. Overall in the County, fewer than 10 percent of units single family attached or*
2 *duplex/triplex/fourplex products...According to the resident surveys conducted for this study, low*
3 *income residents—and residents with larger household sizes, e.g., families with children—are more*
4 *likely to live outside of Mammoth Lakes. Crowley and Bridgeport, for example, have some of the*
5 *largest proportions of 4-person households in the County...(Section I, page 4).*

6 The project will reduce the number of residential units available for long-term occupancy.

- 7 C. *The site of proposed change in land use designation is suitable for any of the land uses permitted*
8 *within the proposed land use designation because:*

9 The analysis contained in the CEQA Addendum for this project found that the land uses permitted
10 within the proposed MU designation are suitable for the property. The proposed land use designation
11 will introduce no new outright permitted uses. For any project listed permissible by Director Review
12 Permit, the Director may determine the project to be controversial, environmentally sensitive, or is
13 not Categorically Exempt from CEQA. If so determined, a Use Permit shall be required, and an
14 appropriate environmental report shall be completed for the project (MCGP Land Use Element
15 31.010). Uses subject to a Use Permit will be analyzed for CEQA compliance, and the CEQA
16 document must be certified by the Mono County Planning Commission at a public hearing.

17 The site is suitable for the Mixed Use designation because it meets the development standards of the
18 MU designation, but does encroach into the side yard setback. The encroachment is not detrimental
19 to the public, or surrounding properties.

20 The existing duplex residential structure is suitable for the proposed transient rental use. Required
21 parking for the duplex is two spaces per unit plus two spaces for parking, or six spaces of 9' x 18'.
22 The site can accommodate the required parking on site.

23 **Alternate Finding** (delete if project is approved):

24 Find that the proposed project is not suitable for the land uses permitted within the proposed land
25 use designation because surrounding properties have residential designations, and existing
26 residential structures used for long-term occupancy. The MU designation is intended to provide for
27 a wide range of compatible resident- and visitor-oriented residential and commercial uses, and to be
28 applied to areas with existing mixed-use development. The project site is within an area
29 characterized by residential development and use. Existing MU properties are separated from this
30 site by Aurora Canyon Road. Furthermore, the MU properties contain residential uses. Allowing the
project site to be designated MU for the purpose of conducting a commercial use, transient rental,
does not align with the existing land uses of the area.

- 31 D. *The proposed change in land use designation is reasonable and beneficial at this time because:*

32 The applicant desires to change the land use designation to conduct a transient rental (fewer than 30
33 consecutive days), permissible within the proposed designation to comply with a code enforcement
34 case. The property's current designation prohibits transient rental.

35 **Alternate Finding** (delete if project is approved):

36 Find the project is not reasonable and not beneficial at this time. The existing designation, MFR-M,
37 is intended to encourage long-term multifamily housing by allowing for high population densities
38 and by not allowing commercial lodging facilities. The site contains a residential duplex unit that
39 has been illegally used for transient rental. To correct the violation, the applicant is requesting the
40 designation change rather than using the property for long-term occupancy. The Mono County Board

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of Supervisors has identified long-term housing as a need throughout the county, and in allowing this designation change, the property will no longer encourage long-term housing.

E. *The proposed change in land use designation will not have a substantial adverse effect on surrounding properties because:*

The existing uses surrounding the project site can be described as low-density, long-term residential uses. The project site is developed with a residential use, similar to surrounding properties. The use of the property as a transient rental is similar to, and not more obnoxious than long term residential use. Outright permitted uses of the proposed designation are the same as the existing designation, and any new use would require a discretionary land use permit, and potential environmental impacts would be analyzed separately.

Alternate Finding (delete if project is approved):

Find the designation change will have a substantial adverse effect on surrounding properties. MU uses permitted by a Director Review and Use Permit are potentially significantly more intense, and while environmental impacts will be analyzed separately under CEQA, potentially allowing those uses on this parcel when the block is MFR-M, is not appropriate. Surrounding properties are contain residential uses and are used for long-term occupancy.

SECTION FOUR: The Planning Commission recommends that the Board of Supervisors adopt GPA 22-03 and certify the Addendum.

PASSED AND ADOPTED this 17th day of November, 2022, by the following vote of the Planning Commission:

AYES :

NOES :

ABSENT :

ABSTAIN :

Patricia Robertson, Chair

ATTEST:

APPROVED AS TO FORM:

Heidi Willson
Secretary of the Planning Commission

Emily Fox
Assistant County Counsel

ADDENDUM TO THE MONO COUNTY GENERAL PLAN EIR



FOR GENERAL PLAN AMENDMENT, LAND USE DESIGNATION CHANGE PROJECT & USE PERMIT/ NICHOLS

LEAD AGENCY:

Mono County Planning Department
Post Office Box 347
Mammoth Lakes, CA 93546

November 17, 2022

INTRODUCTION AND BACKGROUND

This document is an Addendum to the Environmental Impact Report (EIR) prepared for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan (2015 Updates and Repeal of the Conway Ranch Specific Plan) (State Clearinghouse No. 2014061029), which was certified by the Mono County Board of Supervisors in December 2015 (Certified EIR). In accordance with the California Environmental Quality Act (CEQA), this Addendum analyzes the proposed modification to the land use designation on 171 Aurora Canyon Road, Bridgeport, Mono County (APN 008-210-003-000) (the Project) and demonstrates that all potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the Certified EIR.

CEQA PROVISIONS FOR PREPARING AN ADDENDUM TO A FINAL EIR

The California Environmental Quality Act (CEQA §15164[a]) states:

"(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

"(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."*

Provided in the sections that follow is an assessment of whether any of the above CEQA requirements would necessitate preparation of a subsequent EIR to address changes proposed with Nichols land use designation change.

OVERVIEW OF APPROVED PROJECT & SIGNIFICANT UNAVOIDABLE IMPACTS IDENTIFIED IN MONO COUNTY GENERAL PLAN 2015 EIR

The 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan (2015 Updates and Repeal of the Conway Ranch Specific Plan) included a comprehensive update to the Land Use, Circulation, Conservation/Open Space, Safety, and Noise elements, and appendices of the General Plan; as well as the Regional Transportation Plan (RTP), including the Regional Blueprint, Bicycle Transportation Plan, and Trails Plan; three elements of the Countywide Integrated Waste Management Plan (CIWMP); Noise Ordinance; and the repeal of the Conway Ranch Specific Plan. The project is a comprehensive and overarching policy document that will guide policy decisions throughout the 3,132-square mile planning area over the coming years, and includes goals, objectives, policies, actions, programs, maps and figures. The General Plan and RTP update continue to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas and agricultural lands, and support sustainable, healthy, and livable communities. The 2015 Updates will replace the current General Plan elements, RTP, CIWMP and Noise Ordinance.

Results of the analyses contained in the Final EIR for the 2015 Mono County General Plan indicated that project implementation would have potentially significant and unavoidable adverse direct and cumulative environmental impacts on the following resources:

Biological Resources

- Impact Candidate, Sensitive or Special Status Species
- Impact Riparian Habitat
- Impact Federally Protected §404 Wetlands
- Interfere with Fish or Wildlife Movement or Migration
- Conflict with Local Biological Protection Ordinances

Geology

- Exposure of people & structures to seismic effects
- Cause substantial soil erosion
- Exposure of people & structures to unstable geology

Health & Safety Hazards

- Potential for Release of Hazardous Materials
- Inadequate emergency response
- Exposure to wildland fire risks

Cultural Resources

- Impacts to prehistoric or historic resources
- Impacts to Paleontological Resources
- Impacts to Sacred Lands

Hydrology

- Violation of Water Quality Objectives
- Violation of Waste Discharge Requirements
- Availability of adequate Water Supplies
- Erosion and Siltation from altered Drainage

Recreation

- Impacts upon Recreational Facilities

Aesthetics, Light & Glare

- Impact Scenic Resources in a State Scenic Highway
- Degrade Visual Character or Quality
- Create New Sources of Light and Glare

Utilities & Public Services

- Impacts on police, fire, schools, other services

PROPOSED MODIFICATION

Land Use Designation Modification

The applicant has proposed to change the land use designation of a parcel from Multi-Family Residential - Moderate to Mixed Use, and a Conditional Use Permit to conduct transient rental (rental less than 30-days). Transient rental is prohibited in the Multi-Family Residential - Moderate land use designation. Transient rental is permissible within the Mixed Use land use designation.

The project is located in an area of residential and mixed uses within the unincorporated community of Bridgeport, Mono County. Properties to the south and southwest are designated Mixed Use, developed with residential uses, and form the district that would absorb this parcel. The parcels to the west and northwest are designated Multi-Family Residential - Moderate (MFR-M) and developed with residential uses. The parcel to the north is also designated Multi-Family Residential - Moderate but is undeveloped. Parcels to the northeast and east are designated Single-Family Residential (SFR) and developed with single-family residences. To the southeast is a parcel designated Industrial Park (IP) that contains telecommunication dishes. Parcels to the south are designated Mixed Use (MU).

The change in land use designation will introduce no new outright permitted uses. For any project listed as subject to a Director Review Permit, the Director may determine the project to be controversial, environmentally sensitive, or is not Categorically Exempt from CEQA. If so determined, a Use Permit shall be required, and an appropriate environmental report shall be completed for the project (MCGP Land Use Element 31.010). Uses subject to a Use Permit will be analyzed for CEQA compliance, and the CEQA document must be certified by the Mono County Planning Commission at a public hearing.

Figure 1. Surrounding land use designations



Permitted Use	
Multi-Family Residential, Moderate	Mixed Use
<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling – MFR-L only • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act. 	<p>PERMITTED USES</p> <ul style="list-style-type: none"> • Single-family dwelling • Manufactured home used as a single-family dwelling. Mobile homes are excluded from June Lake • Duplexes and triplexes • Accessory buildings and uses • Animals and pets (see Animal Standards Section 04.270) • Home occupations (see Home Occupation regulations, Section 04.290) • Small-scale agriculture • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.
USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)	
<ul style="list-style-type: none"> • MFR-L Model units • None stated for MFR-M and MFR-H 	<ul style="list-style-type: none"> • Residential uses – e.g., condominiums, townhomes, commercial lodging, cluster developments, and apartments • Retail trade – e.g., food, drug, hardware, apparel, arts and crafts, sporting goods, bookstores, bakery, florist • Social care facilities – e.g., medical and dental offices, welfare and charitable services • Professional offices – e.g., real estate, financial, insurance, rental and reservation services, legal services

	<ul style="list-style-type: none"> • Business services – e.g., business centers, general advertising, business and management consulting • Recreational activities – e.g., health clubs, dance studios • Food service establishments – e.g., restaurants, cafes, delicatessens • Conversion or expansion of existing operations • Transient rentals (fewer than 30 consecutive days)
USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)	
<ul style="list-style-type: none"> • Art galleries • Quasi-public buildings and uses • Public utility buildings and structures, not including service yards • Country clubs and golf courses • Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units • Parking lots and parking structures 	<ul style="list-style-type: none"> • All of the above uses subject to Director Review, if determined to be necessary by the Community Development director • Parking lots and parking structures other than required off-street parking when abutting a commercial district • Religious and cultural activities – e.g., museums, art galleries, churches • Small-scale malls, plazas, parks and related pedestrian open space • Conversion or expansion of existing operations • Mobile-home parks (see Development Standards – Mobile-home Parks and RV Parks, Ch. 17) c • Recreational-vehicle parks (see Ch. 17) c • Manufactured housing subdivision (see Ch. 18) • Commercial cannabis activity: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

The change in land use designation will introduce new development standards. The minimum setback requirement will decrease in the front and rear of the property. The maximum building height will remain 35', and the maximum lot coverage allowed will remain 60%, however within the MU designation a 10% bonus in lot coverage can be allowed when a structure contains a commercial and residential use.

Development Standards	
Multi-Family Residential, Moderate	Mixed Use
<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60' Depth – 100' • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> • Minimum Setbacks: Front: 20' Rear: 10' Side: 10' • Maximum Building Height: 35' • Building Density: Condominiums, multifamily residences and similar uses – 15 du/acre. In no case shall projects containing density bonuses exceed 26 units/acre. Units designated as manager/employee housing unit shall not be counted in density calculations. • MFR-M Minimum lot size – 7,500 sf <ul style="list-style-type: none"> ○ Developments of three or more units – (number of units) x 2,904 sf 	<p>Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum Lot Dimensions: Width – 60' Depth – 100' • Maximum Lot Coverage: 60% <ul style="list-style-type: none"> ○ An additional coverage bonus of 10% (total coverage of 70%) shall be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza. • Minimum Setbacks: Front: 10' Rear: 5' Side: 10' • Maximum Building Height: 35' • Building Density: Hotels, resort hotels, motels – 40 du/acre • Apartments, multifamily units, condominiums and similar uses – 15 du/acre <ul style="list-style-type: none"> • Minimum lot size: Areas lacking community water and sewer – one-acre minimum all uses; all uses – 10,000 sf <ul style="list-style-type: none"> ○ Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes.

Evaluation of the Changes between MFR-M and MU

There will be no changes to the outright permitted uses, therefore no new impacts would occur compared to the Certified EIR. Uses subject to a Director Review and Use Permit are subject to a separate CEQA evaluation as part of the permitting for the project. The changes in development standards are as follows:

1. Allowable dwelling units will increase from 5 units to 13 units.
The change is not significant. The property contains a duplex, and a triplex may be permitted outright. To add greater units requires a discretionary land use permit and will trigger further environmental evaluation.
2. The minimum lot size will increase by 2,500 sq ft.
The change is not significant because the property may not be further subdivided in the designation. The parcel is approximately 14,810 sq ft.
3. MU requires land uses on lots measuring less than 10,000 sq. ft. to be limited to single-family residences, duplexes and triplexes.
The change is not significant because the property is greater than 10,000 sq. ft. The property is developed with a duplex unit.
4. In the MU designation allows an additional lot coverage bonus of 10% (total coverage of 70%) to be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza.
The change is not significant. An additional 10% lot coverage equates to 1,481 sq ft for this property. Setbacks are required to be met and parking for additional units must be provided. For the bonus to be applicable, a commercial use would need to receive a discretionary land use permit, and additional CEQA analysis would be performed.

Conditional Use Permit for Transient Rental

Transient rental standards were established by the passing of Resolution 12-90 by the Mono County Board of Supervisors for General Plan EIR Addendum #12-01 (State Clearinghouse #98122016). The EIR Addendum found:

1. The Transient Overlay Project will not have a significant effect on the environment nor increase the severity of previously identified significant effects. The creation of a process through which property owners could in the future obtain a transient overlay designation and transient rental permit (thereby enabling them rent their existing homes on a short-term basis) does not in itself cause that designation to be applied to any specific properties. Rather, it simply establishes a process for allowing property owners to seek that designation in the future. Accordingly, no properties are directly affected by this action and there is no actual change in the physical environment as a result of the Project. Prior to any specific properties being designated and permitted for transient rental use, additional compliance with the California Environmental Quality Act would be required.
2. Additionally, even following designation and permitting for transient rental use, there is no change to the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long 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. The General Plan EIR analyzed land use designations at buildout assuming full time occupancy. Since there is virtually no difference in the use of a home being occupied by household A. who is a full time resident and its use by household B. who rents in the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced . Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.
3. The Transient Overlay Project creates the possibility of a reduction in environmental impacts than exist at present, since transient uses (if ultimately permitted following subsequent discretionary review) would be subject to more stringent restrictions than applicable to full time owner-occupied residences or residences subject to long term lease. Specifically, these include restrictions on occupancy, parking and the requirement for oversight through local property management. Currently there are not any restrictions on how many occupants can use a single-family home, but the occupancy in homes used as transient rentals will be restricted by the number of bedrooms and/or any septic system limitations. Parking requirements will be site specific and will not only have to meet the general plan residential parking standards, but will be limited to onsite parking only. These measures in conjunction with local property management being available 24hrs to regulate non compliant activities of tenants will minimize visual and noise impacts far beyond residences having full time occupancy. Moreover, it provides enhanced enforcement mechanisms to prevent non-permitted or unauthorized transient rentals within residential zones. Because transient rentals are not permitted currently, the County expends

much of its code enforcement resources trying to catch and prosecute the many illegal rentals that are ongoing. The enhanced enforcement mechanisms in conjunction with a way to legalize transient rentals will greatly assist in deterring illegal renting.

4. The change to the regulations affecting the size and permitting requirements of accessory dwelling units will not cause an environmental impact. The change reduces the potential intensity of allowed development and environmental impacts on parcels less than one acre in size.

Mono County General Plan Land Use Element (MCGP LUE)

Chapter 26, Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS, established the regulations for permitting transient rental within the MU designation (the proposed designation). Projects are required to meet several standards to maintain the health, safety, and welfare of occupants and surrounding properties. Once a project receives the land use entitlement, per this chapter, the property owner(s) must obtain a Mono County Business license.

POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN CERTIFIED EIR

This Certified EIR focuses on the significant environmental effects of the proposed RTP/General Plan Update, in accordance with the CEQA Guidelines. The CEQA Guidelines defines a significant effect as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. A less than significant effect is one in which there is no long or short-term significant adverse change in environmental conditions and are summarized in Attachment 1.

The following table identifies mitigation measures that will pertain to the proposed project.

	Land use Designation change from Multi-family Residential, Moderate to Mixed Use	Use Permit to conduct transient rental (less than 30-day rental)
Biological Resources		
Impact Candidate, Sensitive or Special Status Species	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Impact Riparian Habitat		
Impact Federally Protected §404 Wetlands		
Interfere with Fish or Wildlife Movement or Migration		
Conflict with Local Biological Protection Ordinances		
Geology		
Exposure of people & structures to seismic effects	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Cause substantial soil erosion		
Exposure of people & structures to unstable geology		
Health & Safety Hazards		
Potential for Release of Hazardous Materials	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Inadequate emergency response		
Exposure to wildland fire risks		
Cultural Resources		
Impacts to prehistoric or historic resources	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Impacts to Paleontological Resources		
Impacts to Sacred Lands		
Hydrology		
Violation of Water Quality Objectives	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Violation of Waste Discharge Requirements		
Availability of adequate Water Supplies		
Erosion and Siltation from altered Drainage		
Recreation		
Impacts upon Recreational Facilities	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Aesthetics, Light & Glare		
Impact Scenic Resources in a State Scenic Highway	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	
Degrade Visual Character or Quality		
Create New Sources of Light and Glare		
Utilities & Public Service		
Impacts on police, fire, schools, other services	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	

CONCLUSION

Based on the considerations and analyses presented above and based on the provisions contained in CEQA §15164[a)], it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined an Addendum to the certified Final EIR for the Nichols General Plan Amendment and Use Permit is the appropriate CEQA document.

CEQA §15164(c-e) states that "an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence."

Mono County Community Development Department

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

Planning Division

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **November 17, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/88293941545> and by telephone at: 669-900-6833 (Meeting ID# is 882 9394 1545) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:20 a.m. General Plan Amendment 22-01 & Use Permit 22-007/Nichols**. The proposal is to change the land use designation of 171 Aurora Canyon Road (APN 008-210-003) from Multi-Family Residential, Moderate to Mixed Use, and obtain a Use Permit to conduct transient rental (rental less than 30-days) of the existing duplex. The existing duplex consists of a one-bedroom unit and a two-bedroom unit. Maximum occupancy is limited to six people and four vehicles. Approval of the General Plan Amendment by the Board of Supervisors is required before the use permit is valid. The California Environmental Quality Act (CEQA) report prepared for the project is an Addendum to the 2015 Mono County General Plan EIR. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to **submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by 8 am on Wednesday, November 17**, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast 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 information or questions, please contact the Mono County Planning Division:

Michael Draper, Planning Analyst
P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1805, mdraper@mono.ca.gov



Project site: 171 Aurora Canyon Road

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



MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
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PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

November 2, 2022

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **November 17, 2022**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/85665729654> and by telephone at: 669-900-6833 (Meeting ID# is 856 657 296 54) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:20 a.m. General Plan Amendment 22-01 & Use Permit 22-011/Nichols**. The proposal is to change the land use designation of 171 Aurora Canyon Road (APN 008-210-003) from Multi-Family Residential, Moderate to Mixed Use, and obtain a Use Permit to conduct transient rental (rental less than 30-days) of the existing duplex. The existing duplex consists of a one-bedroom unit and a two-bedroom unit. Maximum occupancy is limited to six people and four vehicles. Approval of the General Plan Amendment by the Board of Supervisors is required before the use permit is valid. The California Environmental Quality Act (CEQA) report prepared for the project is an Addendum to the 2015 Mono County General Plan EIR. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Wednesday, November 17**, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast 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.

###

Mono County Community Development Department

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commdev@mono.ca.gov

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

March 15, 2022

Xxx

Xxx

Xxx

xxx

**RE: NATIVE AMERICAN TRIBAL CONSULTATION FOR GENERAL PLAN AMENDMENT,
NICHOLS**

Dear Chairperson xxx,

As lead agency, the Mono County Community Development Department (the County) is currently anticipating a General Plan Amendment to change the land use designation of one property in the community of Bridgeport, CA, from Multi-Family Residential to Mixed Use. The property is located at 171 Aurora Canyon Road, APN 008-210-003.

State planning law and Senate Bill 18 (SB 18) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan or designating land as open space.

Tribal participation is very important in the local planning process. Therefore, the purpose of this letter is to invite your participation and ensure the opportunity to conduct consultations in order to preserve, or mitigate impacts to, cultural places located on land within Mono County's jurisdiction that may be affected by these proposed General Plan amendments.

By law, **tribes have 90 days from the date of receipt of this letter to request consultation.** Recognizing that this letter is being sent on or before June 13, 2020, and allowing time for mailing, **your response must be received no later than June 14, 2022.**

Meeting Dates & CEQA

A public hearing before the Planning Commission on this general plan amendment has not yet been scheduled. Following the Planning Commission meeting the project may then proceed to a public hearing by the Mono County Board of Supervisors in June 2022.

As authorized by AB 361, the meetings will be accessible remotely by livecast with Commissioners/Supervisors attending from separate remote locations. At this time, 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. Digital meeting information, including the telephone number and website where members of the public shall have the right to observe and offer comment, will be provided with the agendas of each meeting.

Planning Commission meetings are anticipated to begin at 10:00 am, and Board of Supervisors meetings are anticipated to begin at 9:00 am on the first three Tuesdays of each month. Meeting agendas are posted online on the Planning Commission and Board of Supervisors webpages and can be received via e-mail by subscribing to the Planning Commission and Board of Supervisors e-mail lists at the following links: <https://monocounty.ca.gov/planning-commission> and <https://monocounty.ca.gov/bos>.

We look forward to receiving your reply and any information you are able to share, and would welcome the opportunity to meet with you and other members of the xxx. Thank you for taking the time to consider this invitation.

Sincerely,

Michael Draper
Planning Analyst
760.924.1805, mdraper@mono.ca.gov

MONO COUNTY COMMUNITY DEVELOPMENT

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February 27, 2023

To: The Mammoth Times
From: Wendy Sugimura, Director
Re: Legal Notice for March 2nd edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a public hearing on **March 14, 2023** at the Mono County Board Chambers, County Courthouse, 2nd Floor, 278 Main Street, Bridgeport, CA. A teleconference location will be available at the Mono County Civic Center, Mono Lake Room, 1st Floor, 1290 Tavern Road in Mammoth Lakes, CA. Remote livecast will be available at <https://monocounty.zoom.us/j/84165133055>. Members of the public shall have the right to observe and offer public comment to consider the following: no earlier than **9:00 a.m. Appeal of the Planning Commission's decision denying General Plan Amendment 22-01 & Use Permit 22-011/Nichols**. On November 17, 2022, the Mono County Planning Commission denied an application to change the land use designation of 171 Aurora Canyon Road (APN 008-210-003) from Multi-Family Residential, Moderate to Mixed Use, and a Use Permit to conduct transient rental (rental less than 30-days) of the existing duplex. The existing duplex consists of a one-bedroom unit and a two-bedroom unit. Maximum occupancy is limited to six people and four vehicles. The basis of the appeal is that the applicant could not answer or correct the conclusions of the Commission after the public hearing was closed. An Addendum to the 2015 Mono County General Plan EIR was prepared for the project pursuant to the California Environmental Quality Act (CEQA). Project materials are available for public review online at <https://monocounty.ca.gov/bos/page/board-supervisors-178> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Mono County Community Development Department, PO Box 347, Mammoth Lakes, CA, 93546, by **8 am on Tuesday, March 17**, to ensure timely receipt, by email at cddcomments@mono.ca.gov or via the livecast 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.

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**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: County Administration Office

TIME REQUIRED 1 hour

PERSONS APPEARING BEFORE THE BOARD Stanley Keasling, Consultant

SUBJECT Workshop on Housing Opportunities for Mono County

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Stanley Keasling regarding the development of Affordable/Workforce Housing in Mono County.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Mary Booher

PHONE/EMAIL: 760-932-5414 / mbooher@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time	Who	Approval
3/9/2023 8:37 AM	County Counsel	Yes
3/8/2023 11:47 AM	Finance	Yes
3/9/2023 10:10 AM	County Administrative Office	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Community Development Department

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Community
Development Director

SUBJECT Letter to Liberty Utilities Regarding
Compliance with Requirements to
Underground Utility Lines

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The Planning Commission requests the Board of Supervisors send a letter to Liberty Utilities requesting a written response and attendance at meetings to discuss Mono County requirements to underground utility connections.

RECOMMENDED ACTION:

Modify as desired, authorize the Chair to sign the letter, and direct staff to send to Liberty Utilities.

FISCAL IMPACT:

No impact beyond budgeted expenses.

CONTACT NAME: Wendy Sugimura

PHONE/EMAIL: 760-924-1814 / wsugimura@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
staff report
Letter to Liberty Utilities

History

Time	Who	Approval
3/8/2023 9:18 AM	County Counsel	Yes
3/7/2023 11:26 AM	Finance	Yes

3/8/2023 8:10 PM

County Administrative Office

Yes

Mono County Community Development Department

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www.monocounty.ca.gov

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www.monocounty.ca.gov

March 14, 2023

To: Honorable Mono County Board of Supervisors
From: Wendy Sugimura, Director, for the Planning Commission
RE: Letter to Liberty Utilities Regarding Compliance with Requirements to Underground Utility Lines

RECOMMENDATION:

Modify as desired, authorize the Chair to sign the letter, and direct staff to send to Liberty Utilities.

FISCAL IMPACT:

No impact beyond budgeted expenses.

BACKGROUND:

In the past year, the Mono County Planning Commission and staff have heard from property owners that Liberty Utilities is 1) is unresponsive to their requests to underground power lines to new residential homes, 2) tells the resident undergrounding is not an option, or 3) proposes noncompliant overhead lines to the property owner. Three retroactive requests for improperly installed overhead lines were heard by the Planning Commission in the last year, with hundreds of thousands of dollars of fines accruing in one case.

DISCUSSION:

Frustrated with the lack of compliance and cooperation by Liberty Utilities in complying with Mono County's General Plan requirements and assisting homeowners with legal utility connections, the Planning Commission directed staff to write a letter to Liberty Utilities requesting both a written response and attendance at a meeting. The Commission is forwarding this letter to the Board of Supervisors and requesting the Board send the letter on behalf of Mono County.

The redline edits indicate changes to the version approved by the Planning Commission to reflect that the Board is sending the letter.

Please contact Wendy Sugimura at 760.924.1814 or wsugimura@mono.ca.gov with any questions.



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

Liberty Utilities
933 Eloise Avenue
South Lake Tahoe, CA 96150

To Liberty Utilities Executive Management:

The Mono County Board of Supervisors and Planning Commission (the “County”-“Planning Commission”) is alarmed by consistent reports from local residents in the Antelope Valley (Walker and Coleville, CA) that Liberty Utilities (“Liberty”) is uncooperative in meeting the requirements of the Mono County General Plan. By this letter, we request a response from Liberty on the issues described below.

The Mono County General Plan Land Use Element requires the undergrounding of power lines servicing individual homes and structures because of significant fire risk and aesthetic impacts to the rural landscape throughout the county. Section 04.070 requires that “[d]istribution lines and service laterals to development shall be underground.” Chapter 11 of the Land Use Element, Section 11.010.D., further requires that all power lines be undergrounded unless a Director Review permit or a Use Permit specifically allows for installation of overhead lines, with a number of required findings. The relevant portions of Chapter 11 are attached to this letter for reference.

The Planning Commission has heard a steady litany from property owners claiming that Liberty 1) is unresponsive to their requests to underground power lines to new residential homes, 2) tells the resident undergrounding is not an option, or 3) proposes noncompliant overhead lines to the property owner. Three retroactive requests for improperly installed overhead lines were heard by the Planning Commission in the last year, with hundreds of thousands of dollars of fines accruing in one case.

To provide another example, one resident has been trying to work with Liberty to underground two power poles and the overhead lines to their home since March 18, 2021, as required by their approved use permit. Liberty initially responded to the resident and provided two forms to complete around the end of March 2021. However, after the resident submitted the requested forms in early April 2021, the resident heard nothing until they emailed Liberty in August 2021. The resident was given assurances from Liberty at that time that the undergrounding would occur. The resident again received no update until after they reached out to Liberty again in February and March of 2022. The resident was promised engineering paperwork by August 2022 that still, as of the date of this letter, has not arrived. The resident reached out to Liberty multiple times again in July, October, December, and January. The resident was repeatedly reassured that Liberty was working on their paperwork but were given no updates. The resident is approaching a full two years of fruitless attempts to work with

Liberty on a small undergrounding project to a single-family home. The poor customer service and inability of Liberty to comply with the County's General Plan requirement is causing considerable angst and stress to the resident, who is attempting to comply in good faith and ultimately bears the burden of Liberty's noncompliance.

The failure of Liberty to abide by Mono County's General Plan requirements and permit conditions at the request of residents is unacceptable and must change. Liberty is the only power company servicing the communities of Walker and Coleville. The residents are forced to spend time, energy, and money attempting to compel Liberty to comply with the law.

Wildfire risk remains a significant concern for Mono County and the reduction of risk through our General Plan development regulations remains a priority. Mono County is unwilling to modify its policies to accommodate the high-risk preferences for overhead power lines that Liberty appears to have. As you are no doubt aware, the Mountain View Fire, less than three years ago, devastated the community of Walker. The fact that residents seeking to develop their homes or property are still unable to work with Liberty to underground power lines following the fire is a tragedy in its own right.

The ~~County Planning Commission~~ requests both a written response from Liberty within 30 days of receipt of this letter and an appearance from a qualified Liberty Utilities representative with decision-making authority at the Planning Commission meeting on April 20, 2023, ~~and a future Board of Supervisor's meeting~~. Please respond to Wendy Sugimura, Community Development Director, at PO Box 347, Mammoth Lakes, CA 93546, or wsugimura@mono.ca.gov.

Sincerely,

~~Rhonda Duggan~~~~Patricia Robertson~~, Chair

CC: ~~Mono County Board of Supervisors~~
~~Mono County Planning Commission~~
~~Antelope Valley Regional Planning Advisory Committee (RPAC)~~
California Public Utilities Commission

Attachments: Chapter 11 of the Mono County General Plan Land Use Element

DEVELOPMENT STANDARDS

CHAPTER 11 – UTILITIES

Sections:

- 11.010 Placement of Utility Infrastructure.**
- 11.020 Alternative Energy Systems.**

11.010 Placement of Utility Infrastructure.

A. Exemption for Regulated Public Utilities.

The provisions of this section shall not apply to distribution and transmission lines owned and operated as part of the statewide electrical network regulated by the California Public Utilities Commission (PUC). The authority for this exemption is set forth in the California Constitution, Article XII, Section 8, which vests exclusive regulatory authority over the distribution and transmission lines of these utilities in the California Public Utilities Commission. However, the County shall work with the PUC and applicant to cooperatively meet the standards set forth in Section F.

B. Uses Permitted.

Underground facilities for the distribution of gas, water, sewer, telephone, television, communications and electricity shall be allowed in all designations.

C. Definitions.

For the purposes of this section, the following definitions shall apply:

"Individual development" means an individual development project, such as a single-family residence and/or Accessory Dwelling Unit, a garage, a single commercial use, one apartment building, or similar uses. It does not mean a subdivision, land division, condominium development, or development of more than one detached unit at the same time.

"Overhead utility lines" means utility distribution lines and service laterals that are installed above ground, either overhead, in an above-ground conduit, or in some other manner.

"Subdivision" means the division of any unit or units of improved or unimproved land as further defined in Section 02.1520 and the Mono County Subdivision Ordinance.

"Utility" means gas, water, sewer, telephone, television, communications and electricity.

"Wireline" is a general term that is used to describe a connection to the Internet that is provided via hardwire, as in the case of DSL, cable, or fiber-based technologies.

D. Utility Distribution Lines to Individual Development.

Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible.

In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) shall make at least one of the following findings in addition to the required Director Review or Use Permit findings, and shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:

1. The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:
 - a. In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.
 - b. Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.
 - c. Are there other potential alignments that would have less visual impact?
 - d. Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.

The Director or the Commission may consider additional information pertaining to the visual character of the area that is deemed relevant to the application.

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:
 - a. Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;
 - b. Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, above-ground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);
 - c. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;
 - d. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;
 - e. Are there other potential alignments that would avoid potential environmental impacts?; and

- f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area that is deemed relevant to the application.

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:

- a. Is the cost of the line to be installed excessive?
- b. Will the installation of underground utilities require trenching under a stream bed?
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.

4. The exclusive purpose of the overhead line is to serve an agricultural operation.

For the purposes of this section, agricultural operations are defined as use of the land for the production of food and fiber, including the growing of crops and grazing of livestock. Above-ground utility lines may be permitted for agricultural uses such as pumps and similar uses.

- a. Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

E. Utility Distribution Lines for Subdivisions.

Utility distribution lines for all subdivisions and land divisions shall be installed underground, unless a specific hardship can be demonstrated (see #3 above). If a specific hardship can be demonstrated, overhead installation may be allowed subject to approval of a variance (see Ch. 33, Variance Processing).

Subdivisions may be required to underground the feeder distribution line to the subdivision. An assessment district, or a similar mechanism, may be established for this purpose as a condition of the tract map approval.

F. Utility Distribution Lines for All Other Communication Infrastructure

All other types of utility distribution lines shall be installed underground, unless the applicant has obtained a Director Review Permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application. Projects located in the County right of way shall also require an encroachment permit from the Public Works Department.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible. If

overhead installation is necessary, all of the criteria in Section 11.010D 1-4 shall be evaluated to provide justification, at least one finding must be made, and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. In addition, the following requirements shall be applied:

1. Within Scenic Highway corridors, a variance (see Ch. 33, Variance Processing) and/or deviation authorization from the California PUC is required prior to approval of overhead construction; and
2. In County rights of way other than Scenic Highway corridors, a use permit must be obtained prior to allowing overhead construction.

G. Use Permit.

Other utility (municipal, private, and if applicable, public utilities not regulated by the PUC) distribution lines, transmission lines and corridors, towers, electrical substations, repeater stations, pumping stations, and uses accessory thereto, including microwave facilities, may be allowed in all districts subject to first securing a use permit, in the manner specified in Chapter 32, Use Permit Processing.

H. Exceptions.

In the event that any regulations of the Public Utilities Commission or any other agency of the state with jurisdiction over utilities conflicts with the provisions of land use designations and the land development regulations, the regulations of the state shall apply, to the extent that the same are conflicting.

I. Locational Requirements.

Whether or not a utility is subject to any permitting requirements as delineated in subsections A to G, above, all new utility distribution lines, transmission lines, corridors, rights of way, towers, electrical substations, repeater stations, pumping stations, cell/communication towers and uses accessory thereto, including microwave facilities, shall comply with the policies of this General Plan and applicable area or specific plans.

J. Cellular and Wireless Towers

Towers erected for the purposes of providing communications through wireless or cellular technologies are permitted in all land use designations subject to a use permit. These towers shall exhibit substantial compliance with the following, unless such substantial compliance would result in an effective prohibition of the provision of wireless communication facilities, or in unreasonable discrimination against a provider of wireless communication facilities, as defined in the Telecommunications Act of 1996, or in non-compliance with any other applicable federal laws:¹²

1. Visual mitigations strategies included in the Mono County Design Guidelines;
2. Cellular and wireless towers shall bond for the reclamation of the site in the event that the infrastructure has not been utilized for a period of three years. Infrastructure shall be removed within one year of abandonment;
3. Towers shall be sited only when there is an identified service provider who has proved a need for the facility;
4. Facilities shall be co-located to minimize the number of towers, and new sites shall include capacity for additional providers to utilize the facility;

¹² E.g., Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: County Administration Office

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Employment Agreement - Chief
People Officer

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution approving a contract with John ("Jack") Conry as Chief People Officer, and prescribing the compensation, appointment and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Adopt resolution approving a contract with John Conry as Chief People Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

FISCAL IMPACT:

Estimated cost of this position for the remainder of the fiscal year is \$43,931, of which \$31,647 is salary and \$12,283 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$163,171, of which \$117,547 is salary and \$45,624 is benefits. This is included in the County Administration FY 2022/23 budget.

CONTACT NAME: Mary Booher

PHONE/EMAIL: / mbooher@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> staff report
<input type="checkbox"/> Resolution
<input type="checkbox"/> Attachment to Resolution

History

Time	Who	Approval
3/8/2023 10:31 AM	County Counsel	Yes
3/7/2023 10:33 AM	Finance	Yes
3/8/2023 8:08 PM	County Administrative Office	Yes



**INTERIM ASSISTANT COUNTY
ADMINISTRATIVE OFFICER
COUNTY OF MONO**

Mary Booher
PO Box 696
Bridgeport, CA 93517-0696
(760) 932-5410
mbooher@mono.ca.gov

March 14, 2023

To: Honorable Chair and Members of the Board of Supervisors

BOARD OF SUPERVISORS

CHAIR
Rhonda Duggan / District 2

VICE CHAIR
John Peters / District 4
Bob Gardner / District 3
Lynda Salcido / District 5
Jennifer Kreitz / District 1

From: Mary Booher, Interim Assistant County Administrative Officer

Re: Staff Report - Employment Agreement Chief People Officer

COUNTY DEPARTMENTS

ASSESSOR
Hon. Barry Beck

DISTRICT ATTORNEY
Hon. David Anderson

SHERIFF / CORONER
Hon. Ingrid Braun

ANIMAL SERVICES
Chris Mokracek (Interim)

BEHAVIORAL HEALTH
Robin Roberts

COMMUNITY DEVELOPMENT
Wendy Sugimura

COUNTY CLERK-RECORDER
Scheereen Dedman

COUNTY COUNSEL
Stacey Simon, Esq.

ECONOMIC DEVELOPMENT
Jeff Simpson

EMERGENCY MEDICAL
SERVICES
Bryan Bullock

FINANCE
Janet Dutcher
CPA, CGFM, MPA

INFORMATION
TECHNOLOGY
Milan Salva (Interim)

PROBATION
Karin Humiston

PUBLIC HEALTH
Kathy Peterson (Interim)

PUBLIC WORKS
Paul Roten

SOCIAL SERVICES
Kathy Peterson

Following an extensive search for candidates for the Chief People Officer conducted by the executive search firm, Wendy Brown Creative Partners (WBCP), John “Jack” Conry has been selected and is being recommended as the next Chief People Officer for the County.

The nationwide recruitment commenced in December 2022, with a total of 19 candidates applying for the position, nine were phone screened and six were recommended to move forward in the process. The final six candidates were interviewed on January 31 by a diverse panel consisting of members of Mono County staff and an outside HR consultant. In-person interviews with Mr. Conry and the County’s department heads were held on February 6, and an informal meet and greet with the Board on February 7, 2023. A final in-person interview with department heads, County Counsel and the Acting CAO was scheduled for March 2, 2023; however, due to weather conditions the interview was held virtually via zoom instead.

Mr. Conry offers an extensive human resources background from both the non-profit and private sector. He is a graduate of Colorado State University with a BA in history and political science. He has a law degree from Tulane University (specializing in employment law) and is currently an MBA candidate at the Wharton School of the University of Pennsylvania, focusing on organizational excellence.

Mr. Conry previously served as Deputy Chief of People and Operations for Catholic Charities of the East Bay (CCEB) and Director of HR for DJM Capital Partners. Additionally, he has served in various other legal, and human resources roles and is certified by the Society for Human Resources Management (SHRM) as a Senior Certified Professional. He is fluent in French and has intermediate skills in Mandarin and spent two years in Benin West Africa as a volunteer for the Peace Corp.



RESOLUTION NO. R23-

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN
EMPLOYMENT AGREEMENT WITH JOHN CONRY
AND PRESCRIBING THE COMPENSATION, APPOINTMENT,
AND CONDITIONS OF SAID EMPLOYMENT**

WHEREAS, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the Agreement Regarding Employment of John Conry, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of John Conry. The Chair of the Board of Supervisors shall execute said Agreement on behalf of the County.

PASSED and **ADOPTED** this 14th day of March, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
Clerk of the Board

Rhonda Duggan, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

**EMPLOYMENT AGREEMENT OF JOHN CONRY
AS CHIEF PEOPLE OFFICER FOR MONO COUNTY**

This Agreement is entered into by and between John Conry and the County of Mono (hereinafter “County”).

I. RECITALS

The County wishes to employ John Conry hereinafter (“Mr. Conry”) as its Chief People Officer in accordance with the terms and conditions set forth in this Agreement. Mr. Conry wishes to accept employment with the County on said terms and conditions.

II. AGREEMENT

1. This Agreement shall commence March 20, 2023, and shall remain in effect unless or until terminated by either party in accordance with this Agreement.
2. Commencing March 20, 2023, Mr. Conry shall be employed by Mono County as its Chief People Officer, serving at the will and pleasure of the County Administrative Officer (CAO). Mr. Conry accepts such employment. The CAO shall be deemed the “appointing authority” for all purposes with respect to Mr. Conry’s employment. The CAO and Mr. Conry will work together to establish specific, measurable, achievable and realistic performance goals for Mr. Conry’s work. Mr. Conry’s job performance and progress towards achieving the agreed-upon goals shall be evaluated by the CAO in accordance with the County’s Policy Regarding Compensation of At-Will and Elected Management Level Officers and Employees adopted by Resolution R21-44 on June 15, 2021, and as the same may be amended or updated from time to time and unilaterally implemented by the County (hereinafter the “*Management Compensation Policy*”).
3. Mr. Conry’s salary shall be initially set at Range 21, Step C of the “Resolution Adopting and Implementing a Salary Matrix applicable to At-Will Employee and Elected Department Head Positions” (Resolution R23-016 adopted on February 21, 2023, hereinafter the “*Salary Matrix*”) and shall be modified as provided in the Management Compensation Policy and the Salary Matrix , and as the same may be amended or updated from time to time and unilaterally implemented by the County.
4. Mr. Conry understands that he is responsible for paying the employee’s share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County as determined by the County’s contract with PERS and/or County policy, and also any employee share of the “normal cost” of his retirement benefits that may be mandated by the Public Employees’ Pension Reform Act of 2013 (PEPRA).
5. Mr. Conry shall earn and accrue vacation and sick leave in accordance with the “Policy Regarding Benefits of Management-level Officers and Employees,” updated most

recently by Resolution R20-56 of the Mono County Board of Supervisors and as the same may be further amended from time to time and unilaterally implemented by the County (hereinafter the “**Management Benefits Policy**”) and in accordance with any applicable County Code provisions not in conflict with said Policy. Also, pursuant to said Policy, in recognition of the fact that his employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, he shall be entitled to 80 hours of merit leave (aka administrative leave) during each calendar year of service under this Agreement, prorated for 2023 to reflect Mr. Conry’s March 20, 2023, start date. Mr. Conry understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided, or it is lost.

6. To the extent deemed appropriate by the CAO, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Conry’s full participation in applicable professional associations, for his continued professional growth and for the good of the County.
7. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Conry shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County’s Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits at the tier applicable to Mr. Conry’s employment, medical insurance, County dental and vision coverage, and life insurance.
8. Mr. Conry understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on his actual and regular rendering of full-time personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Conry cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Conry’s regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees.
9. Consistent with the “at will” nature of Mr. Conry’s employment, the CAO may terminate Mr. Conry’s employment at any time during this Agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Conry understands and acknowledges that as an “at will” employee, he will not have permanent status nor will his employment be governed by the

Mono County Personnel Rules except to the extent that the Rules are ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the CAO may, in his or her discretion, take during Mr. Conry's employment.

10. In the event of a termination without cause occurring after the first twelve (12) months of employment, Mr. Conry shall receive as severance pay a lump sum equal to six (6) months' salary. For purposes of severance pay, "salary" refers only to base compensation. Mr. Conry shall not be entitled to any severance pay in the event that the CAO has grounds to discipline him on or about the time he or she gives notice of termination. Grounds for discipline include but are not limited to those specified in section 520 of the Mono County Personnel Rules, as the same may be amended from time to time. Mr. Conry shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.
11. Mr. Conry may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Conry shall not be entitled to any severance pay or earn or accrue additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Mr. Conry.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Conry's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Conry's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus. Pursuant to Government Code sections 53243. Mr. Conry shall reimburse the County for any paid leave pending an investigation, legal criminal defense, or cash settlement related to termination by the County if Mr. Conry is convicted of a crime involving abuse of office or position.
14. Mr. Conry acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Conry further acknowledges that he has participated in the negotiation and preparation of this


Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION

This Agreement is executed by the parties this 14th day of March, 2023.

EMPLOYEE

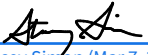
THE COUNTY OF MONO


John Conry (Mar 7, 2023 17:44 PST)

John Conry

By: Rhonda Duggan, Chair
Board of Supervisors

APPROVED AS TO FORM:


Stacey Sirron (Mar 7, 2023 16:46 PST)

COUNTY COUNSEL









Employment agreement

Final Audit Report

2023-03-08

Created:	2023-03-08
By:	Stacey Simon (ssimon@mono.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQqxDfeEeVSdiJjqco3ecSZZtEddMgxza

"Employment agreement" History

-  Document created by Stacey Simon (ssimon@mono.ca.gov)
2023-03-08 - 0:43:13 AM GMT- IP address: 162.252.88.212
-  Document emailed to jconry@wharton.upenn.edu for signature
2023-03-08 - 0:45:52 AM GMT
-  Document emailed to Stacey Simon (ssimon@mono.ca.gov) for signature
2023-03-08 - 0:45:52 AM GMT
-  Document e-signed by Stacey Simon (ssimon@mono.ca.gov)
Signature Date: 2023-03-08 - 0:46:00 AM GMT - Time Source: server- IP address: 162.252.88.212
-  Email viewed by jconry@wharton.upenn.edu
2023-03-08 - 1:43:44 AM GMT- IP address: 74.125.209.13
-  Signer jconry@wharton.upenn.edu entered name at signing as John Conry
2023-03-08 - 1:44:29 AM GMT- IP address: 98.35.31.233
-  Document e-signed by John Conry (jconry@wharton.upenn.edu)
Signature Date: 2023-03-08 - 1:44:31 AM GMT - Time Source: server- IP address: 98.35.31.233
-  Agreement completed.
2023-03-08 - 1:44:31 AM GMT





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: District Attorney

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD David Anderson, District Attorney

SUBJECT Employment Agreement - Deputy District Attorney III

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution approving a contract with Lauren Ryerson as Deputy District Attorney III, and prescribing the compensation, appointment and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Approve resolution, approving a contract with Lauren Ryerson as Deputy District Attorney III, and prescribing the compensation, appointment and conditions of said employment.

FISCAL IMPACT:

Estimated cost of this position for the remainder of the fiscal year is \$44,192, of which \$31,836 is salary and \$12,356 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$160,687, of which \$117,547 is salary and \$43,140 is benefits. This is included in the District Attorney's FY 2022/23 budget.

CONTACT NAME: David Anderson

PHONE/EMAIL: 7609241714 / danderson@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Resolution
<input type="checkbox"/> Attachment to Resolution

History

Time	Who	Approval
3/6/2023 3:17 PM	County Counsel	Yes
2/28/2023 2:07 PM	Finance	Yes
3/6/2023 4:00 PM	County Administrative Office	Yes

County of Mono Office of the District Attorney

www.monocountydistrictattorney.org

Bridgeport Office:
Main St. Court House, P.O. Box 617
Bridgeport, CA. 93517
Tel:(760)932-5550 fax: (760)932-5551



Mammoth Office:
Sierra Center Mall, P.O. Box 2053
Mammoth Lakes, CA. 93546
Tel:(760)924-1710 fax: (760)924-1711

David Anderson - District Attorney

TO: Honorable Board of Supervisors
FROM: David Anderson, District Attorney
DATE: March 14, 2023

Time Needed: 5 minutes for presentation and 5 minutes for discussion.

Subject

At-Will Contract with Lauren Ryerson for a Deputy District Attorney III position.

Discussion

In December 2022, the District Attorney's Office opened a recruitment for the Deputy District Attorney position due to the position becoming vacant after Todd Graham was promoted to Assistant District Attorney. After a two-month recruitment, the position was offered and accepted on February 8, 2023 by Lauren Ryerson.

Ms. Ryerson moved to Mono County about a month before the COVID-19 pandemic began to work as a contract public defender. She had previously worked for the San Francisco Public Defender's Office for three years where she tried approximately 20 jury trials. After working as a defense attorney for the last three years in Mono County, Ms. Ryerson believes that a move to the District Attorney's Office is the best way she can use her passion and experience to serve the citizens of Mono County.

Ms. Ryerson is an impressive attorney who the Office has had the ability to work closely with over the past three years. She serves with integrity and accountability. I fully believe Ms. Ryerson will be a great asset to Mono County and to the Mono County District Attorney's Office.



R23-__

**RESOLUTION NO. R23-
A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
APPROVING AN EMPLOYMENT AGREEMENT WITH LAUREN RYERSON
FOR THE POSITION OF MONO COUNTY
DEPUTY DISTRICT ATTORNEY III.**

WHEREAS, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees; and

WHEREAS, on March 14, 2023, the Board of Supervisors entered into an agreement with Lauren Ryerson prescribing the compensation, appointment and conditions of Ms. Ryerson’s employment with the County (the “Agreement”); and

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors that the Employment Agreement of Lauren Ryerson, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Ms. Ryerson. The Chairman of the Board of Supervisors shall execute said Agreement on behalf of the County.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2023, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rhonda Duggan, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel

**EMPLOYMENT AGREEMENT OF LAUREN RYERSON
AS DEPUTY DISTRICT ATTORNEY FOR MONO COUNTY**

This Agreement is entered into by and between Lauren Ryerson and the County of Mono (hereinafter “County”).

I. RECITALS

The County wishes to employ Lauren Ryerson hereinafter (“Ms. Ryerson) as a Deputy District Attorney III in accordance with the terms and conditions set forth in this Agreement. Ms. Ryerson wishes to accept employment with the County on said terms and conditions.

II. AGREEMENT

1. This Agreement shall commence March 20, 2023, and shall remain in effect unless or until terminated by either party in accordance with this Agreement.
2. Commencing March 20, 2023, Ms. Ryerson shall be employed by Mono County as a Deputy District Attorney III, serving at the will and pleasure of the District Attorney. Ms. Ryerson accepts such employment. The District Attorney shall be deemed the “appointing authority” for all purposes with respect to Ms. Ryerson’s employment. The District Attorney and Ms. Ryerson will work together to establish specific, measurable, achievable and realistic performance goals for Ms. Ryerson’s work. Ms. Ryerson’s job performance and progress towards achieving the agreed-upon goals shall be evaluated by the District Attorney in accordance with the County’s Policy Regarding Compensation of At-Will and Elected Management Level Officers and Employees adopted by Resolution R21-44 on June 15, 2021, and as the same may be amended or updated from time to time and unilaterally implemented by the County (hereinafter the “*Management Compensation Policy*”).
3. Ms. Ryerson’s salary shall be initially set at Range 15, Step C of the “Resolution Adopting and Implementing a Salary Matrix applicable to At-Will Employee and Elected Department Head Positions” (most recently updated by Resolution R23-016, on February 21, 2023, hereinafter the “*Salary Matrix*”) and shall be modified as provided in the Management Compensation Policy and the Salary Matrix, and as the same may be amended or updated from time to time and unilaterally implemented by the County.
4. Ms. Ryerson understands that she is responsible for paying the employee’s share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to her employment for the County as determined by the County’s contract with PERS and/or County policy, and also any employee share of the “normal cost” of her retirement benefits that may be mandated by the Public Employees’ Pension Reform Act of 2013 (PEPRA).

5. Ms. Ryerson shall earn and accrue vacation and sick leave in accordance with the “Policy Regarding Benefits of Management-level Officers and Employees,” updated most recently by Resolution R20-56 of the Mono County Board of Supervisors and as the same may be further amended from time to time and unilaterally implemented by the County (hereinafter the “**Management Benefits Policy**”) and in accordance with any applicable County Code provisions not in conflict with said Policy. Also, pursuant to said Policy, in recognition of the fact that her employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, she shall be entitled to 80 hours of merit leave (aka administrative leave) during each calendar year of service under this Agreement. Ms. Ryerson understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided, or it is lost.
6. To the extent deemed appropriate by the District Attorney, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Ms. Ryerson’s full participation in applicable professional associations, for her continued professional growth and for the good of the County.
7. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Ms. Ryerson shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County’s Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits at the tier applicable to Ms. Ryerson’s employment, medical insurance, County dental and vision coverage, and life insurance.
8. Ms. Ryerson understands and agrees that her receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on her actual and regular rendering of full-time personal services to the County or, in the event of any absence, upon her proper use of any accrued leave. Should Ms. Ryerson cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then she shall cease earning or receiving any additional compensation or benefits until such time as she returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Ms. Ryerson’s regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees.
9. Consistent with the “at will” nature of Ms. Ryerson’s employment, the District Attorney may terminate Ms. Ryerson’s employment at any time during this Agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Ms. Ryerson understands and acknowledges that as an

“at will” employee, she will not have permanent status nor will her employment be governed by the Mono County Personnel Rules except to the extent that the Rules are ever modified to apply expressly to at-will employees. Among other things, she will have no property interest in her employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the District Attorney may, in his or her discretion, take during Ms. Ryerson’s employment.

10. In the event of a termination without cause occurring after the first twelve (12) months of employment, Ms. Ryerson shall receive as severance pay a lump sum equal to six (6) months’ salary. For purposes of severance pay, “salary” refers only to base compensation. Ms. Ryerson shall not be entitled to any severance pay in the event that the District Attorney has grounds to discipline her on or about the time he or she gives notice of termination. Grounds for discipline include but are not limited to those specified in section 520 of the Mono County Personnel Rules, as the same may be amended from time to time. Ms. Ryerson shall also not be entitled to any severance pay in the event that she becomes unable to perform the essential functions of her position (with or without reasonable accommodations) and her employment is duly terminated for such non-disciplinary reasons.
11. Ms. Ryerson may resign her employment with the County at any time. Her resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Ms. Ryerson shall not be entitled to any severance pay or earn or accrue additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Ms. Ryerson.
13. The parties agree that the Board of Supervisors’ approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties’ intent to alter in any way the fundamental statutory (non-contractual) nature of Ms. Ryerson’s employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Ms. Ryerson’s sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus. Pursuant to Government Code sections 53243. Ms. Ryerson shall reimburse the County for any paid leave pending an investigation, legal criminal defense, or cash settlement related to termination by the County if Ms. Ryerson is convicted of a crime involving abuse of office or position.
14. Ms. Ryerson acknowledges that this Agreement is executed voluntarily by her, without duress or undue influence on the part or on behalf of the County. Ms. Ryerson further

acknowledges that she has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive her right to do so, and that she is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION

This Agreement is executed by the parties this 20th day of March, 2023.

EMPLOYEE

THE COUNTY OF MONO

Lauren Ryerson

By: Rhonda Duggan, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: County Administration Office

TIME REQUIRED 20 minutes

PERSONS APPEARING BEFORE THE BOARD Megan Chapman, Budget Officer

SUBJECT Budget Update - March

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

A standard, repeatable, annual budget process and timeline will allow for transparency, collaboration and ensure needed services are provided in Mono County in compliance with the County Budget Act.

RECOMMENDED ACTION:

1. Approve Budget Calendar for implementation by Mono County staff for FY 2023-24. 2. Approve moving forward with a standard annual budget process and timeline for FY 2023-24 and future years.

FISCAL IMPACT:

None.

CONTACT NAME: Megan Chapman

PHONE/EMAIL: 760-924-1836 / mchapman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Presentation

History

Time	Who	Approval
3/8/2023 9:14 AM	County Counsel	Yes
3/9/2023 1:43 PM	Finance	Yes

3/9/2023 2:27 PM

County Administrative Office

Yes



COUNTY ADMINISTRATIVE OFFICER
COUNTY OF MONO
PO Box 696
Bridgeport, CA 93517-0696
(760) 932-5410
www.mono.ca.gov

Date: March 14, 2023

BOARD OF SUPERVISORS

CHAIR

Rhonda Duggan / District 2

VICE CHAIR

John Peters / District 4

Bob Gardner / District 3

Lynda Salcido / District 5

Jennifer Kreitz / District 1

To: The Honorable Mono County Board of Supervisors

From: Megan Chapman, County Budget Officer

Re: Budget Update – March

Recommended Action:

Staff recommends that your Board:

1. Consider and approve FY2023-24 Budget Process for implementation.

COUNTY DEPARTMENTS

ASSESSOR

Hon. Barry Beck

DISTRICT ATTORNEY

Hon. Tim Kendall

SHERIFF / CORONER

Hon. Ingrid Braun

ANIMAL SERVICES

Chris Mokracek "Interim"

BEHAVIORAL HEALTH

Robin Roberts

COMMUNITY DEVELOPMENT

Wendy Sugimura

COUNTY CLERK-RECORDER

Scheereen Dedman

COUNTY COUNSEL

Stacey Simon, Esq.

ECONOMIC DEVELOPMENT

Jeff Simpson

EMERGENCY MEDICAL

SERVICES

Bryan Bullock

FINANCE

Janet Dutcher

CPA, CGFM, MPA

INFORMATION

TECHNOLOGY

Milan Salva "Interim"

PROBATION

Karin Humiston

PUBLIC HEALTH

Kathy Peterson "Interim"

PUBLIC WORKS

Paul Roten

SOCIAL SERVICES

Kathy Peterson

Discussion:

A standard, repeatable, annual budget process will allow for collaboration and ensure needed services are provided in Mono County. An Annual Budget is not just numbers; the Budget is a platform to allocate resources to provide needed services. A regular annual budget process is important for relationships between Mono County Departments and collaborating agencies.

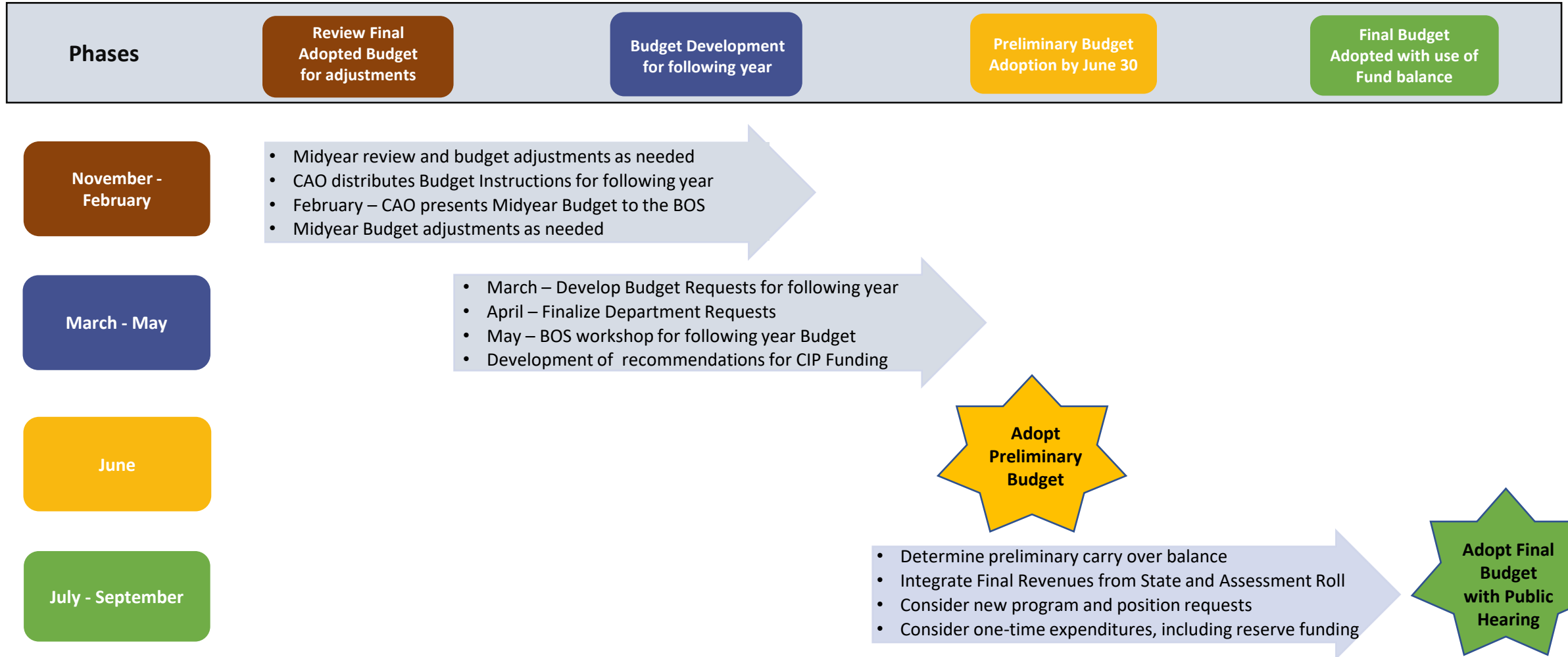
Attachments:

Attachment A – Annual Budget Process and Timeline



Annual Budget

Budget Development Process and Timeline



Preliminary Budget vs. Final Budget

What is the difference?

Preliminary budget

- Existing service level with cost increase projections
- Possible restoration of funding for unfunded allocated positions based on available resources
- Appropriations of one-time funding to BOS priorities including Capital Projects
 - Fund Balance \$7.05 million
 - ARPA \$2.19 million
 - Local Assistance (LATCF) \$5.59 million
 - Housing \$558,000



Final budget

- Consider any remaining allocated unfunded positions for restoration
- Consider any new program or position requests
- Will include final property tax projections
- Consideration of impacts from State Budget
- Set aside funds for on-going employee negotiations
- Contribution to reserves and Economic Stabilization



Preliminary Budget - Deliverables

What will you see in the Preliminary Budget?

- Budget unit total revenues total expenditures and use of Fund Balance
- Budget units that have variance that exceeds the negotiated changes in Salary and Benefits additional line item detail & explanation
- For non-general fund departments we will include available Fund Balance
- Overall summary of revenues vs expenditures including contingency fund
- May be balanced with projected use of rollover funds

Recommended Budget - Deliverables

What will you see in the Recommended Budget?

- Line-item detail for each budget unit
- Department narrative
 - Discussion of significant variances
 - Update on FY2022-23 goals
 - Goals for FY2023-24 focusing on strategic plan, not routine work
 - Workload data
- New funding requests for equipment, projects, positions or programs
- Recommendations of contributions to reserve and economic stabilization and contingency
- Balanced Budget

Final Adopted Budget

What will you see for the Final Adopted Budget?

- State Required forms



Budget Workshop – May 2023

What will you see in the Budget Workshop in May?

- Review by functional areas
 - Roads, Infrastructure and Community Development
 - Health and Human Services
 - Public Safety and Protection
 - Local Economy
 - Governance and Administration
- Review of functional area Budget from FY2022-23 to FY2023-24
 - Operation budget 2022-23 Adopted Budget
 - Department requested Preliminary Budget 2023-24
 - Positions on 2022-23 allocation list that were not fully funded
- Direction of appropriation of one-time funds



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

Departments: Economic Development

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Jeff Simpson, Economic Development
Director

SUBJECT Quarterly Economic Report

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Economic Development Department Staff will provide a quarterly report on Mono County economic data utilizing research and information available through local, State and federal sources.

RECOMMENDED ACTION:

Receive presentation, provide any further direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Jeff Simpson

PHONE/EMAIL: 760-924-4634 / jsimpson@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Staff Report</p>

History

Time	Who	Approval
3/6/2023 3:12 PM	County Counsel	Yes
3/7/2023 11:27 AM	Finance	Yes
3/7/2023 11:31 AM	County Administrative Office	Yes



MONO COUNTY ECONOMIC DEVELOPMENT

P.O. BOX 603, MAMMOTH LAKES, CALIFORNIA 93546
(760) 924-4634 • (760) 924-1697 (Fax)

Jeff Simpson
Economic Development Director
Jsimpson@mono.ca.gov
760-924-4634

STAFF REPORT

SUBJECT: Quarterly Economic Report

RECOMMENDATION: Receive presentation, provide any further direction to staff.

BACKGROUND: As Identified in the Mono County Strategic Plan, the Economic Development Department Staff will provide quarterly reports on Mono County economic data utilizing research and information available through local, State and federal sources.

FISCAL IMPACT: None



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Mary Booher, Stacey Simon, Janet Dutcher, Patty Francisco, and Oliver Yee. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
3/6/2023 3:11 PM	County Counsel	Yes
2/21/2023 2:49 PM	Finance	Yes
3/6/2023 4:00 PM	County Administrative Office	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

TIME REQUIRED

SUBJECT Closed Session - Public Employee Evaluation

PERSONS APPEARING BEFORE THE BOARD

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: Interim Assistant County Administrative Officer.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
3/8/2023 8:57 AM	County Counsel	Yes
2/21/2023 2:48 PM	Finance	Yes
3/8/2023 8:06 PM	County Administrative Office	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE March 14, 2023

TIME REQUIRED

SUBJECT Closed Session - Public Employment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer recruitment.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
3/8/2023 8:58 AM	County Counsel	Yes
3/7/2023 10:01 AM	Finance	Yes
3/8/2023 8:07 PM	County Administrative Office	Yes