

# MONO COUNTY PLANNING COMMISSION

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

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## MINUTES

MAY 14, 2015  
(Adopted July 9, 2015)

---

**COMMISSIONERS:** Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson.

**STAFF:** Scott Burns, CDD director; Courtney Weiche, associate planner; Nick Criss, compliance officer; C.D. Ritter, commission secretary

**VIDEOCONFERENCE FROM MAMMOTH LAKES:** Gerry Le Francois, principal planner

---

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Mary Pipersky called the meeting to order at 10:11 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

**3. ELECTION OF CHAIR & VICE-CHAIR:** Chair Thompson (*Bush/Roberts. Ayes: 5-0.*); Vice-Chair Lizza (*Roberts/Thompson. Ayes: 5-0.*)

**4. MEETING MINUTES:**

**MOTION:** Adopt minutes of April 9, 2015, as submitted (*Bush/Lizza. Ayes: 5-0.*)

**5. PUBLIC HEARING**

**10:10 A.M.**

**A. ADOPT RESOLUTION R15-02 APPROVING GENERAL PLAN AMENDMENT 15-001 (a)** to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) at Twin Lakes to allow for nightly rentals on a single parcel at 317 Hackamore Place, Bridgeport, CA (APN 010-390-002). *Staff: Courtney Weiche, associate planner*

Scott Burns reported that applicant had withdrawn the application.

**OPEN PUBLIC COMMENT:** None. **CLOSE PUBLIC COMMENT.**

Burns explained background on TRODs. Board of Supervisors (BOS) and Planning Commission discussed potential of TRODs for a number of years, and TRODs were denied. But, maybe create tool available to interested residents. BOS had lots outreach through RPACs, established TRODs. People can apply for rental permit only through rigorous process, not simply a use permit with Planning Commission. Initial comments indicated process was unclear. Now, minimum of two hearings is required. Cannot notice Mono Supervisors till after Planning Commission hearing. Notifying surrounding property owners and newspaper notice are several weeks away.

Commissioner Thompson: CC&Rs from 1963. What if they say no [nightly rentals]?

Stacey Simon: CC&Rs are private restrictions that run with the land among property owners themselves. County does not enforce, is not bound by them. No import of decision by Planning Commission or BOS, but in considering broader picture, noted neighbors themselves had agreement. Step over expressed will of community? No legal binding effect.

---

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

Unidentified speaker: Can Mono overstep CC&Rs? Simon: If Mono said it doesn't care, would not repeal CC&Rs. Every community has right to enforce against violator.

B. **ADOPT RESOLUTION R15-03 APPROVING GENERAL PLAN AMENDMENT 15-001(b)** to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District on six parcels in the June Lake community along both California Street and Mountain View Lane (APNs 016-143-040, -019 & -039 and 016-152-007, -009 & -010). In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Courtney Weiche, associate planner*

Courtney Weiche presented PowerPoint on proposal at June Lake. BOS adopted GPA 12-001 adding Ch. 25-26 to establish TROD process, standards, enforcement. Intent was to allow in compatible neighborhoods. Planning Commission makes a recommendation to Mono Supervisors.

Originally two separate entities: Shear and Fettes. Ch. 25 requires invitation to adjoining properties to see if want to join. Notice only to adjoining, says Ch. 25. Additional outreach April 10, got two more, so combined into current district. The LDTAC met March 2 to review; recommended moving forward.

Weiche showed photos of area. Miller vacant, Shea/Molnar, Hoefer (concern with snow-sled area), Stender, Fettes (permitted second unit above garage, separate entrance from primary), Taylor. Reviewed noticing: Join April 9 for Fettes, Planning Commission May 1, property notice April 29 to properties within 300 ft. Favored comments. Two joiners, but after notice published, so dependent on outcome, return with separate proposal.

No existing contract for snow removal, roads inadequately maintained, added regulations for commercial projects, previous rental violations, wear/tear on roads, hodgepodge zoning, competition with lodging, strangers, and dark sky concerns. Choice of recommendations: Adopt or deny.

Pipersky: Two more joiners after invitation, prior to hearing notice. How many asked? *Five*. Vacant? Miller, middle Shea/Molnar. TROD gives right, but not required. Apply for vacation home rental. Other interest, but not noticed in public hearing as part of proposal.

Lizza: Is property line the road? Who owns title to roads? Simon will respond after public comments.

#### **OPEN PUBLIC COMMENT:**

**David Baumwohl:** Here since 1980, representing Shear. Two-step process to consider TROD: Planning Commission and BOS. Also obtain vacation home rental permit. Criteria of Ch. 25 apply today. Does application meet ordinance requirements? Not re-litigate TRODs in unincorporated Mono – ordinances already passed. CC&Rs are private agreement that has nothing to do with appropriateness of TROD. Sometimes get Use Permits in certain areas, but may have private use restrictions. Can't do it even though land use designation allows it. Not role of staff, Planning Commission or BOS. Deed shows provision only for SFR. Not relevant, not specific to concept of prohibiting TRODs. Ch. 26 is for another day.

Dogs, noise, disputes, parties. Historical objections are not valid. No property had permit for TROD. If permitted, build on vacant parcels, come in for permit. Applicant need to address. Second component is enforcement. Same as any other permit. Property owner violating is subject to enforcement. Things like road standards are staff-level matters; nothing in record on physical existence of violation of County ordinances. Gone through meetings, supplied requests of staff, gone through appropriate process. Also submitted draft operations plan to move forward. Focus on already-addressed policies in Ch. 25, kick in Ch. 26 later.

Pipersky: Why want to do TROD? Baumwohl: Not full-time owners, economic value. Property owner has option of renting transient, doesn't mean he will. Also believes demand exists to stay in private homes. Rent home when not using it, offset cost of residence in Eastern Sierra. Snow removal, painting, maintenance. Consistent with County policy, client has rented on 30-day basis whether used or not. Controversy in Mammoth. Lengthy public process, policy permits this.

Pipersky: Size? Baumwohl: Huge, lots of storage, well-designed for full-time resident or up to 10 occupants.

Pipersky: Cost to build? Baumwohl: Shea is home builder, likely \$300/sf based on location.

**Ian Fettes:** Proponent on Mountain View Lane, read from prepared statement. Cabin sometimes rented. Engineering consultant business too far from client base. Rental potential would help support self. Active in community, June Lake PUD and FPD. Only full-timer except Hoefer, who's moving away. Custodial role. Cabin is single-bedroom/loft, for up to two guests. Not party, but be outdoors, escape hustle/ bustle

of normal lives. Thoroughly vets prospects. Lives full time so could respond to issues immediately. Rosky neighbors have requested to join. No immediate desire to rent, but would like option available. Contacted opponent, discussed concerns, no negative opinions now. Aware of Sibla and Malone opposition. Sibla, real estate broker, joined ranks of second homeowners. Why so opposed? Spent 25 years developing area. Buys lot, builds house, gets overextended, has Sibla sell it, start over again. No restriction on long-term rentals, but limited market in area, limit to what tenants can pay, potential for more disruption to neighborhood, building, and parking. Concept not attractive, properties typically change hands. Short-term to help pay property tax, maintenance, still have use of home. Less turnover = less commission. Sibla coexists with tourists. Visitors who might not stay in June Lake. \$6,000-\$10,000 income to Mono. Survival means focus and embrace tourism. Rather not rent cabin, but needs to in order to survive. Provide guest service, pick up at Double Eagle, minimal impact on neighborhood. Majority of Mountain View Lane wants TROD.

Bush: Rented before? Fettes: Yes, monthly for \$250/night. Bush: Why not 30-day? Fettes: More income. June Lake small area, not many can pay reasonable rent. Rent to two, have five to six tenants.

Bush: Long-term would get financial help. Fettes: No market for long-term rental in June Lake. Long-term on California Street has issues. Couple does not want to party, just enjoy solitude.

**Blake Sibla:** Lived here long time, June Lake Properties, resident of Mountain View, brought in roads, water, sewer, utilities. Represented all properties. Represented self and wife, Lindsay (called police). Embrace area as home, and has second home. Business in ditch with recession, so not resorted to breaking law for added income. Not get \$250/night for 30-day rental. VHRO: Get four families, with four to eight cars, trailer, and boat. Molnar wanted nightly rental, chipping away at nightly rentals (trespass, congestion, etc.). Fettes does good job of managing rentals, complimentary feedback. Shea has property manager who does cleaning service. Biggest issues for proposal: Clark Tract has narrow, steep, winding, one-lane, precarious road. Bringing in unfamiliar people asks for trouble. Signs indicate dead-end, private road. On July 4 weekend, ideal conditions. Paramedics, CHP summoned. No Mono snow removal, bought knowing that concern. Morgan now refuses to plow Mountain View Rd., too dangerous, liability, accident potential. Neighbors on their own. Parking also an issue at larger home, Molnar. No on-site parking, parking area built into easement owned by Hoefler, has garage, but off limits. Trash, lighting, nuisance, etc. in residential neighborhood. To allow mini-motel district is not good planning.

**Patrick Hoefler** apologized for rough tone of comment letter, but frustrations and problems exist in Clark Tract. Road is easement through property. Provided easement to Molnar/Shea. Requested release of liability from Baumwohl on rental property. Rentals on 30-day basis: May sign document, but pay by the night. As soon as renters are out, new renters come in, sign another doc. History does matter. Ten or fewer people: Absolutely not true, more times than not >10. Saw 11 cars of renters, counted 16 cars in neighborhood, all over the place. Took property off market due to problems with renters three years ago. Market not happening at higher end at June Lake. One renter recently saw sign, wanted property, but chose not to buy another house as rental property. Fettes had put heart and soul into property, Hoeflers as well. Problems since Shea/Molnar house constructed.

Moved from Orange County 12 years ago, retired. Doesn't have solitude, freeway in front of house every day (maid, manager, renters, spa guy, trash, maintenance vehicles). Mono should have conducted cost-impact study on allowing TROD in Clark Tract. Voluntary snow removal, maintenance, but not all participate. Four cars/property on average for rentals, so 16 cars back and forth. Definite liability concerns, not just on easement road. Rationale for TROD = economic viability. Actually transferring revenue from local motels to homeowners illegally renting. People now bring ton of people, cheaper, nicer conveniences than at motel.

Area zoned SFR, no rentals. Called compliance, caught twice in row. If couldn't enforce code prior, how do it today? Understands compliance issues, maybe need more officers. Transient rentals destroy sense of community feeling. Long-term is no problem. When walk out of house, nice to know who neighbor is. Never know now. Renters pay money, have fun, don't care about what's going on in community. Believes TROD destroys community. Could be sued for injury. Transient rental no different than owner living year-round: Don't know person, changes day to day, can't talk to transient, don't know response. House surrounded by TROD applicants with direct access to his property. Problems over years: physical and personal intimidation by up to 11 people, asking you to fight when only asked them to park elsewhere.

Owner and manager did it. Self-policing now. How go to Shea or manager to complain. Beer bottles, cans, garbage (bears, ravens, raccoons) out into street, door open all night long, rocks thrown at windows, RVs, campers, boats, trucks, trailers. Soft asphalt dug up by truck tires. Complaining to renters or owner/manager does not work. Kids play on his flat lot. Laying rubber in driveway, ski boots up in trees. Illegal renters are bullying tract to get what they want. Law-abiding citizens end up paying. Mentioned petition. Applicants had two years; owners had less than two weeks. Entire tract affected, as drive throughout tract to look around.

**Anne Tozier:** Representing self and husband Joe Blommer, read aloud eight concerns in comment letter. Requested 30-day notice.

**Carol Sibra:** Got letter in mailbox, felt devastated because knew it was brewing. Some neighbors getting away with renting for years. Worked, saved, built dream home and this was happening. Worked June Lake Properties Reservations for 17 years for overnight renters – saw good, bad, ugly. Allowed in areas of condos and cabins, yet bad things still happened. When started up road to Clark Tract, serenity of home. Achieved dream of living in difficult-to-get-to area. Driven 36 years in June Lake area. Clark Tract roads most dangerous, all one lane, not maintained. Walk neighborhood, watch what’s going on. Units not rented month-to-month, but nightly. People in yard, commotion, two 7- to 8-year-olds asked if scared or lost. Wouldn’t say where they lived. Took to road, walked to Molnar property where they were staying. Parents told them not to say they were renting there. Domino of dishonesty: somebody owned, renting, telling people to lie, telling kids to lie. So wrong. Leave neighborhood as residential area. Feel blessed to live and own piece of Mono County, go to Palm Desert in winter. Worked hard to achieve.

**Roxanna Toobin:** Shouldn’t be continuously harassed by nightly rentals. Neighbors fix roads themselves. People renting above, watch but do not help. Don’t build with primary purpose of profiteering.

**Neighbor next door:** Why make a place a hotel? Already have hotel. Tractor with no muffler parked Obehind wife’s car 7 p.m., asked Caltrans to move, had confrontation. If can’t afford house, sell it. Don’t affect others because you don’t have money to pay. People get stuck in snow, owners have to deal with it. Keep neighborhood the way it is. Move some other place, and do what you want.

Toobin: County law on CC&Rs? Simon: Transient rentals not allowed in this neighborhood. Certain owners asked to be allowed.

Fettes: Rob Morgan ceased snow removal. Since then, Fettes and Rosnau have plowed Mountain View Lane. Big snow blower now, so road always open, need to get out for FPD.

Sibra: Worked with Morgan 25 years, operator Pete had terrific accident. Without 600’ guardrail, would no longer plow. Therefore no professional snow removal service. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Bush: All or nothing proposition? Simon: In whole or in part. If parcel dropped out, would no longer be contiguous.

Additional comment by Marvin Testerman on other project. Applicant withdrew. What happens now? Simon: No longer request for TROD. Applicant could reapply in future. Testerman: Notice rather erratic, received a week ago. Called Mono, told [standard] 10-day notice. Some got notice, some didn’t. Maybe only adjacent owners? Consider timing of notice.

**DISCUSSION:** Bush: When TRODs first came up, had difficult time. Go on record supporting CC&Rs. Simon: CC&Rs for Hackamore, but deed restriction issue exists in other TROD. Weiche: Received CC&Rs from Hackamore.

Thompson: “Compatible” access, parking, issue within community. Not see as compatible.

Roberts: Lots of experience with CAC in 1990, where developed June Lake Area Plan. Felt June Lake good with mix of uses, important to community to have commercial mixed in with residential. Clark Tract thought to be more of a residential area. Intent of Area Plan was to retain part of housing stock for community residents. Not commercial mix, rented out. Safety issues, tract maps drawn in 1970s without due regard to actual topography, roads not meet County standards. Resulted in close-knit residential community. Unable to make findings two and three.

Lizza: Status of roads? Simon: Maps drawn without regard for topography, so probably be wrong, as owners built where road would go. Roads carve through parcels. Three classifications of road ownership: 1) County (snow removal, potholes); 2) private; and 3) public but *not* County. Private roads are not accepted by

Mono; owned by adjoining properties, ownership runs to center line with overlay of easement (in favor of other residents, or in favor of public generally if public road).

Lizza: Went there yesterday to spectacular area, special place. Issue exists elsewhere too: Santa Monica just banned ~~second-family transient~~ rentals. Dealt with this issue and related topics 2.5 years ago, voted 5-0 both boards to pass Ch. 25, 26 to permit transient rentals, set strict guidelines. Ch. 26 addresses issues. Thoughtful letters and comments. Also respect history of area as SFR designation. When had discussions, not applied to dense communities, but specifically with high density of single-family residences. What's different? Roads. Narrow issue to road disqualifying for TROD. June Lake Area Plan talks about quality of life Down Canyon. Demand for vacation rentals exists; most not partiers, just looking for nice home for vacation. Did not defend illegal rentals. Restrictions in Ch. 26 might take properties without sufficient parking out of process. People go around it anyway. Point of Ch. 26 is better-regulated system, better managed. Solution on roads? Summer rentals only. Favored TROD.

Pipersky: Not sure June Lake needs to expand lodging opportunities (based on belief system, not facts). Might improve property values for some, but equal offset for non-participants who want neighborhood to remain same. Need to make certain findings to allow to go forward. Some properties may not be allowed to do what they're proposing. Planning Commission unanimously approved two TRODs. In this case, however, substantial non-support exists. Stood with other three no votes.

Bush: Vacant properties to develop only to rent them is not what TRODs are for – instead, vacant homeowner assistance. Molnars never lived there. Opening up high-area home rentals as commercial entity. Figuring out way to justify illegality is a problem. Ad for rental shows it's illegal.

Weiche: Last TROD had a vacant parcel. Need at least one residence in proposed district.

Bush: Fettes is full-time resident with loft above garage, lives in other house. By definition, it's a vacant property. Maybe split off?

Roberts: Absolutely no market for long-term rentals. Disagree. Trend toward eliminating all housing for long-term ~~housing rentals~~.

***MOTION:*** Recommend to BOS that R15-03 not be approved, and based on public testimony and comments received, determine that the residential neighborhood does not exhibit support for allowing transient units, that the Planning commission cannot make one or more of the required findings contained in the staff report, and recommend that the Board of Supervisors deny GPA 15-001(a) and Commission's inability to make findings, so deny GPA 15-001(b) (*Pipersky/Bush: Ayes: 4. No: Lizza.*)

## 6. WORKSHOPS

**A. WITHDRAWAL OF PROPOSED RULE TO LIST BI-STATE DISTINCT POPULATION SEGMENT OF GREATER SAGE-GROUSE AND DESIGNATE CRITICAL HABITAT:** Scott Burns commended staff for active involvement in the effort to prevent listing sage grouse as threatened species. Participating in pre-dawn lek counts were Wendy Sugimura, Courtney Weiche, Nick Criss, and Brent Calloway. Attending Local Area Working Group meetings were Sugimura and former planner Greg Newbry. Present at the US Fish & Wildlife Service announcement in Reno April 22 were Wendy Sugimura and Supervisor Tim Fesko.

**B. GENERAL PLAN UPDATE STATUS & SCHEDULE:** Scott Burns noted approaching end of General Plan update. Goal is July release of draft EIR and General Plan. Schedule: Final draft end of May; admin draft EIR June to mid-July. Reformatting electronically for ease of use. Internal buy-off end of June. Release to agencies July 23. How much more outreach to Planning Commission? Could conduct summer or fall workshops. More final product of refinements. Big item will be Conservation/Open Space incorporating sage grouse concerns. Need Planning Commission to consider General Plan update no later than Nov. 19. Require at least one public hearing, as State Transportation improvement Program needs Regional Transportation Plan in place by end of year. General Plan to BOS and LTC in December. Hoping new online format will enhance use over paper version.

## 7. REPORTS:

**A. DIRECTOR:** 1) CAO: Last day tomorrow, Lynda Salcido will serve as interim during recruitment process. 2) Budget: Tight budget, so skipped some meetings. Hope to fully fund this year. 3) RPACs: AV

focus on trails planning, some controversy. Long Valley: Skate park UP. BOS: Combined use highway concept (OHV on county roads connecting communities). Consider in strategic planning process. Convening special meeting May 22. Finished public comments at RPACs. 4) SR 108 truck restriction: No turn-arounds. 5) Pass closure issues: During new normal (lack of snow). 5) CD4 Ormat: Stacey Simon reported that Court heard challenge to project with 14 new wells, new processing plant. On federal land. Two unions, MCWD. Awaiting outcome. Mono not involved.

**B. COMMISSIONERS:** No items

**8. INFORMATIONAL:** No items

**9. ADJOURN** to June 11, 2015

*Prepared by C.D. Ritter, commission secretary*