

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

REVISED AGENDA

December 15, 2016 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

*Videoconference: Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at www.monocounty.ca.gov / boards & commissions / planning commission. For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

**Agenda sequence (see note following agenda).*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda

3. MEETING MINUTES: Review and adopt minutes of November 17, 2016

4. ACTION ITEM: Adopt changes to Planning Commission Rules & Regulations recommended Nov. 17, 2016

5. PUBLIC HEARING

10:10 A.M.

A. GENERAL PLAN AMENDMENT 16-02: Revise General Plan Land Use Element Chapter 25 concerning transient rentals. Highlights of the recommended changes include: establish a process to permit transient rentals in residential areas if specific proposals are compatible with applicable area plans, extend noticing requirements for public hearings to 30 days, define Type I rentals as owner-occupied properties and set Use Permit Process for approval, define Type II rentals as vacant properties with off-site management and set a General Plan Amendment process for approval, require Vacation Home Rental Permits (Ch. 26) for both Type I and Type II rentals, eliminate solicitation of multi-parcel applications or setup of districts, focus on standard for approval as lack of reasonable opposition by neighbors directly affected rather than neighborhood support, and clarify "neighbor." In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Nick Criss & Wendy Sugimura*

5. WORKSHOP

A. JAIL NEEDS ASSESSMENT: Preliminary findings and project alternatives. *Staff: Garrett Higerd*

6. REPORTS

A. DIRECTOR

B. COMMISSIONERS

7. INFORMATIONAL

A. REQUEST FOR NOTICE REGARDING CONWAY RANCH ACTIONS *Center for Biological Diversity*

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

8. ADJOURN to January 12, 2017

More on back...

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

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

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing, but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

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Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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DRAFT MINUTES

November 17, 2016

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Mary Pipersky, Dan Roberts.

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Paul McFarland, assistant planner; Wendy Sugimura, associate analyst (via video); CD Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called the meeting to order at 10:05 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of Oct. 20, 2016, as amended: Item 6, line 1: **Bump** in the road. (Roberts/Bush. Ayes: 4. Abstain due to absence: Pipersky)

4. PLANNING COMMISSION RULES UPDATE:

MOTION: Approve Planning Commission Rules change of meeting date from second Thursday of month to third Thursday of month.

DISCUSSION: Quorum: Applicant can request full commission. Wording from ordinance? If two conflicts of interest arise, hold approval to 3-0. Why? Might not pass with full commission. Try to eliminate shenanigans that stop proceedings. Burns changed "shall" follow Robert's Rules of Order to "should." Insert corrections, including chair's signature, bring back in December.

5. PUBLIC HEARING

A. GENERAL PLAN AMENDMENT 16-00020: 1. Change Land Use Designation (LUD) of former Mountain Gate property from Rural Residential (RR) 5 & 10 to Open Space (OS) (affected APNs 002-140-033, 002-490-002, -007, -008, -010 & -011 are owned by Mono County); 2. Change LUD for Walker Behavioral Health property from Mixed Use 1-acre minimum to Public Facility (PF) (APN is 002-361-012 and is owned by Mono County); 3. Change LUD for Public Works property at West Walker River/North River Lane from Estate Residential (ER) to Public Facility (PF) (APN is 002-310-056); 4. Change LUD of Walker tennis courts from Estate Residential to Public Facility (APNs are 002-362-008 & -009); 5. Change LUD on various FEMA properties along North River Lane and Meadow Drive from Estate Residential (ER) to Open Space (OS) (APNs are 002-290-005, 006, 007, 002-300-002, 002-310-001, -009, -038, -037, -035, and 002-343-005); 6. Change LUD on APN 002-450-014 Antelope Valley Fire Station from Agricultural 10 (AG10) to Public Facilities (PF); 7. Add policy to Land Use Element, Antelope Valley Plan as follows: *The RPAC endorses the use of FEMA/County properties on N. River Road and Meadow Lane as open space, without development for public improvements and facilities until 2041*; 8. Change setback in Mixed Use district for residential uses from 0 feet to 10 feet; 9. Specify that a General Plan Amendment initiated by a private landowner must go before the Board of Supervisors for approval if the GPA is a major policy change with potential significant impacts countywide; and 10. Amend Chapter 16, Accessory Dwelling Units, to comply with AB2200 and SB1069.

Lizza asked why go backward? Le Francois indicated supplement would be needed if substantial changes occurred. Rely on 2015 document with small adjustments.

Time limit? Le Francois replied that the 2015 update gave new environmental. Nothing in statute that says five years.

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Le Francois reviewed proposed changes and noted that ministerial review by planning, building, public works occurs within 120 days.

Ministerial by Planning, not Building? Le Francois clarified that Building and Public Works defer to Planning.

Item 6: Digital 395 site needed more public noticing.

Item 7: Antelope Valley RPAC wanted properties on North River Road and Meadow Lane as open space due to concern about driving, trespass. The process with the RPAC took five to six months.

Lizza mentioned private roads/parcels along Walker River, where residents don't want to invite people into those areas.

Item 9: Side-yard setback in Mixed Use areas for residential uses was increased from 0 ft to 10 ft. Mono encouraged 10 ft, but owners were not always in compliance.

Item 10: Changes in State law led to modifications to Development Standards. The State is easing regulations, encouraging more housing and easing the ability to convert existing housing units.

What prompted GPA? Burns indicated it was raised by other counties. Example: 90' height proposal would threaten environmental assessment of all countywide projects. Narrow GPA to parcel of interest. It has not been an issue, but could be.

OPEN PUBLIC HEARING: No comments. **CLOSE PUBLIC HEARING.**

MOTION: Adopt Resolution R16-01 initiating and recommending the Board of Supervisors certify an Addendum to the Final EIR for the Mono County General Plan and adopt the proposed 2016 minor update to the Land Use Element, GPA 16-00020. *(Bush/Pipersky. Ayes: 5-0.)*

6. WORKSHOP: No items.

7. REPORTS:

A. DIRECTOR: 1) **Tioga Inn Specific Plan:** Scoping meeting held, comment closes Nov. 21. Allows hotel, wants to change criteria, add housing units, more restaurant seats, water-storage tank, restaurant in hotel, propane provider. Getting comments on aesthetics. Specific Plan does not change number of rooms, Planning Commission (PC) will consider ultimate design. Hotel subject to CUP (Conditional Use Permit). Draft document late summer 2017, to PC in fall, BOS early winter. Consultant will consider comments. 2) **New assistant planner:** Paul McFarland. 3) **Workshop items:** None today, but TROD amendment next meeting. Housing study workshop. 4) **Map extension:** In December. 5) **BOS item with LKJ concept:** Include as part of process, discuss with CAC, and focus on June Lake. CAC wants regulations to go forward, but want to amend Area Plan before anything more happens. Let June Lake go its separate way. Instead of reacting to TROD, map out areas where appropriate or not. Sugimura is promoting subcommittee on surveying community. 6) **Marijuana:** Milovich will go to BOS in December for moratorium on medicinal and recreational use. Get all relevant departments involved. Initiate moratorium, possibly extend. Not taken to communities, to PC, so work lies ahead. Milovich: Prohibit all commercial activity. Cannot regulate indoor of up to six plants, but can ban outdoor growth temporarily. 7) **Nightly rentals:** Burns noted June Lake wants to map out community, but could go for Type 1 and Type 2 like rest of county.

B. COMMISSIONERS: **Bush:** New supervisor has been elected (sixth supervisor during his term on PC), see how it turns out. May be here, may not. **Lizza:** Talked with Supervisor Johnston on rentals, also ran across Denver Post writer, CO Association of Ski Towns. Surveyed other cities. Break down issues, alternatives, best options. Mono got for \$100, may share. He mentioned ordinance banning plastic bags, wanted to work with Tony Dublino to develop Mono promotional reusable bag compliant with new law in lieu of retailers selling bags.

8. INFORMATIONAL: No items.

9. ADJOURN at 11 a.m. to December 15, 2016

Prepared by CD Ritter, PC secretary

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Planning Commission Rules for the Transaction of Business Changes recommended Nov. 17, 2016

1. Page 2, Section 1. Regular Meetings
The regular meetings of the Commission shall be held on the **third** Thursday of every month...
2. Page 4, Section 8. Order of Business
~~Delete The presiding officer may vary the order of business to expedite the conduct of the meeting provided no item is taken prior to the time for which it is listed on the agenda, and insert same wording as on agendas:~~
Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.
3. Page 5, Section 11. Other rules for conduct of meetings
Robert's Rules of Order (latest edition) ~~shall~~ **should** govern in all matters and procedures...
4. Page 9, Section 1. Adoption
Change ~~11th day of the month of September 2014~~ to **17th day of the month of November 2016**, signed by Planning Commission Chair ~~Daniel Roberts~~ **Chris I. Lizza**.

Signature line: Insert below signature line **Chris I. Lizza, Chair**.

Dated: Change approval date from ~~September 11, 2014~~, to **December 15, 2016**.

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PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS (Authority: MCC 2.36.040 C)

ARTICLE I

SECTION 1. OFFICERS

- A. Chair, Vice-Chair. The officers of the Commission shall be a Chair and a Vice-Chair, who shall be members of the Commission elected by the Commission as soon as practicable following the first day of every year, and who shall serve at the pleasure of the Commission.
- B. Secretary. There shall also be a Secretary who shall not be a Commissioner. The Secretary shall be vested with all the powers and duties of Secretary pursuant to these rules and the various ordinances of the County of Mono.
- C. In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order, whereupon a Chair shall be elected from the members of the Commission present to preside for that meeting only.

SECTION 2. POWERS & DUTIES OF OFFICERS

- A. The Chair shall preside at all meetings of the Commission, swear witnesses in all proceedings of the Commission where sworn testimony is taken, and exercise and perform such other powers and duties as are conferred upon him/her by law and these rules.
- B. The Vice-Chair shall have and perform all the powers and duties of the Chair in the absence of the Chair from any meeting of the Commission or whenever the Chair is unable for any reason to act.
- C. The Secretary shall:
 1. Keep and record the minutes of all meetings of the Commission, and *include* a copy of the minutes of each meeting *in the next meeting's agenda packet*;
 2. Keep complete files of all communications to the Commission, documents filed with the Commission, and all other necessary records of the Commission;
 3. Act as custodian of the minutes and of all the records of the Commission; and
 4. Perform such other duties as the Commission may from time to time prescribe.

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SECTION 3. MEMBERS OF THE COMMISSION

- A. The Planning Commission shall consist of five members and shall be organized and exercise powers as prescribed by the California Government Code and by ordinance of the County of Mono.

- B. Terms of the Commission
 - 1. The terms of office are as follows:

<u>DISTRICT</u>	<u>FOUR-YEAR TERM EXPIRES</u>
# 1	March 1, 2015, 2019, 2023, 2027
# 2	March 1, 2017, 2021, 2025, 2029
# 3	March 1, 2017, 2021, 2025, 2029
# 4	March 1, 2017, 2021, 2025, 2029
# 5	March 1, 2015, 2019, 2023, 2027

 - 2. Commissioners *may serve in excess of a period of 12 years per Board of Supervisors ordinance ORD07-01, adopted Feb. 13, 2007.*

 - 3. Members of the Planning Commission may be removed by a majority of the Board of Supervisors for the following reasons:
 - a. Failure to meet the following attendance requirements: A Commissioner shall not have three consecutive unexcused absences from regular meetings, nor may a Commissioner miss five or more regular meetings in any 12-month period;

 - b. Acting inappropriately, in the sole discretion of the Board, in matters regarding conflict of interest or personal bias;

 - c. Failure to carry out Commissioner duties over a period of time due to a frequent inability to vote caused by repeated conflict-of-interest issue;

 - d. Failure to carry out the duties of Commissioner by repeatedly abstaining on matters when there are no apparent conflict-of-interest or bias issues; and

 - e. Any other cause not enumerated herein which, in the opinion of a majority of the Board, reflects the Commissioner's failure to carry out the duties of the Commission, or which brings discredit to the County of Mono.

ARTICLE II

MEETINGS

SECTION 1. REGULAR MEETINGS

The regular meetings of the Commission shall be held on the ~~second~~ **third** Thursday of every month, commencing at 10:00 a.m. All meetings shall be duly noticed. Unless otherwise provided, meetings shall be held in the Board of Supervisors chambers, Courthouse, Bridgeport, California. The Commission may, on a majority vote of its members, or with the approval of the Chair upon consultation with the Community Development Director, cancel any regular meeting.

SECTION 2. SPECIAL MEETINGS

A special meeting may be called at any time by the Chair, and the Chair shall call a special meeting at the written request of three members of the Commission. Notice of each special meeting shall be given by delivering personally, or by email, a written notice thereof to each Commissioner, and to each newspaper of general circulation, radio, or television station requesting notice in writing. Such notice must be delivered personally or by email at least 24 hours before the time of such meeting. Such written notice may be dispensed with as to any Commissioner who at or prior to the time the meeting convenes, files with the Secretary a written waiver of notice. Such written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes.

SECTION 3. ADJOURNED MEETINGS

The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the Commission are absent from any meeting, the Secretary shall declare the meeting adjourned to a stated time and place. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified in these rules for regular meetings.

SECTION 4. WORKSHOPS

- A. A workshop may be convened by the Commission as a whole, or by a committee of the Commission. It shall be convened in the manner prescribed for the calling of a regular or special meeting.
- B. Workshops shall be duly noticed and open to the public in accordance with the Brown Act.

SECTION 5. QUORUM

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SECTION 6. RESOLUTIONS & MOTIONS

Any actions or decisions of the Commission at any meeting shall be expressed by motion, duly seconded and voted upon by members of the Commission. The roll need not be called in voting upon a motion, except when requested by a Commissioner. If the roll is not called, in the absence of an objection, the Chair may order the motion unanimously approved. When the roll is called on any motion, any Commissioner present who does not vote in an audible voice shall be recorded as voting aye. The minutes or other public record of the meeting shall reflect the vote or abstention of each Commissioner.

The Chair of the Commission may second any motion and present and discuss any matter as a Commissioner without having to step down from the chair. The Chair of the Commission shall be entitled to vote on all matters before the Commission.

Every Commissioner must vote except when disqualified by reason of a conflict of interest or as otherwise required by law.

The adoption by the Commission of findings or recommendations to be made and reported to the Board of Supervisors may be made by resolution adopted on motion duly seconded and carried. Resolutions of the Commission may be adopted with modification or corrections stated orally by the Commission in the record, and referred to the Secretary of the Commission for incorporation of any such changes.

SECTION 7. REPORTS TO THE BOARD

When the Commission has by resolution made a recommendation to the Board of Supervisors, this action shall be reported to the Board as soon as practicable thereafter except as otherwise may be provided for. The action of the Commission shall be reported by the Director, or a member of his or her staff designated by him or her, but the Chair, or in his absence the Vice-Chair, or another Commissioner appointed by the Chair, may be present at the Board meetings when deemed advisable by the Commission.

SECTION 8. ORDER OF BUSINESS

At the regular meetings of the Commission, the following shall be the order of business:

1. Call to order
2. Pledge of allegiance
3. Public comment
4. Approval of minutes
5. Agenda of Commission
 - A. Consent agenda
 - B. Public hearings
 - C. Action items
 - D. Workshop items
 - E. Reports
 - 1) Director
 - 2) Planning Commissioners
6. Adjournment

~~The presiding officer may vary the order of business to expedite the conduct of the meeting provided no item is taken prior to the time for which it is listed on the agenda.~~

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

SECTION 9. AGENDA

Routine items to be placed on the agenda shall be determined by the Director; non-routine items shall be determined by the Director in consultation with the Chair. Any Commissioner may request the Chair to place any matter on the agenda, and it shall be so placed unless the Chair determines that the matter is not germane to Commission business as provided by law. In the case of such determination by the Chair, the Chair shall place the request and determination before the Commission, for its decision, at the next regular meeting.

The length of the agenda shall be determined by the Director in consultation with the Chair, and when deemed necessary, shall be limited to those items that can be satisfactorily concluded during a meeting day. When the workload becomes excessive, special meetings may be called.

SECTION 10. HEARING CONTINUANCES

Upon receipt of a request by the applicant or representative for good cause shown in writing, and prior to the mailing of the official public notices announcing the time and place of the meeting, the Director shall reschedule a hearing date. The Director may, in his discretion, reschedule a hearing date for the convenience of the Commission or the orderly conduct of business of the Department or the County.

In the event that less than the full Commission is present to hear a matter regarding which the Commission is the final decision maker, and upon the request of the project applicant or representative, made prior to the commencement of the hearing, the hearing shall be continued until such time as the full Commission can be present. Alternatively, at any time after commencement and prior to the close of the hearing at which less than a full Commission is present, the project proponent or representative may request, and may be granted, a rehearing before the full Commission. Such rehearing shall be considered a “continued hearing” for the purposes of the applicability of any fees or costs to the project applicant. For purposes of this paragraph, a full Commission means the presence of all five Commission members at the meeting, regardless of whether any individual member recuses himself or herself or abstains from participation in the particular matter.

SECTION 11. OTHER RULES FOR CONDUCT OF MEETINGS

Robert’s Rules of Order (latest edition) ~~shall~~ **should** govern in all matters and procedures not provided for herein or in the code, providing, however, that the failure of the Commission to conform to said rules shall not, in any instance, be deemed to invalidate the action taken.

The Chair shall remove items from the consent agenda and schedule them elsewhere on the agenda when requested by a Commissioner.

The Chair may decide to take public comment during any item on the agenda if he/she determines public comment is germane to the matter before the Commission or otherwise useful or desirable. Any citizen making a public comment shall state his/her name prior to making comment. The Chair shall instruct the person addressing the Commission to keep comments relevant to the agenda item, and in the interests of an orderly meeting, may limit the time for public comment. The Chair may also decide not to take public comment on items other than Public Hearings and during the agenda public comment period.

SECTION 12. CONDUCT OF PUBLIC HEARINGS

The purpose of a Public Hearing is to provide the public with an opportunity to address the Commission on matters pending before the Commission. The Commission shall consider public comments along with the applicant’s and staff’s comments prior to taking action. The Chair shall facilitate Public Hearings to elicit all relevant information for decision-making purposes in an orderly and expeditious way.

The order of procedure for Public Hearings shall be as follows:

1. The Chair shall announce the subject of the particular hearing as advertised.
2. Planning staff shall present the substance of the application or other project, staff report, and recommendation to the Commission and shall answer technical questions of the Commission.
3. The Public Hearing is opened by the Chair. The order of testimony is as follows:
 - a. Applicant's statement;
 - b. Public's statements; and
 - c. Rebuttal statements from applicant if necessary.
4. When all relevant testimony is deemed to have been heard, the Chair shall close the Public Hearing. When a hearing is closed, it shall remain closed except when the matter is continued to another date for further hearing, or when the Chair, or Commission consensus, determines that additional testimony is necessary or desirable, in which case the Chair shall reopen the hearing.
5. Following the close of the public hearing, the Commission shall discuss and deliberate regarding the matter and then either determine the matter or continue it to a date and time certain.
6. Rules of Testimony:
 - a. Persons addressing the Commission shall address the Commission from a designated location. They shall state their name for the record. No person shall address the Commission without first securing permission from the Chair. Comments made must be relevant to the matter before the Commission.
 - b. The Chair may set rules regarding time and relevance of public testimony. The Chair may end testimony when a presentation exceeds the time limit; and may rule "out of order" or otherwise limit repetitive testimony and testimony deemed non-germane. Additionally, irrelevancies (including comments on race, religion, creed, political matters, etc.) shall be ruled out of order by the Chair.
 - c. All comments shall be addressed to the Commission.
 - d. If a Commissioner is in possession of extra-record evidence that is relevant to his or her decision making but which does not require recusal, then, the Commissioner shall state such evidence for the record.
 - e. The Chair shall discourage complaints regarding the staff or individual members of the Commission during a Public Hearing. Complaints should be presented as a separate item on the agenda, or submitted to the Commission in writing for later consideration.

ARTICLE III

COMMITTEES & REPRESENTATIVES ON OTHER BOARDS

SECTION 1. APPOINTMENT OF COMMITTEES

The Chair shall appoint such committees of members of the Commission as the Commission shall from time to time authorize to investigate and report to the Commission on matters within its jurisdiction.

SECTION 2. PUBLIC REPORTS

The Commission may issue public reports setting forth its consensus on matters before the Commission. After the adoption of such a report by the majority of the Commission, those voting in dissent may concurrently submit a minority report. Majority reports shall reflect the views of the Commission and shall not be prepared in consultation with the Board of Supervisors. Minority reports shall reflect the views of the member preparing them and shall not be prepared in consultation with the Board of Supervisors.

ARTICLE IV DOCUMENTATION

SECTION 1. POLICY

Policies in addition to those set forth herein applicable to the Commission, when not otherwise set forth by law, may be adopted by resolution of the Board of Supervisors. In the absence of policies established by the Board of Supervisors, the Commission may by resolution adopt such policies consistent with the authority granted by subdivision C of Mono County Code section 2.36.040, and may, but is not required to, request confirmation of such policies by the Board.

SECTION 2. STAFF REPORTS & SERVICES

On all applications for change of land use designation, requests for approval of subdivision maps, proposed amendments to the Land Use Element and other matters that may be brought before the Commission, the Director (or his or her designee) shall furnish written reports containing an analysis and recommendation. The Commission shall look to the Director and his or her designees for all information and staff services. The Director will be responsible for all assignments to staff members.

When a matter is contested and a written request is submitted to the Secretary at least 24 hours before the commencement of the hearing, the Secretary shall cause a record of such hearing to be made. If a hearing is tape-recorded, a copy of the tape may be purchased at its reproduction cost from the Secretary, provided that a deposit in an amount estimated by said Secretary to cover the cost of reproduction shall be first made. If any person desires to have a hearing reported by a stenographic reporter, he or she may employ one directly at his or her expense, and shall notify the Secretary of his or her intent at least 24 hours in advance of the meeting if possible.

When a written Planning Staff report exists, the report shall be made public at the time it is presented to a majority of the members of the Commission. All reports shall be a matter of public record, and shall be included in the record of the hearing.

ARTICLE V

ETHICS

SECTION 1. CONFLICT OF INTEREST

No Commissioner shall participate in the making of a decision or vote on any item in which he or she has a financial interest as defined in Government Code Sections 87100 et seq. (the Political Reform Act) and its implementing regulations, or a financial interest pursuant to Government Code Section 1090. Further, no Commissioner shall participate in the making of a decision or vote on any item with respect to which he or she is biased or otherwise conflicted due to personal interests, consistent with applicable law. Possible biases, financial interests, and other conflicts of interest shall be discussed with County Counsel.

SECTION 2. SPECIAL REQUESTS TO COMMISSIONERS

Commissioners shall place in the record of Commission meetings a report of requests for special consideration received from any source either verbally or in writing. The purpose of this section is to keep the public and the Board of Supervisors informed regarding any showing of unusual or special interest by any person or group in any matter before the Commission.

SECTION 3. APPEARANCES BEFORE THE BOARD OF SUPERVISORS

Any Commissioner presenting a minority report to the Board may do so as a Commissioner, but shall make it clear to the Board that he or she is not presenting the sentiment of a majority of the Commission. Any Commissioner intending to make a minority report to the Board of Supervisors shall report this intention at a Commission meeting prior to making the minority report or to the Director if no Commission meeting is scheduled prior to the item's being heard by the Board of Supervisors.

ARTICLE VI

AMENDMENT TO RULES FOR THE TRANSACTION OF BUSINESS

SECTION 1. AMENDMENT TO RULES FOR THE TRANSACTION OF BUSINESS

These rules may be amended by the Commission by a majority of all members of the Commission at any regular meeting or special meeting.

ARTICLE VII

DEFINITIONS

SECTION 1. DEFINITIONS

For the purpose of these rules certain words, phrases and terms shall be construed as specified in this section:

- A. "Commission" shall mean the Planning Commission of the County of Mono;

- B. "Board" shall mean the Board of Supervisors of the County of Mono;
- C. "Law" or "Code" shall mean the ordinances of the County of Mono, the Constitution of the State of California, and any other law of the State of California that is applicable;
- D. "Director" shall mean the Community Development Director of the County of Mono; and
- E. "Staff" shall mean any County employee reporting to the Planning Commission for the County of Mono.

ARTICLE VIII

ADOPTION

SECTION 1. ADOPTION

The foregoing rules for the transaction of the business of the Planning Commission of the County of Mono were adopted by action of the Planning Commission of the County of Mono at its regular meeting held on the 15th day of the month of December 2016, and signed by Planning Commission Chair Chris I. Lizza.

MONO COUNTY PLANNING COMMISSION RULES

Chris I. Lizza, Chair

DATED: December 15, 2016

ATTEST:

CD Ritter, Secretary
Mono County Planning Commission

Mono County Community Development Department

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

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

December 15, 2016

To: Planning Commission

From: Nick Criss, Compliance Officer
Wendy Sugimura, Senior Analyst
Scott Burns, Director

Re: General Plan Amendment 16-02, Chapter 25 - Transient Rental Overlay District

RECOMMENDATION

Following public hearing, adopt Resolution R16-02 recommending that the Board of Supervisors approve General Plan Amendment 16-02 for the proposed revisions to Chapter 25 - Transient Rental Overlay District of the General Plan Land Use Element, rename Chapter 25 to "Short-Term Rentals," accept the addendum to the General Plan EIR, and find that the proposed amendment is consistent with the county General Plan and applicable area plans.

BACKGROUND

This item considers potential changes to Chapter 25 – Transient Rental Overlay Districts (TRODs) of the Land Use Element of the Mono County General Plan, as developed by the Planning Commission and subsequently reviewed by community groups. At public hearings before the Planning Commission and Board of Supervisors held Nov. 12 and Dec. 8, 2015, respectively, various community members expressed concerns related to the creation of TRODs within the county. The Board of Supervisors held a joint workshop with the Planning Commission Feb. 11, 2016, and heard additional information and detail regarding community concerns. As a workshop outcome, the Board of Supervisors later enacted an interim moratorium suspending TROD processing until March 2, 2017, to provide time to develop recommendations for possible modifications.

At the July 12, 2016, Board of Supervisors meeting, a revised Chapter 25 was presented and discussed based on the recommendations from three Planning Commission workshops held in spring of 2016. Highlights of the recommended changes include:

- Defines Type I rentals as owner-occupied properties, sets Use Permit Process for approval; and waives processing fees for Type I permit appeals;
- Defines Type II rentals as vacant properties with off-site management and sets a General Plan Amendment process for approval;
- Requires Vacation Home Rental Permits (Ch. 26) for both Type I and Type II rentals;
- Eliminates encouraging multi-parcel applications or the setup of districts;
- Focuses on lack of reasonable opposition by neighbors directly affected rather than neighborhood support;
- Clarifies neighbor; and
- Sets longer 30-day noticing requirement.

After reviewing the revised chapter, the Board of Supervisors recommended that the noticing period specified in Chapter 25 be increased to 30 days prior to public hearings, and that appeal fees be waived for Type I rentals. The Board directed staff to seek further public input and present the revised Chapter 25 to community groups to gather community feedback and suggestions.

DISCUSSION

Community Development staff presented the revised chapter to the Bridgeport, Mono Basin, Antelope Valley, and Long Valley Regional Planning Advisory Committees (RPACs), all of which supported moving forward without any additional changes. The June Lake Citizens Advisory Committee (CAC) raised various concerns and recommended that language of Chapter 25 be revised to allow transient rentals only if consistent with applicable area plans. This would allow June Lake, along with any other communities, to initiate a process to amend local area plans to determine where transient rentals would and would not be allowed within that specific community.

At the Oct. 4, 2016, Board of Supervisors meeting, Supervisor Johnston presented an alternative proposal on transient rentals specific to June Lake. His proposal requires a process that identifies and maps neighborhoods that may be appropriate for transient rentals. A vote would be taken in areas that are recognized as appropriate, and if 80% of the property owners in that area agree, then a General Plan Amendment would re-designate the land use in that area to allow for transient rentals as a permitted use. The Board recommended that staff incorporate Supervisor Johnston's proposal into the current Chapter 25 revision process. Subsequently, Supervisor Johnston's proposal was presented to the June Lake CAC and is being integrated into the work plan for the June Lake Area Plan update (see attachment).

A number of letters and emails have been received throughout the TROD planning process. Those received prior to the July 12 BOS meeting are included in the link to materials, proceedings and comments (see attachments). Letters received since the July 12 BOS meeting (see attachment) all pertain to June Lake.

In addition to addressing June Lake separately through an area plan update, it is recommended that Chapter 25 be renamed "Short-Term Rentals" to distinguish this regulatory proposal from past regulations.

California Environmental Quality Act (CEQA)

An addendum has been prepared for this General Plan Amendment (see attached). The addendum explains that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the 2015 RTP/GPU EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

Please contact Nick Criss at 760-924-1826 or Wendy Sugimura at 760-924-1814 with questions.

ATTACHMENTS

- Resolution R16-02
- Planning Commission Ch. 25 draft (Exhibit A)
- Chapter 25 proposed amendment with June Lake CAC edits
- EIR Addendum for General Plan Amendment 16-02
- Supervisor Johnston's alternative proposal (applies to June Lake only)
- June Lake Area Plan Update work plan
- Comment letters received since BOS meeting July 12, 2016: Ryan & Lori Dermody, Ian Fettes; Rod Goodson (2); Al Heinrich; Jill Malone (2); Lary Smith representing Leonard Avenue property owners; Ann Tozier/Joe Blommer; and Allan Weidner
- Transient rental materials, proceedings & comments
- Colorado Association of Ski Towns report (three links provided by Commissioner Lizza): <https://coskitowns.com/wp-content/uploads/2016/11/VHR-report-6-12-15-FINAL.pdf>, along with other supporting information: <https://coskitowns.com/library/> and updated data: <https://coskitowns.com/wp-content/uploads/2016/11/STR-Ordinances-Matrix-CML-Sharing-Economy-TF.pdf>.



RESOLUTION R16-02

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION
INITIATING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS
CERTIFY AN ADDENDUM TO FINAL EIR FOR MONO COUNTY GENERAL PLAN
AND ADOPT PROPOSED AMENDMENT TO LAND USE ELEMENT CH. 25 – TRANSIENT
RENTAL OVERLAY DISTRICT, GENERAL PLAN AMENDMENT (GPA) 16-02**

WHEREAS, at public hearings before the Planning Commission and Board of Supervisors held Nov. 12 and Dec. 8, 2015, respectively, various community members expressed concerns related to the creation of Transient Rental Overlay Districts (TRODs) within the county; and

WHEREAS, the Board of Supervisors and Planning Commission held a joint workshop on Feb. 11, 2016, and heard additional information and detail regarding community concerns; and

WHEREAS, in response to the joint workshop, the Board of Supervisors later enacted an interim moratorium suspending TROD processing until March 2, 2017, to provide time to develop recommendations for possible modification; and

WHEREAS, the Planning Commission held three workshops in the spring of 2016, and the resulting revised Chapter 25 was presented to the Board of Supervisors in July 2016, at which time additional feedback was given; and

WHEREAS, the revised chapter was reviewed by the Bridgeport, Mono Basin, Antelope Valley, and Long Valley Regional Advisory Committees (RPACs), all of which supported moving forward without any additional changes; and

WHEREAS, the June Lake Citizens Advisory Committee (CAC) raised various concerns and recommended that language of Chapter 25 be revised to allow transient rentals only if consistent with applicable area plans, and a separate planning effort, which integrates a proposal by Supervisor Johnston, is under way to revise the June Lake Area Plan in response; and

WHEREAS, on Dec. 15, 2016, the Planning Commission has considered the Addendum and held a duly-noticed public hearing regarding GPA 16-02 and the Addendum prior to making a decision on the project; and

WHEREAS, having reviewed and considered all the information and evidence presented to it, including public testimony, staff reports and presentations, the Planning Commission recommends that the Board of Supervisors make required findings and adopt GPA 16-02 amending language in the Land Use Element, Chapter 25 – Transient Rental Overlay District.

**NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION HEREBY
FINDS, RESOLVES, AND RECOMMENDS AS FOLLOWS:**

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SECTION ONE: The Planning Commission finds that an Addendum to the 2015 RTP/GPU Final EIR has been prepared in compliance with CEQA and that the Addendum reflects the County’s independent judgment and analysis. The Planning Commission further finds that the Addendum and Final EIR are adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of amendments to the Land Use Element, Chapter 25 – Transient Rental Overlay District, GPA 16-02 (**Exhibit A**).

SECTION TWO: The Planning Commission finds the proposed changes to the text are consistent with this General Plan as well as any applicable area plans.

SECTION THREE: The Planning Commission recommends that the Board of Supervisors adopt GPA 16-02.

PASSED AND ADOPTED this 15TH day of December 2016, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Chris Lizza, Chair

Attest:

Approved as to form:

CD Ritter, Commission Secretary

Christy Milovich, Assistant County Counsel

DEVELOPMENT STANDARDS

CHAPTER 25 – TRANSIENT RENTALS

Sections:

25.010	Intent.
25.020	Establishment of Type I Vacation Rental: Owner-Occupied.
25.030	Establishment of Type II Vacation Rental: Not Owner-Occupied.
25.040	Notice requirements.
25.050	Uses permitted.
25.060	Uses permitted subject to director review
25.070	Uses permitted subject to use permit
25.080	Additional requirements

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit transient rentals within residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected, and that are consistent with the applicable Area Plan.*

25.020 Establishment of Type I Vacation Rental: Owner-Occupied

Type I vacation rentals are owner-occupied or associated with an owner-occupied principal residence. This includes rental of an entire dwelling unit or if only part of the unit, include at a minimum a sleeping room (with shared full bathroom), is limited to a single party of individuals, and the owner is present during the rental. The transient rental use may be permitted on any residential parcel and having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if not prohibited by the applicable Area Plan. Fees for appeal of Type I Use Permit decisions shall be waived.

25.030 Establishment of Type II Vacation Rental: Not Owner-Occupied

Type II vacation rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The transient rental use may be overlaid on any residential parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH, if not prohibited by the applicable Area Plan*, where no reasonable opposition from neighbors within 500ft of the subject parcel can be demonstrated and that has adequate year round access.

In addition to the requirements of this chapter, initiation and application for a transient rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a transient rental.

* The June Lake Area Plan is presently under revision to determine areas appropriate for single family neighborhood transient rentals. The June Lake Citizens Advisory Committee (JLCAC) recommends that no transient rental overlay applications be processed for June Lake until the Area Plan revision is concluded.

25.040 Notice requirements.

- A. Notice shall be given to owners of surrounding properties published once in a newspaper of general circulation 30 days in advance of a public hearing.
- B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius drawn from the nearest limits of the parcel that is subject of the land use application. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 20 days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

25.050 Uses permitted.

The following uses shall be permitted with a transient rental approval, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

- A. All uses permitted in the underlying land use designation.
- B. Where the principal use of the subject parcel(s) is single-family or multi-family residential the residence or any accessory dwelling unit on the parcel(s), may be rented on a transient basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to securing a use permit.

25.080 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved transient rental established by this chapter, for a period of less than thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed transient rentals during the avalanche season, November 1 through April 15.

PLANNING COMMISSION DRAFT

DEVELOPMENT STANDARDS

CHAPTER 25 – TRANSIENT RENTALS

Sections:

25.010	Intent.
25.020	Establishment of Type I Vacation Rental: Owner-Occupied.
25.030	Establishment of Type II Vacation Rental: Not Owner-Occupied.
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25.080	Additional requirements

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit transient rentals within residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected, **and that are consistent with the applicable Area Plan***.

25.020 Establishment of Type I Vacation Rental: Owner-Occupied

Type I vacation rentals are owner-occupied or associated with an owner-occupied principal residence. This includes rental of an entire dwelling unit or if only part of the unit, include at a minimum a sleeping room (with shared full bathroom), is limited to a single party of individuals, and the owner is present during the rental. The transient rental use may be permitted on any residential parcel and having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, **if not prohibited by the applicable Area Plan. Fees for appeal of Type I Use Permit decisions shall be waived.**

25.030 Establishment of Type II Vacation Rental: Not Owner-Occupied

Type II vacation rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The transient rental use may be overlaid on any residential parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH, **if not prohibited by the applicable Area Plan**, where no reasonable opposition from neighbors within 500ft of the subject parcel can be demonstrated and that has adequate year round access.

In addition to the requirements of this chapter, initiation and application for a transient rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a transient rental.

*** The June Lake Area Plan is presently under revision to determine areas appropriate for single family neighborhood transient rentals. The June Lake Citizens Advisory**

Committee (JLCAC) recommends that no transient rental overlay applications be processed for June Lake until the Area Plan revision is concluded.

25.040 Notice requirements.

- A. Notice shall be given to owners of surrounding properties published once in a newspaper of general circulation 30 days in advance of a public hearing.
- B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius drawn from the nearest limits of the parcel that is subject of the land use application. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 20 days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

25.050 Uses permitted.

The following uses shall be permitted with a transient rental approval, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

- A. All uses permitted in the underlying land use designation.
- B. Where the principal use of the subject parcel(s) is single-family or multi-family residential the residence or any accessory dwelling unit on the parcel(s), may be rented on a transient basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to securing a use permit.

25.080 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved transient rental established by this chapter, for a period of less than thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed transient rentals during the avalanche season, November 1 through April 15.

**Mono County General Plan Land Use Amendment
GENERAL PLAN EIR ADDENDUM#16-02
December 15, 2016**

INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS

Mono County is proposing to amend the Mono County General Plan Land Use Element, Chapter 25, concerning transient rentals in single-family residential areas. The changes include establishing a process to permit transient rentals in residential areas if specific proposals are compatible with applicable area plans, extending noticing requirements for public hearings to 30 days, defining Type I rentals as owner-occupied properties and setting Use Permit Process for approval, defining Type II rentals as vacant properties with off-site management and setting a General Plan Amendment process for approval, requiring Vacation Home Rental Permits (Ch. 26) for both Type I and Type II rentals, eliminating solicitation of multi-parcel applications or setup of districts, focusing on standard for approval as lack of reasonable opposition by neighbors directly affected rather than neighborhood support, and clarifying the term "neighbor."

The process to permit transient or nightly rentals in single-family residential areas continues to require two separate actions by the county: 1) an application to the county for a Use Permit for Type I rentals or a General Plan Amendment for Type II rentals, and 2) compliance with a vacation home rental permit as set forth in Chapter 26, Transient Rental Standards and Enforcement. Approval of these actions would allow the rental of single-family home(s) on a transient or nightly basis, in accordance with the terms of the approvals.

ENVIRONMENTAL REVIEW AND CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR

In 2015, Mono County certified an Environmental Impact Report (EIR) for the Regional Transportation Plan/General Plan Update (SCH #2014061029). The General Plan EIR analyzed the impacts of designating areas of the County as SFR, ER, RR, or RMH based on a "practical buildout" scenario that is based on a simplified analysis of selected known constraints (hazards, infrastructure and agricultural preservation), and concluded "no impact" on induced population growth in an area, either directly or indirectly (EIR §4.12(a)). As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

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."

DISCUSSION OF IMPACTS

The current General Plan contains an existing policy allowing for transient rentals in certain existing single family areas (Chapter 25), and provides for the regulation of these properties through Chapter 26, Transient Rental Standards & Enforcement. Chapter 26 remains the same and is not being modified. The proposed Chapter 25 language amendments (Chapter 25 Amendments) do not require major revisions to the General Plan EIR because they do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are no substantial changes with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The Chapter 25 Amendments will not have a significant effect on the environment nor increase the severity of previously identified significant effects. Transient rentals are currently allowed in the existing 2015 General Plan through Chapter 25, and the 2015 RTP/GPU EIR concluded "no impact" for substantial induced population growth in an area, either directly or indirectly (see EIR §4.12(a)). The Chapter 25 Amendments potentially reduce the intensity of existing policy by eliminating the solicitation of districts and allowing for an owner-occupied rental type (Type I), which are anticipated to accommodate smaller parties as only accessory dwelling units or a limited portion of an existing and occupied single-family residence are available for rent. The other changes are related to the process, such as 30-day noticing and the standard for approval, and do not have environmental impacts.
2. The Chapter 25 Amendments do not change 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. In addition, transient rentals will continue to be subject to compliance with regulations governing the management of these units stipulated in Chapter 26. These existing regulations remain the same as the currently adopted 2015 RTP/GPU (Chapter 26) and as analyzed in the EIR, and address aesthetics, noise, parking, utilities, or other similar issues. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the 2015 RTP/GPU EIR.

CONCLUSION

CEQA Sections 15164(c) through 15164(e) states, "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."

The information presented above indicates that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and or effectiveness of applicable mitigation measures or alternatives previously addressed in the 2015 RTP/GPU EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

Date: September 27, 2016

To: Mono County Board of Supervisors
From: Larry K. Johnston, District 1 Supervisor
Re: Alternative Transient Rental Neighborhood Designation Process

SUMMARY

This approach is an option that is proactive in determining if and where additional single-family transient rentals should be allowed. It is focused on June Lake where a nexus appears present (via large scale resort facilities) to consider this expanded land use designation. Neighborhood and community preservation is given precedent over transient rental conversion though specific mapping of Neighborhoods and empowerment of present single-family owners to vote on whether their particular Neighborhood should be converted to a Single-Family Residential - Transient Rental area (SFR-TR). The final determination would be through a General Plan Amendment that requires Planning Commission recommendation to the Board of Supervisors and final action by the Board. In any Neighborhood that is revised to SFR-TR, a much simpler process to allow transient rentals would ensue, that is, only a Vacation Home Rental Permit would be needed. Finally, permit fees would include fees for enforcement activities associated with transient rentals.

Background

In 2012, Chapter 25–Transient Rental Overlay District (TROD), was enacted by the County.¹ This was in reaction to several factors including dealing with issues of illegal transient rental occupancies (both for neighbors and County staff), evolving web-based rental opportunities (e.g., VRBO), reported economic opportunities (Transient Occupancy Taxes – TOT; June Mountain Ski Area sustainability, etc.), and added income for primary and second-home owners. Chapter 25 allowed the establishment of a TROD on any parcel or parcels throughout the county in districts designated SFR, ER, RR, MFR-L, or RMH. If a TROD were to be enacted in these districts, any single-family, multifamily residential or accessory dwelling unit may be rented on a transient basis (subject to requirements in 25.070 – vacation home rental permit). The process required a General Plan Amendment with Planning Commission recommendation and Board of Supervisors approval. Since 2012, 11 TROD applications were received and six (6) TRODs ultimately were approved (3 were withdrawn, 2 denied), all approved TRODs are in June Lake except one approved in Lundy Canyon.

Moratorium Enacted

¹ Resolution R12-90 and General Plan Amendment 12-004; Vote: 3 Yes (Bauer, Hunt, Hansen), 2 No (Hazard, Johnston)

In March of 2016 following a joint meeting with the Planning Commission, the Board of Supervisors enacted a moratorium on TROD processing, which has been extended to March 2, 2017. This moratorium came about primarily due to the rather contentious and continuing public reaction to TROD applications. Summarizing one letter received in this regard (Goodson/Malone, 9/14/2006), there has been discord in neighborhoods, pitting neighbor against neighbor, “breeding dishonesty and intimidation on the part of proponents.” The disharmony of neighborhoods has dragged on and on. Homeowners opposed to TROD establishment have been continuously on the defensive with respect to their zoning rights and expectations embodied in their home ownerships.

Incidentally, Measure Z within the Town of Mammoth Lakes was passed by almost 70% of the votes at a special election in October 2015. Measure Z requires the Town to obtain voter approval before allowing additional transient rental zoning. In essence, Measure Z took power from the Town Council to enact additional transient rental zoning and gave that power to the voters.

Planning Commission Reconsideration

At the request of the Board of Supervisors, the Planning Commission was asked to reconsider TROD implementation options. The Commission has since devised a modified proposal, which the Board considered on July 12, 2016. This Revised Chapter 25 proposal includes:

- Defining “Type I” daily rentals as owner-occupied properties and requiring a Use Permit for approval (only Planning Commission approval required vs. original Chapter 25 which required both Planning Commission and Board approval).
- Defining “Type II” daily rentals for “vacant” properties (such as second home properties) with off-site management, and requiring a General Plan Amendment process for approval (same process as original Chapter 25).
- Requiring a Vacation Home Rental Permit (same as original Chapter 25).
- Eliminating the encouragement of multi-parcel applications to establish a TROD.
- Focusing on lack of “reasonable opposition” by neighbors directly affected rather than neighborhood support (“reasonable opposition” undefined).
- Defining “neighbor” to be within 500 feet and setting an increased noticing period (20 days vs. original 10 days).

On July 12, the Board of Supervisors reviewed the draft Revised Chapter 25 and took the following Minute Order action:

“Direct staff to review the proposed revisions with applicable RPACs and the June Lake CAC, including extending the notice period to 30 days, and

waiving the appeal fee for Type I applications and initiate General Plan Amendment hearings.”²

Currently, the review of the Revised Chapter 25 is making its way through the applicable RPACs/CAC.

Analysis

Albeit the Planning Commission and planning staff have endeavored to make the TROD more palatable to the general public, there remains the unresolved issue that neighborhoods and homeowners will need to continuously defend their inherent and expected single-family ownership rights versus commercialization and intrusion embodied in transient rentals.

A person who purchased a single-family home in a zoning district³ in which single-family homes are permitted did so with the following General Plan assurance (Land Use Element, Land Use Designation Criteria, II-139):

The land use designations described below were applied to private lands in the county based on an area’s suitability for certain uses. Each parcel or area was analyzed using the following criteria:

- *Does the area include natural hazards that limit development, such as flood zones, Alquist-Priolo zones, unstable soils or steep slopes, etc.?*
- *Does the area include natural resources that limit development; e.g., wetlands, significant habitat, deer migration routes, etc.?*
- *What are the existing uses in the area?*
- *Is infrastructure available for development (i.e., sewer, water roads, fire protection)?*
- *What is the existing land division pattern in the area and what are the lot sizes?*
- *Does the area have open space value (e.g., visuals, wildlife habitat, agricultural preservation, cultural resources)?*
- *What is the community vision for the future of the area?*

This process helps assure a homeowner and neighborhoods that a systematic, thoughtful analysis led to the present land use designations. The last bullet point is particularly relevant in that the community vision was specifically considered in the existing land use district designation process. As an example, the June Lake Area Plan states in Objective K: “Retain the Down Canyon’s single-family residential character...”.

² Alpers moved; Corless seconded; Vote: 4 yes (Alpers, Corless, Stump); 1 no (Johnston)

³ Note that “zoning,” “zoning district,” “land use district,” etc., are use interchangeably throughout this report since Mono County does not have a separate Zoning Ordinance from the General Plan.

What occurred with the original Chapter 25 TROD process, and what is still embodied in the revised version currently under consideration, is that all land use designations that allow single family will have been *de facto*⁴ rezoned to allow the potential for transient uses through an “overlay” approach. The current zoning does not allow this to happen (presumably because the current zoning was carefully considered when originally designated). Transient rentals are currently not listed, thus not permitted, as a compatible use in SFR, ER, RR, MFR-L, or RMH land use districts.

Both the original Chapter 25 approach and the more recent draft Revised Chapter 25 are flawed from a planning perspective; “planning” implies proactive consideration, not reactive deliberation. If Chapter 25 is enacted the battles of homeowner vs. homeowner, resident versus second homeowner, neighborhood preservation versus commercialization, will continue *ad infinitum*. Moreover, the proposal relies on the careful consideration of TROD applications by elected decision makers who, over time, may or may not be consistent in their TROD reviews (e.g., Board members are elected every two years which can result in inconsistent outcomes). Further, the parcel-by-parcel application process can lead to a series of “spot zoning”⁵ designations, the antithesis of modern planning practice.

There are reasons to question the advisability of creating a “Type I” TROD approach as envisioned in the Planning Commission’s recommendation. First, it does nothing to stave off repeated TROD proposals in a neighborhood, potentially one after the other, placing those in opposition in constant defense. It also presumes, the Owner will be a responsible innkeeper, but there is no assurance that that will ensue. The loss of long-term affordable housing (granny units, rooms, etc.) is also of concern.

Promoting the concept that TRODs are ok if there’s no “reasonable opposition” is inconsistent with good planning principles. Land uses should be allowed on their merit as a public necessity in context to their setting, not whether or not enough people show up in opposition. At some point, people will just tire of coming to meetings and writing letters. Additionally, “reasonable opposition” is totally subjective and undefined.

The definition of a “neighbor” as someone within a certain distance of a TROD proposal, say 500 feet, is disingenuous to a functioning neighborhood.

⁴ *de facto* – meaning existing in fact, although perhaps not intended, legal, or accepted (Cambridge University Press).

⁵ Spot zoning – the application of zoning to a specific parcel or parcels of land within a larger zoned area when the rezoning is usually at odds with a master plan or current zoning restriction. This may be ruled invalid as an “arbitrary, capricious and unreasonable treatment” of a limited parcel of land by a local ordinance. The defining characteristic of spot zoning is the unjustified nature of the benefit to the particular property owner, to the detriment of the general land use plan or public goals (State Standard Zoning Enabling Act)

Neighborhoods should be defined and notified as a whole, especially those threatened by piecemeal, spot zoning proposals that present little public good or which may require long term enforcement activity.

Alternative Transient Rental Approach

An alternate approach is to proactively designate those areas that are suitable for Transient Rentals (TR) and zone them accordingly; not as a broad overlay covering the entire county. The approach suggested here would be a planning process to be conducted by the Mono County Planning Division to determine if there may be some current single-family zoned neighborhoods that could be rezoned to allow nightly transient rentals.

Guiding principles include:

- A. The preservation of resident occupied, community-oriented single-family neighborhoods and associated zoning protections from non-neighborhood uses are paramount.
- B. People who live in or purchase single family homes in neighborhoods zoned for single family have inherent rights that include long term expectations that single family zoning prohibits uses such as transient nightly rentals or blanket overlays that potentially allow nightly rentals.
- C. Buying or owning an existing single-family home does not bestow rights beyond that empowered in the current zoning.
- D. The reported demand for single-family homes as transient rentals does not supersede the inherent rights of current single-family zoning.
- E. The advent of web-based transient rental businesses does not require the need to change single-family zoned neighborhoods to accommodate such business.
- F. The potential for increased tourism or the potential for increased transient occupancy taxes (TOT) are not sufficient reasons, absent other considerations, to allow nightly transient rentals in single-family zoned areas.
- G. Poor enforcement or lack of enforcement of illegal transient rentals, are not sufficient reasons, absent other considerations, to allow nightly transient rentals in single-family zoned areas.
- H. Supplemental homeowner income is not a sufficient reason, absent other considerations, to rezone single-family homes to allow nightly rentals.
- H. There may be some currently zoned single-family areas that could be re-zoned to allow nightly transient rentals.
- I. If decision makers (or those who make recommendations regarding this process to decision makers) own transient commercial properties, have transient rentals, are connected to businesses that would stand to profit from transient rentals, or desire transient rentals on their single family private property, then these individuals should not participate in the process as there may be a perceived lack of objectivity if not direct conflict of interest.

Proposed Planning Division Process

- A. Focus Initial Planning Process to Single Family Areas of June Lake. Since the hot spot for current TROD proposals is June Lake, the June Lake resort area should be addressed first; this is an important nexus if additional consideration of single-family transient rentals is justified. Also, it is an important change from the countywide Chapter 25 overlay option, which *de facto* rezones the entire county.
- B. Draft “Neighborhood Maps.” The planning staff would develop criteria to establish specific maps of single-family Neighborhoods; such criteria would include proximity to public services, management agencies, topographic features, major roadways, private roads, water ways, subdivision layout, snow removal considerations, HOA restrictions, etc. As examples, the Highlands area of June Lake could likely be considered a Neighborhood, the single family areas on the east side of Hwy 158 could be considered a Neighborhood, the Peterson Tract could likely be considered a Neighborhood, etc. This would involve basic proactive planning and mapping work.
- C. Public Input on Draft Neighborhood Maps via the CAC or Other Means. This would involve seeking public input on the Draft Neighborhood Maps created by the Planning staff. Review by the CAC in a workshop setting would be one review option but at least two public meetings should be held. Included in this review would be the Planning Division’s professional assessment of whether or not a mapped Neighborhood should be considered for further evaluation. This would be presented to the CAC and the recommended Neighborhood Maps would be forwarded to the Planning Commission, which would hold at least two public hearings before adopting a Final set of Neighborhood Maps in June Lake.
- D. Neighborhood by Neighborhood Advisory Voting. For those Neighborhoods found by the Planning Commission to be eligible for further consideration, ballots would be devised that would be used by Neighborhood parcel owners to vote on whether to recommend their Neighborhood for potential rezoning to allow transient nightly rentals. There would be one vote per parcel and each ballot would have to be signed by the property owners. The Ballot might read:

Would you favor transient rentals in your neighborhood?

A “Yes” vote would advise the Planning Commission and Board of Supervisors to consider changing the zoning of your Neighborhood (defined by Map X) to “SFR-TR” which could allow any single family home in your Neighborhood to have nightly transient rentals.

A “No” vote would advise the Planning Commission and Board of Supervisors to not allow transient rentals in your Neighborhood and keep the present zoning.

- E. It is proposed that an affirmative 4/5 vote⁶ would be required in each voting Neighborhood to proceed further; that is, it would take at least 80% of the parcels in a Neighborhood to vote in the affirmative to forward a recommendation to the Planning Commission and Board to consider changing the zoning, by General Plan Amendment, to allow transient rentals in a designated Neighborhood. (Note: as with any General Plan Amendment, hearings would be held and the outcome would not be certain.)
- F. If a defined Neighborhood is designated through a General Plan Amendment to be SFR-TR, then a simplified approval process would ensue where a proposed transient rental home would only require a Vacation Home Rental Permit (versus a subsequent Use Permit or other permit action).
- G. Land Use designations of ER, RR, MFR-L, or RMH would not be considered for TR designations.
- H. Transient Occupancy Taxes would have to be paid by each Vacation Home Rental Permit holder.
- I. A yearly permit fee would be established for all Vacation Home Rental Permit holders to help fund transient rental enforcement activities.

Attachments:

Original Chapter 25

Draft Revised Chapter 25

Chapter 26 (Transient Rental Standards & Enforcement)

⁶ A 4/5 vote is required by some Board of Supervisors actions, such as allocation of Reserve funds. This 4/5 “super majority” requirement helps assure that such actions are clearly a public necessity.

June Lake Short-Term¹ Rental Issue

Updated based on input provided by CAC subcommittee 12.06.16

BASIS

1. **Purpose:** Conduct a community² conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.
2. **Need:** The initial reasons for providing the Transient Rental Overlay District (TROD) may have been different; however, the current reality is that short-term rentals are a common issue in resort communities and are not going away. Therefore, a decision needs to be made about how to handle them. The current process has limitations and an alternate mechanism is desired by the community, and the community wants to ensure protection of area and neighborhood character.
3. **Principles:**
 - a. **Opportunity for input:** Adequate opportunity to express opinions and provide input must be available to all community members, and community members should feel like their input was heard and considered (with the recognition that not every individual will “get what they want”). *Participants were asked to provide any information about what makes them “feel heard and considered” even if they don’t “get what they want.”*
 - b. **Consensus/common ground in the best interests of the community:** We will develop consensus and agreement to the best of our ability, and a sense that the decision is made in the best interests of the community as a whole. There is recognition and understanding that 100% agreement is unrealistic, but we will strive for something most people “can live with.”
 - c. **Public engagement:** Community involvement, engagement, education, and participation is critical, and we will seek to achieve as much as we can.
 - d. **Finality and certainty:** Finality and certainty is needed – finality in that a decision will be made and we do not need to continue revisiting this conversation regularly, and certainty for homeowners about the status of short-term rentals for their property.

INTEGRATION OF SUPERVISOR JOHNSTON’S PROPOSAL

Supervisor Johnston’s proposal essentially contains three components:

1. Map “neighborhoods” in the June Lake area. Staff initially identifies the neighborhoods, then the community provides comment.
2. Identify neighborhoods where short-term rentals are viable and acceptable, and neighborhoods where they aren’t. Staff initially determines which neighborhoods are not viable based on technical issues, then the community provides comment.
3. Take these neighborhood proposals to a vote of the community. An 80% approval rating is proposed. Amend the General Plan with a new Land Use Designation that allows for short-term rentals for those neighborhoods with voter approval.

These components are integrated into the work plan that follows. Based on the principles identified by the CAC and community, community-based planning is relied upon to develop consensus about defining neighborhoods and acceptable locations for short-term rentals. The final decision mechanism (vote, etc.) is undetermined at this point. However, since the outcome will be reflected in the June Lake Area Plan, the ultimate decision will be based on recommendations of the JLCAC and Planning Commission, with the final decision by the BOS. As the conversation, direction, and areas of agreement evolve, the most appropriate or preferred decision method will become clearer.

¹ The term “nightly rental” was used in the initial version reviewed by the CAC subcommittee. To be consistent with the staff report recommendations to the Planning Commission, the term was subsequently changed to “short-term rentals” throughout.

² The term “community” is all inclusive. Full-time and year-round residents, part-time and seasonal residents, property owners, renters, and all community members in between are included. Clarify with CAC subcommittee in February.

WORK PLAN

1. DETERMINE PROCESS, METHODOLOGY, AND CALENDAR

- Dec. 6, 2016 CAC subcommittee workshop: *complete!*
- February CAC subcommittee workshop: Review specific calendar dates, initiate work plan, review initial map

2. DEVELOP NEIGHBORHOOD MAPS

- Are maps needed? Is there another method that should be considered? *We asked this questions and considered if any other options were available. The consensus is that maps are needed to provide finality and certainty.*
- Who draws the lines? CAC vet first? *The CAC requested assistance from Supervisor Johnston and staff; in a subsequent discussion, Supervisor Johnston agreed to draw the initial map. CAC will then refine. Incorporate technical information at this time as well.*
- Suggestion: boundaries can overlap, subareas can be identified within neighborhoods, and entire areas do not need to be treated the same.
- Initial maps are for outreach purposes, and further refined though public discussion and meetings.

3. IMPLEMENT OUTREACH CAMPAIGN

- Options for advertising & notification
 - Tax base mailing – need to research viability of this
 - PO Box mailing
 - Email to County subscription list
 - Personal email distribution (from CAC/community members)
 - Phone calls (from CAC/community members)
 - Radio/newspaper announcements, calendars, publications, PSAs
 - Flyers: distribution by community members, post in community location and County website
 - Spanish translation
 - Word-of-mouth
 - Other?
- Options for engagement and input
 - Community-wide meetings
 - Neighborhood meetings
 - Who is allowed to participate? *Based on outreach strategy, everyone who shows up - could be for their neighborhood or other neighborhoods*
 - Survey (see "Collect Data" section)
 - Phone calls (from CAC/community members)
 - Door to door (from CAC/community members)
 - Anonymous suggestion box
 - Formal Public Hearings by the Planning Commission and Board of Supervisors
 - Other?
- Timing: establish calendar. *Outreach/education could start immediately but probably better to hold off until March/April, meetings in May/June.*

4. COLLECT DATA

- **Survey:** The housing survey is going to occur regardless, and the June Lake community has an opportunity to include questions specific to short-term rentals (or not). A specific question for/against short-term rentals has the problems of bias and education that have already been discussed. Here are some other options:

- Ask about the types of housing units that are needed, and include the whole spectrum: long-term rentals, short-term rentals, multi-family units, affordable housing, short-term rentals, single-family units, etc.
- Ask about the biggest problems/concerns with housing in your neighborhood, such as dilapidated properties, noise, infrastructure, too far from work, no non-motorized way to get to work, etc.
- Ask about the best features that make your neighborhood a desirable place to live, e.g. quiet, no traffic, etc.
- Include a demographics section (needed for the last two questions), which can include neighborhood and residential status (full time, seasonal, renter, second homeowner, etc.).
- Other? *How many days per year do you use your home – differentiate residency characteristics of respondents.*
- Timing: Jan/Feb 2017
- **Technical information:** Physical mapping, such as road grades, surface, pothole locations, snow removal circumstances, flood areas, avalanche locations, land ownership (INF permittee cabins), etc.
 - *Include this information with the mapping*
- **Community and Neighborhood Meetings, and Focus Group Meetings:** This general meeting structure/agenda can be used for most types of meetings. *Focus groups may include 1) lodging owners, 2) business owners needing workforce, other...?*
 1. Purpose and Need
 2. Background/Education
 - a. JL Vision
 - b. TROD history and context
 - c. Current land use maps to identify "single-family" neighborhoods and where short-term rentals are currently permitted
 3. Constraints: policy outcome must be legal and enforceable
 4. Concerns/fears/negatives about short-term rentals in the neighborhood
 5. Opportunities/benefits/positives of short-term rentals
 6. Discuss neighborhood maps:
 - a. Are the maps drawn/defined correctly?
 - b. Technical characteristics for short-term rentals
 - c. Social/neighborhood considerations for short-term rentals
 7. What can people live with? Is there some degree of perceived consensus on where short-term rentals should and shouldn't be allowed in this neighborhood area?

5. ANALYSIS – PHASE I

- Compile all public input, retain verbatim documentation when possible
- Provide analysis of data to identify areas of agreement and controversy by community and neighborhood, identify ownership status (full time resident, second homeowner, renter, etc.) when possible
- Provide analysis of potential solutions
- Explore and determine policy tools: GP/AP policies, ordinance, etc.
- Determine direction of policy development, consider initiating a vote, consider other decision making tools

6. ANALYSIS – PHASE II

- Write up a draft document for feedback and review by the June Lake CAC/community. Multiple drafts may be needed, and how we proceed from here depends on the discussion at this point in time.

7. FINAL DECISION

- The ultimate decision will be based on recommendations of the JLCAC and Planning Commission, with the final decision by the BOS.

From: rdermody@suddenlink.net [mailto:rdermody@suddenlink.net]
Sent: Sunday, October 09, 2016 4:56 PM
To: Scott Burns <sburns@mono.ca.gov>
Subject: Transient Rental Comment - June Lake

RECEIVED
OCT 10 2016
MONO COUNTY
Community Development

Hi Scott,

Please note our personal email address for this correspondence.

As you know, we are second homeowners in the Petersen Tract Subdivision in June Lake (Aspen Grove Section). At first we were neutral with regard to the Transient Rental issue in Mono County, however after this summer, we are very much opposed to Transient Rentals in the Petersen Tract. This summer some of our neighbors allowed friends to stay at their second homes. What we found is that the houses were well over capacity, comments were made about burning trash, up to 8 cars were parked at times, multiple tents were placed on decks because sleeping areas were over capacity, music was loud, people were loud, and everything else you would think of if someone was on vacation having a party. Essentially, the SFR was turned into a Hotel. Not to mention that the Petersen Tract has only one ingress/egress, and to complicate matters more, the roads are private with a ZOB.

We are in agreement with Supervisor Johnston's approach to map specific areas/neighborhoods where Transient Rentals can be allowed. This prevents us from constantly being in a defensive state, and helps us to maintain good relationships with our neighbors.

There are places where Transient Rentals may be appropriate, however, with a mix of year round and second homeowners, we do not feel that the Petersen Tract that place.

We may not be able to make it to the June Lake CAC meeting where this will be discussed as a part of the Area Plan update, so could you please make sure that our comments are noted.

Thanks,

Ryan and Lori Dermody

If you don't mind, I'd like to give you my perspective on the question of Type 1's v. Type 2's.

For those who are negative towards short-term rentals, the Type 2 category represents all that they are most concerned about.

They visualize a multi-bedroom home, belonging to a second-home owner living in So Cal, which would be rented to a large family or families and would be subject to token property management.

They therefore assume, probably correctly, that if they can block such rentals, then the property will not be rented at all - on the basis that longer-term rentals would exclude the owner from having

his/her property available for their own use.

Type 1 rentals are an *entirely* different animal.

Firstly, by definition, they limit the occupancy to one or two people - a Type 1 rental being defined as "a spare bedroom, Granny Flat, etc."

Secondly, as Type 1's only apply to Owner-occupied properties, where the Owner is a full-time resident, they will, in all likelihood, be rented one way or the other - as the Owner has no need of the Rental for personal use.

So, with Type 1 rentals, we have to consider which type of renter is more likely to create an impact on the immediate neighborhood - a short-term renter or a long-term renter.

In my case, the answer is, without a doubt, the long-term renter.

.
Why?

1. The short-term occupancy runs at about 40%. The long-term occupancy is essentially 100%. In terms of vehicular impact, that equates to 1 vehicle for short-term 40% of the time, as opposed to 2+ vehicles 100% of the time for longer-term.

2. It's easy to put limitations on short-term renters regarding their use of the property, and not so easy with long-term renters who have friend and family who want to visit.

My immediate neighbors are supportive of my short-term renting, and less enthusiastic about the long-term option.

I think that there should be a *very clear* definition drawn between Type 1's and Type 2's - they are *entirely* different animals.

If we are seriously moving towards excluding short-term rentals from certain areas, then we should limit the exclusions to Type 2 rentals.

Otherwise, the County would be subjecting neighborhoods to the potential of more impact. Remember, if you have a bad long-term renter, you're stuck with the situation for the duration of the lease.

I'd just like to add that the small group that have vigorously expressed their negativity to the CAC are purporting to represent the larger community, and have done a good job of influencing the Committee.

They do not, I believe, represent the community as a whole.

Thanks for your time, Scott,

Ian Fettes

RECEIVED

SEP 14 2016

YACON COUNTY
Community Development

To: Members of the June Lake CAC

From: Rod Goodson and Jill Malone

Date: September 14, 2016

Re: Concerns about TROD as requested in the September 6 CAC meeting

As was requested at the September 6, 2016 CAC meeting I am taking this opportunity to send my concerns about the Transient Rental Occupancy District (TROD) in the Clark tract. This measure has been a topic at CAC meetings over several years, and attempts at obtaining this overlay in my immediate area (Mountain View Lane and Wyoming Street) have met with stiff resistance and been ultimately rejected. Although I believe these concerns have been well expressed in the past, I would like to reiterate them below. These concerns include the following:

1. The continuing issue of a TROD has caused much discord in the neighborhood. It has pitted neighbor against neighbor, breeding dishonesty and intimidation on the part of its proponents. Sadly this has, in my opinion, degraded the harmony and welfare of the neighborhood as the issue drags on without resolution. Homeowners in the neighborhood are overwhelmingly against this overlay and are continuously on the defensive with respect to their rights. A final resolution in the matter would be a welcome relief to this situation.
2. We have a serious bear intrusion problem in the Clark tract. Houses on either side of our home have been ransacked, and there are extensive invasions throughout the neighborhood. Much care and a diligent defense against this threat are needed at all times. Residents have a unique knowledge of this problem from seeing damage and hearing reports of the break-ins. They are conscientious in their behavior to prevent this problem. However, transient rentals would bring in people who do not have knowledge of and experience with this bear break-in problem and who are not conditioned to act accordingly. The likely and unfortunate outcome of transient rentals in our area would be an increase in bear break-ins, ultimately teaching these bears to be even bolder in their actions.



3. General opinion in the neighborhood is against the TROD. Repeatedly it has been shown that the overwhelming majority of people who have taken the time to attend CAC meetings in the past few years are against short-term rentals and the introduction of the TROD. I believe this is a good

indication of the opinion of the involved citizens in the neighborhood. At one TROD workshop meeting that approximately 40 people attended, 30 people signed a statement in opposition to the TROD. This was forwarded to the CAC committee at the end of the meeting.

4. Access in the Clark tract is limited. This is a remote, difficult-to-reach area. Services that are customary for a visiting tourist are not located in the tract. One must leave the tract for shopping, restaurants, food, or entertainment. This increases traffic and road problems in the tract.
5. The roads are hazardous in the tract. The roads are narrow, and they lack parking and turnaround space. These conditions are intensified in the winter months with snow and ice. However, even in the summer there have been problems with turnarounds, accidents, and emergencies. The photo below documents such a situation in summer when emergency services were called to the scene.



6. Since the roads are privately maintained for both maintenance and snow removal, there is a legal risk of lawsuits against homeowners of these private roads. Opening up these private roads to tourism leaves the homeowners liable to litigation from individuals who drive into the area unaware of the inherent hazardous conditions.
7. Allowing private short-term rentals detracts from the legitimate hotel businesses in the area that meet all hotel standards and legal requirements (e.g., the Americans with Disabilities Act). These legitimate businesses can be trusted to keep accurate records of all their rentals and pay their required taxes.
8. We and many of our neighbors built or bought into this area because of the unique character of the neighborhood. This character is one of quiet mountain living where one knows one's neighbors, where there is a common interest in maintaining the beauty and serenity of the area, and where the residents understand the hazards of the region and the proper conduct required. All of this is threatened by a TROD or any special permit that allows short-term rentals in this area. It seems clear that the people in favor of the TROD are not doing so to maintain the serenity of the region and ensure its safety, but who will benefit financially from renting short term to out-of-town tourists.

Please take these points into consideration when dealing with the TROD issue.

RECEIVED
DEC 05 2016
MONO COUNTY
Community Development

**To: Members of the Mono County Planning Commission
P.O. Box 347, Mammoth Lakes, CA 93546**

**From: Rod Goodson
100 Mountain View Lane, June Lake, CA 93529**

Date: November 30, 2016

Re: Concerns about Transient Rentals (Type I and Type II) and Changes to the General Plan

I am taking this opportunity to send my concerns about the possibility of transient rentals in the Clark tract of June Lake. This item is on the agenda of the Mono County Planning Commission at their meeting on December 15. I am concerned that changes may be decided regarding the *General Plan – Land Use Element Chapter 25*, thereby allowing transient rentals in residential areas of June Lake. I would like to express my opposition to this idea and outline the reasons why. Transient rentals have been a topic at CAC meetings over several years, and attempts at obtaining permits for these transient rentals in my immediate area (Mountain View Lane and Wyoming Street) have met with stiff resistance and have been ultimately rejected. Although I believe these concerns have been well expressed in the past, I will reiterate them below. They include the following:

1. Both Type I and Type II rentals raise exactly the same concerns from a neighborhood perspective. From the vantage point of a neighbor, there is no difference between the impact of a Type I rental on the neighborhood, versus that of a Type II. Both are inappropriate and undesirable. I believe this sub-categorization of transient rentals into Type I and Type II is an attempt to short-circuit the approval process by “owner-present” landlords.
2. The continuing issue of short term rentals has caused much discord in the neighborhood. It has pitted neighbor against neighbor, breeding dishonesty and intimidation on the part of its proponents. Sadly this has, in my opinion, degraded the harmony and welfare of the neighborhood as the issue drags on without resolution. Homeowners in the neighborhood are overwhelmingly against short term rentals and the TROD, and they are continuously on the defensive with respect to their rights. A final resolution disallowing all short term transient rentals in unsuitable neighborhoods such as ours would be a welcome relief. Supervisor Johnston stated at the June Lake September 6, 2016 CAC meeting that he is concerned with the onus being placed on homeowners to continually defend themselves against this unwanted change. He is right. Homeowners who appreciate the beauty and harmony of this area should not always be on the defensive to maintain the serenity of their neighborhood.
3. We have a serious bear intrusion problem in the Clark tract. Houses on either side of our home have been ransacked, and there are extensive invasions throughout the neighborhood. Much care and a diligent defense against this threat are needed at all times. Residents have a unique knowledge of this problem from seeing damage and hearing reports of the break-ins. They are conscientious in their behavior to prevent this problem. However, transient rentals would bring in people who do not have knowledge of and experience with this bear break-in problem and who are not conditioned to act accordingly. The likely and unfortunate outcome of transient rentals in our area would be an increase in bear break-ins, ultimately teaching these bears to be even bolder in their actions.



4. General opinion in the neighborhood is against short term rentals and the TROD. Repeatedly it has been shown that the overwhelming majority of people who have taken the time to attend CAC meetings in the past few years are against short-term rentals and the introduction of the TROD. I believe this is a good indication of the opinion of the involved citizens in the neighborhood. At one TROD workshop meeting that approximately 40 people attended, 30 people signed a statement in opposition to the TROD. This was forwarded to the CAC committee at the end of the meeting.
5. Access in the Clark tract is limited. This is a remote, difficult-to-reach area. Services that are customary for a visiting tourist are not located in the tract. One must leave the tract for shopping, restaurants, food, or entertainment. This increases traffic and road problems in the tract.
6. The roads are hazardous in the tract. The roads are narrow, and they lack parking and turnaround space. These conditions are intensified in the winter months with snow and ice. However, even in the summer there have been problems with turnarounds, accidents, and emergencies. The photo below documents such a situation in summer when emergency services were called to the scene.



7. Since the roads are privately maintained for both maintenance and snow removal, there is a legal risk of lawsuits against homeowners of these private roads. Opening up these private roads to tourism leaves the homeowners liable to litigation from individuals who drive into the area unaware of the inherent hazardous conditions.
8. Allowing private short-term rentals detracts from the legitimate hotel businesses in the area that meet all hotel standards and legal requirements (e.g., the Americans with Disabilities Act). These legitimate businesses can be trusted to keep accurate records of all their rentals and pay their required taxes.
9. We and many of our neighbors built or bought into this area because of the unique character of the neighborhood. This character is one of quiet mountain living where one knows one's neighbors, where there is a common interest in maintaining the beauty and serenity of the area, and where the residents understand the hazards of the region and the proper conduct required. All of this is threatened by TRODS, short-term rentals, and any special permits (Type I or Type II) that allow short-term rentals in this area. It seems clear that the people in favor of short-term transient rentals and the TROD are not doing so to enhance the tranquility of the region and ensure its safety. Rather, these are individuals who knowingly purchased in a neighborhood that does not allow or support transient rentals, yet they wish to change the local laws to the detriment of their neighbors so they can benefit financially from renting to out-of-town tourists.

Please take these points into consideration when dealing with recommendations on short term rentals in the Clark Tract area.

Scott Burns, Mono County Community Develop
Planning Division

September 13, 2016

Subject: Comments Regarding Transient Rentals Chapter 25



Scott,

The following are my comments about Chapter 25:

1. 25.010

Provide a County definition of "reasonable opposition by neighbors".

2. Current ... and that are consistent with the applicable area Plan.

Revise to ...and that are consistent with the "scheduled to be amended, in the near term, area plan.

3. Remove the first eleven (11) words of paragraph 25.010. There is no evidence that this is a true or majority supported option.

4. Revise 25.020 first sentence ...residence "add at time of rental.

5. Revise 25.040, the 20 days' notice to 60 days.

6. Revise 25.040 paragraph B, to read 1,500 foot.

7. Revise 25.040 paragraph B, second sentence from "may" to "will".

8. Revise 25.040 paragraph B, last sentence, from 20 days to 60 days in advance...

9. Revise 25.060 to add, "...and CAC approval" after director review.

The area plan must be amended and approved before Chapter 25 can be approved by the CAC. I do not support any zoning change of SFR areas in the June Lake area.

Thank you for the opportunity for public comments,

Al Heinrich, June Lake Resident

RECEIVED
DEC 05 2016
MONO COUNTY
Community Development

**To: Members of the Mono County Planning Commission
P.O. Box 347, Mammoth Lakes, CA 93546**

**From: Jill Malone
100 Mountain View Lane, June Lake, CA 93529**

Date: November 29, 2016

Re: Concerns about Transient Rentals (Type I and Type II) and Changes to the General Plan

I am taking this opportunity to send my concerns to the Mono County Planning Commission at their meeting on December 15, 2016 about possible changes to *the General Plan Land Use Element Chapter 25* regarding transient rentals. Transient rentals have been a topic at June Lake CAC meetings for several years. Attempts at obtaining a transient rental overlay in our area of the Clark Tract in June Lake have met with stiff neighborhood resistance and have been ultimately and appropriately rejected. Concerns include the following:

1. The continuing issue of transient rentals has caused much discord in the neighborhood. It has pitted neighbor against neighbor, breeding dishonesty and intimidation on the part of its proponents. Sadly this has degraded the harmony and welfare of the neighborhood as the issue drags on without resolution. Homeowners in the neighborhood are overwhelmingly against transient rentals of all types and are continuously on the defensive with respect to their rights. A final resolution that excludes this area of June Lake from all types of transient rentals would be a welcome relief.
2. We have a serious bear intrusion problem in the Clark Tract. Houses on either side of our home have been ransacked, and there are extensive invasions throughout the neighborhood. Much care and a diligent defense against this threat are needed at all times. Residents have a unique knowledge of this problem from seeing damage and hearing reports of the break-ins. They are conscientious in their behavior to prevent this problem. However, transient rentals would bring in people who do not have knowledge of and experience with this bear break-in problem and who are not conditioned to act accordingly. The likely and unfortunate outcome of transient rentals in our area would be an increase in bear break-ins, ultimately teaching these bears to be even bolder in their actions.



3. General opinion in the neighborhood is against transient rentals of all stripes. Repeatedly it has been shown that the overwhelming majority of people who have taken the time to attend CAC meetings in the past few years are against short-term rentals and TRODs. Approximately 40 people attended a

transient rental/TROD workshop meeting, and of those in attendance 30 people signed a statement in opposition to transient rentals and TRODs. This statement was forwarded to the CAC committee.

4. Access in the Clark Tract is limited. This is a remote, difficult-to-reach area. Services that are customary for a visiting tourist are not located in the tract. One must leave the tract for shopping, restaurants, food, or entertainment. This increases traffic and road problems within the tract.
5. The roads are hazardous in the tract. The roads are narrow, and they lack parking and turnaround space. These conditions are intensified in the winter months with snow and ice. However, even in the summer there have been problems with turnarounds, accidents, and emergencies. The photo below documents such a situation in summer when emergency services were called to the scene.



6. Since the roads are privately maintained for both maintenance and snow removal, there is a legal risk of lawsuits against homeowners of these private roads. Opening up these private roads to tourism leaves the homeowners liable to litigation from individuals who drive into the area unaware of the inherent hazardous conditions.
7. Allowing private short-term rentals of any kind detracts from the legitimate hotel businesses in the area that meet all hotel standards and legal requirements (e.g., the Americans with Disabilities Act). These legitimate hotel businesses can be trusted to keep accurate records of all their rentals and pay their required taxes.
8. We and many of our neighbors built or bought into this area because of the unique character of the neighborhood. The character is one of quiet mountain living where one knows one's neighbors, where there is a common interest in maintaining the beauty and serenity of the area, and where the residents understand the hazards of the region and the proper conduct required. All this is threatened by a TROD or any transient rental permit that allows short-term rentals in this area. It is clear that the people in favor of transient rentals are not doing so to maintain the serenity of the region and ensure its safety, but rather to benefit financially from renting short-term to out-of-town tourists.

Please consider these points when contemplating any amendments to the General Plan. Type I and Type II transient rental permits are inappropriate, unwanted, and hazardous in certain areas of June Lake. Specifically, the Clark Tract needs to be excluded from any General Plan amendments authorizing transient rentals.

Thank you.

6 September 2016

RECEIVED
SEP 06 2016
MONO COUNTY
Community Development

MEMO

To: Nick Criss, Scott Burns
Mono County Planning Division

Subject: Advanced copy: DRAFT forwarding letter for the
JUNE LAKE Leonard/Carson View Home Owner Group (LCVHOG)
for Transient Occupancy Rental Overlay (TORO) Permit Request
Package

Dear Sirs:

I am handcarrying to you a draft of the forwarding letter that will
transmit a package of several Vacation Home Rental Permit
requests to you on or about 30 September this month.

The property owners represented in this package strongly
support your success in working through a Transient
Occupancy Rental Overlay process and the implementation of
Chapter 25 of the Mono County Code.

We would like to be helpful in any way. Please contact us if we
can assist.

FYI one owner in this package, i.e., Jeri Philbrick, 43 Leonard,
(Phone 805-701-5054) is declining to submit an application at
this time, but is very supportive of this Overlay Package going
forward and being approved.

Thank You


Lary Smith
Owner, 70 Leonard Avenue
Cell: 202-251-0021

DRAFT

30 September 2016

Mono County Planning Division
PO Box 347
437 Old Mammoth Rd STE P
Mammoth Lakes, CA 93546
Attn: Mr. Nick Criss, Mr. Scott Burns,

Subject: Transmittal of Leonard Avenue/Carson View Property Owner Vacation Rental Permit Applications for your consideration of a Transient Occupancy Rental Overlay

Dear Sirs:

Via this letter and enclosures, Eight property owners on Leonard Avenue and Carson View Drive in June Lake, are submitting for your consideration their collective request/s with fees for Vacation Home Rental Permits under the provisions of Mono County Code Chapter 25:Transient Rental Overlay District.

These property owners are each identified in Appendix A to this letter and in their Vacation Home Rental permit requests. These property owners have collectively identified themselves as the JUNE LAKE Leonard/Carson View Home Owner Group (LCVHOG) for Transient Occupancy Rental Overlay (TORO) and by submission of the permit request package herewith, are urging Mono County Planning Division and the Mono County Board of Supervisors to process this Group request and provide them Vacation Home Rental Permits.

Our Group unanimously concurs that Vacation Home Rental in June Lake needs to be regulated and needs to be permitted for many property owners who desire that their properties be made available to the tourist and recreational industry use in June Lake. In the case of our Group request, the County has permitted Transient Occupancy at both the North and South ends of Leonard Avenue. The LCVHOG-TORO group constitute eight (8) properties between the currently permitted properties.

In signature for all the LCVHOG-TORO property owners and
Most Sincerely Yours,

Lary D. Smith for All Property Owners Listed in Appendix A

CC: Homeowners in Appendix A to this letter.

DRAFT

Appendix A: JUNE LAKE - Leonard Avenue /Carson View Drive Home Owner Group (LCVHOG) for Transient Occupancy Rental Overlay (TORO)

LYNN STEPANIAN (323) 309-4130
4130 Dundee Drive lynn_stepanian@hotmail.com
Los Angeles CA 90027

27 CARSON VIEW DRIVE
APN: 015-270-005-000

BRETT A AMES (858) 945-6777
A3 VENTURES LLC Brett@amescontracting.net
10531 4S Commons Dr. STE 700
San Diego CA 92127

LEONARD AVENUE Parcel#1
APN: 015-300-01-0000

JOHNSON FAMILY TRUST (???) ??? ????
1786 Ocean Oaks Road
Carpinteria CA 93013

38 LEONARD AVENUE
APN: 015-101-011-000

JERI P. PHILBRICK (???) ??? ????
84 No. Evergreen Drive
Ventura CA 93003

43 LEONARD AVENUE
APN: 015-102-023-000

DAVE AND BARBARA PRINCE (661) 345-6603
7908 Calle Torcido Bprince@princefinancial.com
Bakersfield, CA 93309

46 LEONARD AVENUE
APN: 015-101-004-000

LARY AND MARYANN SMITH (202) 251-0021
1706 Sunny Crest Drive Larydsforell@aol.com
Fullerton, CA 92835

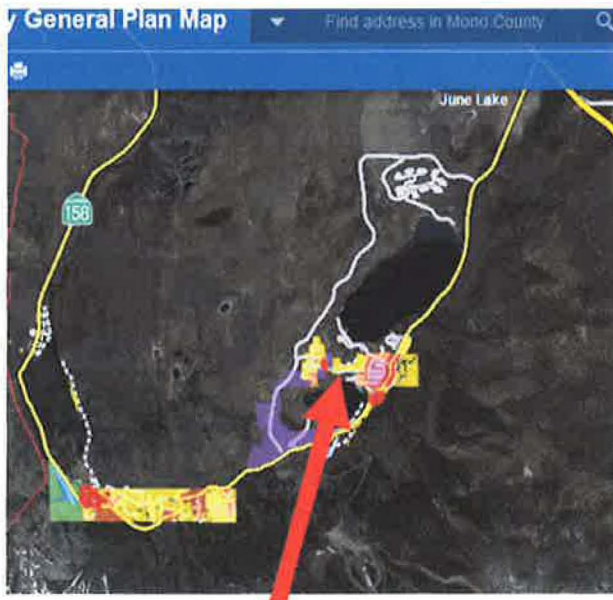
70 LEONARD AVENUE
APN: 015-270-011-000

WALT AND VICTORIA STREETON (760) 648-7967
P.O.Box 55
June Lake, CA 93529

80 LEONARD AVENUE
APN: 015-270-010-000

WILLIAM "CHET" SCHREIBER (979) 330-1061
Schreiber Family Trust bill@Smartsonic.com
31301 Glenbridge Road
Westlake Village CA 91361

184 LEONARD AVENUE
APN: 015-270-003-000



LCVHOG – TORO PROPERTIES

27 Carson View Dr.
Leonard Ave Parcel1
38 Leonard Ave
43 Leonard Ave
46 Leonard Ave
70 Leonard Ave
80 Leonard Ave
184 Leonard Ave

JUNE LAKE PROPERTIES OF THE - Leonard Ave/Carson View Home
Owner Group (LCVHOG) for Transient Occupancy Rental Overlay (TORO)

December 15, 2016

Mono County Planning Commission
PO Box 347
Mammoth Lakes, CA 93546

RECEIVED
DEC 09 2016
MONO COUNTY
Community Development

Re: Revision of General Plan Land Use Element Chapter 25 concerning transient rentals.

Dear Planning Commission:

We live in the Clark Tract of June Lake and have attended previous meetings and submitted prior letters with concerns about transient rentals, and in opposition to transient rental applications in our neighborhood. Our neighborhood is zoned residential and those of us who have chosen to live there purchased our homes believing that we had a zoning promise of remaining a non-commercial area.

There are three points we would like to bring up at this time relating to your current plan to revise the General Plan Land Use Element Chapter 25.

First, please include a way for neighborhoods such as ours to permanently exclude our neighborhood from transient rental applications and the related zoning changes, which come in the form of an overlay. We are in full support of the process for this as proposed by Larry Johnston at the BOS meeting on October 4, 2016.

Second, I (Ann) am a committee member of the June Lake CAC. I want you to know that we are actively pursuing an update to our area plan in order to incorporate potential limitations to transient rentals within our community, dependent upon the wishes of our community at large and its neighborhoods. This process has begun but will obviously take some time in order to accumulate the needed data and survey of opinions. I ask, not as a CAC member but as a member of the community, that you maintain the moratorium for transient rentals for our area until we can complete that process.

Third, there may be a need to have a process for rescinding TROD's in areas where neighborhoods determine that they do not want them. This could be directly applicable to June Lake in particular if such areas evolve after our area plan amendment process. We would like to ask that you consider this issue as well.

Many of my neighbors feel that they are being heard but not listened to by the county, and are weary from having to repeatedly attend meetings and write letters in order to veto transient rental applications. Please help us to develop a streamlined process to avoid this.

Respectfully,

Ann Tozier

Joe Blommer

302 W. Steelhead Rd., June Lake, CA 93529

RECEIVED
NOV 07 2016
MONO COUNTY
Community Development

From: Allan Weidner [mailto:allan.weidner@gmail.com]
Sent: Saturday, November 05, 2016 7:43 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: I would favor short-term rental option

And have considered the possibility as rentals for us would form part of our retirement as I dedicated the best years of my life to the ski area with nominal retirement benefits. and I would love to contemplate being able to rent some weeks to folks who would appreciate what would be available here in sunnyslopes. thank you allan

RECEIVED
OCT 31 2016
MONO COUNTY
Community Development

>> -----Original Message-----
>> From: Allan Weidner [mailto:allan.weidner@gmail.com]
>> Sent: Saturday, October 29, 2016 12:15 PM
>> To: Wendy Sugimura <wsugimura@mono.ca.gov>
>> Subject: I would favor short-term rental option

And have considered the possibility as there is demand particularly during the holidays and as summer becomes busier I see it as a good way to allow guests to visit and ¹live in a home not a hotel.
Respectfully, allan weidner
>> 760-709-0096

MONO COUNTY PLANNING COMMISSION

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

TRANSIENT RENTALS

RESOURCE MATERIALS

POLICIES & REGULATIONS

- General Plan Land Use Amendment 12-001 (December 2012)
 - [Ch. 25: Transient Rental Overlay District \(TROD\)](#)
 - [Ch. 26: Transient Rental Standards & Enforcement](#)

TRANSIENT RENTAL MEETINGS IN SEQUENCE

April 11, 2013: Planning Commission

- Agenda packet <http://monocounty.ca.gov/sites/default/files/pcagendapkt04.11.13.pdf>
 - R13-02: Virginia Lakes/Ragland (APNs 019-051-008, -009 & -010)
 - Comment letters on R13-02
 - R13-03: June Lake/Double Eagle Resort (APNs 016-094-007, -008, -009 & 016-098-015)
- Minutes <http://monocounty.ca.gov/sites/default/files/pcadoptedminutes04.11.13.pdf>

September 12, 2013: Planning Commission

- Agenda packet http://www.monocounty.ca.gov/sites/default/files/pc_agenda_pkt_09.12.13.pdf
 - R13-05: Lundy Canyon/Kibbee (APN 019-140-011)
 - R13-06: June Lake/Anderson (APNs 016-096-005 & 016-098-011)
- Minutes <http://www.monocounty.ca.gov/sites/default/files/pcadoptedminutes09.12.13.pdf>

November 14, 2013: Planning Commission

- Agenda packet <http://www.monocounty.ca.gov/sites/default/files/pcagendapkt.14.130.pdf>
 - R13-07: June Lake/Boulder Drive (APNs 015-140-035, -034, -033, -032)
- Minutes <http://www.monocounty.ca.gov/sites/default/files/pcadoptedminutes11.14.13.pdf>

October 9, 2014: Planning Commission

- Agenda packet <http://monocounty.ca.gov/sites/default/files/pcagendapkt10.09.14.pdf>
 - R14-07: Rosas Chalet, June Lake
 - Comment letters on R14-07
 - R14-08: Victory Lodge, June Lake
 - Comment letters on R14-08
- Minutes http://monocounty.ca.gov/sites/default/files/pc_adopted_minutes_10.09.14.pdf

May 14, 2015: Planning Commission

- Agenda packet http://monocounty.ca.gov/sites/default/files/pc_agenda_pkt_05.14.15.pdf
 - R15-02: Hackamore Place, Twin Lakes Bridgeport/Farias
 - Hackamore Place rental plan
 - Bridgeport FPD letter
 - R15-03: June Lake /Shear
 - Mountain View operations plan

DISTRICT #1
Mary Pipersky

DISTRICT #2
Roberta Lagomarsini

DISTRICT #3
Daniel Roberts

DISTRICT #4
Scott Bush

DISTRICT #5
Chris I. Lizza

- Resident petition in opposition
- Comment letters on R15-02 & R15-03
- Comment letters after agenda packet was released
<http://monocounty.ca.gov/sites/default/files/finalcommentsafterpacket05.14.15.pdf>
- Minutes http://monocounty.ca.gov/sites/default/files/pc_adopted_minutes_05.14.15.pdf

November 12, 2015: Planning Commission

- Agenda packet http://monocounty.ca.gov/sites/default/files/pc_agenda_pkt_11.12.15.pdf
 - R15-04: June Lake TROD (four-parcel proposal reduced to two)
 - All comment letters
- Minutes <http://monocounty.ca.gov/sites/default/files/pcadoptedminutes11.12.15.pdf>

February 11, 2016: BOS/Planning Commission joint workshop on status of TRODs

- Agenda packet <http://monocounty.ca.gov/sites/default/files/pcagendapkt.11.160.pdf>
 - TROD PowerPoint/Weiche
 - FAQ on transient rental process
 - Comment letters in favor
- Minutes <http://monocounty.ca.gov/sites/default/files/pcadoptedminutes02.11.16.pdf> NOTE: BOS directed Planning Commission & staff to resolve transient rental issues & present recommendation to BOS (*see July 12, 2016, meeting below*)

March 8, 2016: BOS Moratorium on TRODs ORD16-02

[file:///C:/Users/cd/Downloads/Mono Ordinance \(2\)%20\(1\).pdf](file:///C:/Users/cd/Downloads/Mono Ordinance (2)%20(1).pdf)

March 10, 2016: Planning Commission

- Agenda packet http://monocounty.ca.gov/sites/default/files/pc_agenda_pkt.10.16_0.pdf
 - "Could You Bnb My Neighbor?"
 - 2010 Census housing tenure
 - TROD PowerPoint/Weiche
 - Resident correspondence
- Minutes <http://monocounty.ca.gov/sites/default/files/pcadoptedminutes03.10.16.pdf>

April 19, 2016: BOS moratorium on transient rentals extended to March 2, 2017

[file:///C:/Users/cd/Downloads/STAFFREPORT\(4.19.16\)%20\(4\).pdf](file:///C:/Users/cd/Downloads/STAFFREPORT(4.19.16)%20(4).pdf)

May 12, 2016: Planning Commission

- Agenda packet <http://monocounty.ca.gov/sites/default/files/pcagendapkt05.12.16.pdf>
 - Ch. 25 existing
 - Ch. 25 discussion draft
- Minutes http://monocounty.ca.gov/sites/default/files/pc_adopted_minutes.12.16_0.pdf

June 9, 2016: Planning Commission

- Agenda packet http://monocounty.ca.gov/sites/default/files/pc_agenda_pkt_06.09.16.pdf
 - Ch. 25 discussion draft with edits
- Minutes (*to be adopted 08.11.16*)

July 12, 2016: Board of Supervisors

- Workshop on Planning Commission's recommended revisions to General Plan Ch. 25 concerning transient rental of single-family homes
http://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5439/page_4_from_07_jul_12_2016.pdf
 - Staff report + revised Ch. 25
http://monocounty.ca.gov/sites/default/files/staff_report_ch.25_07.12.16.pdf

- Minute Order M16-150
<http://monocounty.ca.gov/sites/default/files/m16-15007.12.16.pdf>

October 4, 2016: Board of Supervisors

- Agenda
http://monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/calendar_event/4712/10_oct_04_2016_agenda_only.pdf
- Agenda packet
<https://agenda.mono.ca.gov/agendapublic/CoverSheet.aspx?ItemID=8278&MeetingID=486>

RPAC/CAC review of PC Ch. 25 revisions July 13 to November 17, 2016

- **August 2: June Lake CAC**
[Agenda](#)
[Minutes](#)
- **August 10: Mono Basin RPAC**
[Agenda](#)
[Minutes](#)
- **August 18: Bridgeport Valley RPAC**
[Agenda](#)
- **September 1: Antelope Valley RPAC**
[Agenda](#)
- **September 6: June Lake CAC**
[Agenda](#)

Comments received since Oct. 4 BOS

December 15, 2016: Planning Commission

- [Agenda](#)
- Ch. 25 proposed amendment
http://monocounty.ca.gov/sites/default/files/ch_25_cac_changes.29.16_0.pdf
- [Supervisor Johnston's comments/proposal](#)

SUMMARY OF ACTIONS

TRANSIENT RENTALS RECOMMENDED FOR BOS APPROVAL (7)

- June Lake/Double Eagle Resort
- Lundy Canyon/Kibbee
- June Lake/Anderson
- June Lake/Boulder Drive
- June Lake/Rosas Chalet
- June Lake/Victory Lodge
- June Lake/122 & 139 Nevada St. out of four proposed

TRANSIENT RENTAL RECOMMENDED FOR BOS DENIAL (1)

- June Lake/Mountain View/Shear

TRANSIENT RENTAL APPLICATIONS WITHDRAWN (3)

- Virginia Lakes/Ragland
- Twin Lakes/Bridgeport: Hackamore Place/Farias
- June Lake/Nevada Street (two of original six parcels by same owner)

TRANSIENT RENTALS APPROVED (6)

- June Lake/Double Eagle Resort
- Lundy Canyon/Kibbee
- June Lake/Anderson
- June Lake/Boulder Drive

- June Lake/Rosas Chalet
- June Lake/Victory Lodge

TRANSIENT RENTALS DENIED (2)

- June Lake/Mountain View/Shear
- June Lake/122 & 139 Nevada St.

Colorado Association of Ski Towns report (three links provided by Commissioner Lizza):
<https://coskitowns.com/wp-content/uploads/2016/11/VHR-report-6-12-15-FINAL.pdf>, along with
other supporting information: <https://coskitowns.com/library/> and updated data:
<https://coskitowns.com/wp-content/uploads/2016/11/STR-Ordinances-Matrix-CML-Sharing-Economy-TF.pdf>



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

*working through science, law and creative media to secure a future for all species,
great or small, hovering on the brink of extinction.*

RECEIVED
NOV 22 2016
MONO COUNTY
Community Development

VIA ELECTRONIC MAIL

November 22, 2016

Mono County Board of Supervisors
c/o Bob Musil, Clerk of the Board
PO Box 715
Bridgeport, CA 93517
bmusil@mono.ca.gov

Mono County Planning Commission
c/o CD Ritter
Commission Secretary
PO Box 347
Mammoth Lakes, CA 93546
cdritter@mono.ca.gov

Re: Request for Notice Regarding Conway Ranch Actions

Dear Mono County Board of Supervisors and Planning Commissioners,

I am writing to request notice be provided to the Center for Biological Diversity (“Center”), of any actions or agenda items regarding the Conway Ranch, including, for example, planning, management, and/or grazing lease renewal. Electronic notice is preferred.

The Center is a national, nonprofit organization with offices in Los Angeles and Oakland, California, Arizona, Oregon, Alaska, Washington D.C., and Florida. The Center’s mission is to protect endangered species and wild places through science, policy, education, and environmental law. The Center has over 50,000 members, many of whom reside and/or recreate in Mono County and the Sierra Nevada mountains in California. The Center and its members have worked to ensure the conservation of the Sierra Nevada bighorn, including by seeking protections for this endangered species under federal law. The Center has specifically advocated for steps to reduce the risk of disease transmission from domestic sheep grazing in bighorn habitat for over a decade.

The Center is concerned that the management of the Conway Ranch properties is harming environmental resources. Most importantly, the Center is concerned that continued domestic sheep grazing on both the Mattly and North Conway areas (and any future grazing on Bowl Meadow) creates unacceptable risks of disease transmission to the endangered Sierra Nevada bighorn sheep populations in this area. While we understand that the County is aware of

Alaska · Arizona · California · Florida · Minnesota · Nevada · New Mexico · New York · Oregon · Vermont · Washington, DC

Lisa T. Belenky • Senior Attorney • 1212 Broadway, Suite 800 Oakland, CA 94612
tel: 510-844-7107 • cell: 415-385-5694 • fax: 510-844-7150 • lbelenky@biologicaldiversity.org
www.BiologicalDiversity.org

the need to protect endangered Sierra Nevada bighorn sheep from disease transmission, the Center is concerned that the County has nonetheless allowed domestic sheep grazing to continue on the Conway Ranch properties creating a threat to this listed species.

1. Any Grazing Lease Renewal Would Require an EIR

The Conway Ranch Conservation Management Plan (at 6) states that: “when updating the Sheep Grazing Lease, and when evaluating the condition of the grazing lands during annual monitoring¹ . . . the County will consider concerns and recommendations of state and federal fish and wildlife agencies regarding possible impacts of sheep grazing on Sierra Nevada Bighorn Sheep and sage grouse.” According to its terms, the current grazing lease expires on November 15, 2017. (Conway Ranch Conservation Management Plan, October 2014, Appx. F). If and when the County does consider issuing a new grazing lease for Conway Ranch, the County must prepare an Environmental Impact Report because under CEQA a grazing lease is a project that may have a significant effect on the environment. Public Resources Code §§ 21100, 21151; CEQA Guidelines § 15064(a)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 82; *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal. App. 4th 1095, 1109-10. Given the amount of work needed to prepare and review an EIR, it appears that the County would need to begin that process very soon.

The potential impacts to bighorn populations from grazing on the Conway Ranch are significant. Grazing on the Mattly portion of the lease creates a direct threat of disease transmission to endangered bighorn. Grazing on North Conway, across highway 395, also creates some risk of disease transmission and creates a threat to bighorn that may attempt to cross the highway.

The County will also need to consider the potentially significant impacts of grazing on bi-state sage grouse populations, which the U.S. Fish and Wildlife Service declined to list based on commitments from states and counties that this increasingly rare bird would be protected. The Center is also aware that questions have been raised by local neighboring homeowners about the condition of meadows and riparian areas on the Conway Ranch which are deteriorating due to lack of appropriate management. These issues would also need to be addressed in the EIR for any lease renewal to ensure that the Conway Ranch management is not harming irreplaceable environmental resources including habitat for special status species and riparian areas.

2. The County Should Suspend Grazing Under the Existing Permit to Protect Bighorn

The Center urges the County to suspend any sheep grazing on the Conway Ranch pending the outcome of a full EIR review to protect bighorn during the 2017 grazing season.


¹ Although the Conway Ranch 2015 Annual Report and 2016 Operations Plan (May 2016) discussed the grazing issues it did not fully consider the concerns and recommendations from the wildlife agencies regarding impacts to bighorn or sage grouse, nor has the Center been able to find any record of the County undertaking such consideration as part of the annual review.

Moreover, it is unclear if the lease has been fully complied with over the past 4 years. The Conway Ranch 2015 Annual Report and 2016 Operations Plan (May 2016) explained that, due to drought, water was not available for livestock watering in 2015, and “livestock obtained water from Wilson Creek as well as spring sources on the property. This activity is in accordance with historic practices during drought years, but is not in compliance with the grazing lease.” (*Id.* at 6). The lease states that to protect water quality, sheep must be kept away from springs and creeks. “Water Quality: 1. Spring sources, natural wetlands and creeks should be avoided. Sheep should be kept at least ten feet away from these areas.” (Conway Ranch Conservation Management Plan, Appx. F, Lease at B.4.c.1.)²

The Center urges the County to take affirmative steps to protect the endangered Sierra Nevada bighorn sheep populations from the threat of disease transmission by not allowing any grazing on Conway Ranch in 2017 and declining to renew the grazing lease at Conway Ranch.

The Center looks forward to working with the County on this important issue and receiving notices regarding any proposed future actions at the Conway Ranch. Please send all notices to both lbelenky@biologicaldiversity.org and jaugustine@biologicaldiversity.org. Please do not hesitate to contact me if you have any questions regarding the interests of the Center or this request for notice.

Sincerely,



Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
(510) 844-7107
lbelenky@biologicaldiversity.org

cc: (via email)

Tony Dublino, Environmental Services Manager, Mono County, tdublino@mono.ca.gov
Kay Ogden, Executive Director, Eastern Sierra Land Trust, kay@eslt.org
Lacey Greene, California Department of Fish and Wildlife, lacey.greene@wildlife.ca.gov
Mike McCrary, Ventura Fish and Wildlife Office, mike_mccrary@fws.gov
Dan Balduini, Nevada Fish and Wildlife Office, daniel_balduini@fws.gov

² The annual report from 2016 is not yet available, and the Center has to date been unable to learn whether similar activities occurred in 2016.

