

MONO COUNTY PLANNING COMMISSION

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AGENDA

November 16, 2017 – 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. Interested persons can subscribe on the website for inclusion on the e-mail distribution list,

**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 October 19, 2017 – *p. 1*

4. PUBLIC HEARINGS

10:10 A.M.

A. CONDITIONAL USE PERMIT 17-015/High Sierra Snowcat to install and use an 18-foot-diameter yurt for winter recreation for up to six guests. The property has a land use designation of Resource Management and is located on a 160-acre parcel (APN 011-220-002) off Dunderberg Meadow Road in the Virginia Lakes area. A CEQA exemption is proposed. *Staff: Gerry Le Francois – p. 6*

5. WORKSHOP

A. JUNE LAKE AREA PLAN UPDATE – Short-term Rental Policies *Staff: Wendy Sugimura*

Receive workshop presentation, and 1) provide direction to staff regarding the June Lake CAC short-term rental recommendations for specific neighborhoods, 2) discuss and provide direction on potential additional short-term rental regulations resulting from workshop discussions, 3) provide direction on next steps, and 4) provide any additional desired input. – *p. 24*

6. REPORTS

A. DIRECTOR

B. COMMISSIONERS

7. INFORMATIONAL: No items

8. ADJOURN to December 21, 2017, at Town/County Conference Room, Mammoth Lakes

More on back...

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

***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 SPECIAL MEETING MINUTES

October 19, 2017

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

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Wendy Sugimura & Michael Draper, analysts; Nick Criss, compliance officer; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS: Carmen Hernandez-Smith; Eric Edgerton; Dorothy Burdette; Patti Heinrich

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:05 a.m. in the Town/County Conference Room in Mammoth Lakes, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of Sept. 21, 2017, as amended: 7A: Roberts saw elimination of huge sections of communities. Highly sought properties for cannabis, **an unintended result of reevaluation of properties**. Youth using less in areas where **grows are cannabis is** legal. (*Lizza/Bush. Ayes: 4. Abstain due to absence: Pipersky.*)

4. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 17-013/Overton. Proposal is for use of a studio unit as a short-term rental with owners living on site (Type 1). The property is located at 165 Aspen Terrace in the community of Crowley Lake. This parcel (APN 060-240-010) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed.

Michael Draper presented overview of proposal. New owners have done improvements such as paving. Draper summarized four comment letters received: primarily poor experience from past illegal rentals plus parking issue, possible rent increase, noncompliance with requirements. Staff thinks mitigation is possible.

Illegals? *Type II.*

Pipersky recalled legal changed to illegal by HOA at Whiskey Creek condos.

Draper stated unit never rented long term. Owners must adhere to Ch. 25/26, conditions of approval. Trouble enforcing illegals, so more enforceable with use permit. Access via S. Landing Road, CofO (Certificate of Occupancy) to complete construction permit by former owner.

Option to approve or deny based on reasonable opposition from neighbors directly affected. CC&Rs? *No.*

Pipersky noted letters came from Whiskey Creek condos, 0.1 mi away.

OPEN PUBLIC HEARING: Kelly Overton just learned of 2001 permit application.

Actual bedroom? *Big open floor plan. Originally in-law unit*

Total square footage? *400' above two-car garage, 620 sf.*

Bush mentioned parking in back, entrance at South Landing Road. Pipersky noted guests park on South Landing, but owners enter from Aspen Terrace. House overlooks studio, see all that's happening. Deck runs between unit and studio. **CLOSE PUBLIC HEARING.**

DISCUSSION: Bush thought if ever situation was set up to succeed, this is as well suited as any imaginable. All opponents are from condo world. Owner on site to monitor would have control and could mitigate problem quickly.

Pipersky disagreed. Removed from main house, not quite fit into language that allows Type I. Park at different spot. Four letters in opposition. Possibly deny based on that.

Bush countered that no next-door neighbors opposed. Making people guilty of original sin that owners were not part of. On same lot, not necessarily same house.

Overton suggested no reason to abuse use permit. Only want two renters in queen bed. Small views of lake, busier in summer than winter. Lived in Mammoth Lakes condo 15 years. That culture not looking to be 20 minutes away from

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party hub. Friends with local law enforcement, could call. Direct second-homeowner neighbors OK with it. Paving for ease of snow blower, water abatement.

Lizza noted studio for a couple, one car. Neighbors mostly professionals working elsewhere in county, locals in opposition. Use permits run with owner, not property. Keeping up place. Not workforce housing unit, would keep available for family and friends. If use permit approved, consider workforce housing if no longer needed for visitors.

Lagomarsini noted house on left side drives in from S. Landing Road as well. Don't know what to do about workforce. Comment writers not show up, so not consider comments. Mechanism to shut down if problems arise.

Bush indicated five letters, three from Whiskey Creek condos, and none from next door. Other two not identify where live, maybe philosophical belief.

Roberts noted opposition comments from down street, on different road. Contained same laundry list of complaints from every opponent of STRs in general. Not see anything extra that makes it more reasonable.

Roberts stated concerns addressed through conditions. Good property for this, not suitable for workforce if kept for family in off times. Would be chief concern if an option. Inclined to favor.

Lizza noted condition to limit occupancy to two persons. *Overton thought couple or anglers to fish Crowley.*

Pipersky thought it not just up to commission, but local people.

Bush opined if it's really important, people show up, not just write few paragraphs.

MOTION: Approve CUP 17-013 subject to the findings and conditions contained in the staff report; and find that the project qualifies *with two persons* as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption (*Lizza/Bush. Ayes: 3. Noes: Lagomarsini, Bush*)

Bush was originally against [short-term rental] process, didn't see need or desire. But, happening several years now. If stuff is on books, let it happen. If approved, keep an eye. Contentious in Mono, but if process is available, dip toe in water. Not see "reasonable" opposition by immediate neighbors. People down street had prior bad experiences.

Pipersky thought it likely to pass, but go on record "perfect" places found. Stood with four commenters she knows.

Lagomarsini opposed limitation, but would approve without.

Burns cited Building Code arena. No limit on people in houses. Quasi B&B, limited to 10 before a change. Burns reminded no fee on appeals, so could expect more. Nice to lay out rationale.

Roberts wanted to clean up language in code and handle case by case.

Even though owner volunteered limit, Bush did not like precedent set.

Lizza thought conditions address specific concerns in given UP. Not setting precedent, just addressing concerns.

Bush thought setting precedent in Lizza's mind = changing to one bedroom = two people.

Milovich saw it as gray area. Nature of use permit is placing conditions on uses. Inconsistency not a legal problem.

B. GENERAL PLAN AMENDMENT 17-03: New General Plan language in the Land Use and Conservation/Open Space elements related to legalization of commercial cannabis activities under Proposition 64, which was passed by California voters in November 2016. The General Plan text contains Issues, Opportunities and Constraints in the Land Use and Conservation/Open Space elements, as well as Objectives, Policies, and Actions in the Land Use Element. Potential commercial cannabis activities are defined by the State's licensing structure, and include uses such as cultivation, nursery, manufacturing, testing, retail, distribution, and microbusiness. Specific regulations governing site-specific requirements (such as setbacks, etc.) are not part of this General Plan amendment. In accordance with State law, this project is exempt from the California Environmental Quality Act.

Wendy Sugimura presented next step after September workshop, also went to BOS, extra maps in packet. BOS focused on policy items. Today she will review BOS direction. State is delaying release of regulations. Taxpayers will not bear burden of costs. Hard to take back approvals/impacts. Easier to start conservative, become more permissive later if consequences are not huge. Strong commitment to provide/allow business ASAP. Split General Plan policy adoption, height, setbacks, aesthetics, and lighting. Policies based on RPAC input. Wait till tax measure goes to voters? No specific timeline.

Pipersky indicated State set tax regulations. Local entities can add another layer of taxation, as no State revenues return to local jurisdictions. Grant opportunities nebulous.

Milovich noted general tax at general election. Special election could be for November 2018. Tax only recreational, not medical. Could tax cultivation, retail. Not figured out yet.

Sugimura stated highly regarded consultant on board, tax information later. Focus on policies now, regulations later.

Bush noted Mono has spent much time on topic, growers would lose next year's growing season. Did BOS discuss?

Sugimura replied yes, but timing was not refined. No idea how State issue permits. Application requirements are out, process in flux. Takes a month to enact an ordinance.

Bush stated cultivators are up in air. Sugimura responded *everybody* is up in air, waiting to see.

Manufacturing: Allow in MU and C designations. BOS split on volatiles, which other processes also contain.

Edibles? *Edible = final product that can be consumed.* Milovich added concentrates as well.

Sugimura stated Type 6 license includes extraction of oils. Packaging and labeling of products similar to commercial uses, not true manufacturing.

Roberts reminded that sodas are edible but not foods, thus taxable.

Sugimura will spell out clearly how it applies to MU in Antelope Valley. Could return to RPAC.

Bush mentioned abandoned gas station, in-laws living on back part of his property. Some things OK to do in front half, but not back. Sugimura stated MU still applies overall. Intense activities may be more appropriate along 395.

Does Mixed Use have commercial and residential side? Sugimura indicated it's not the intent. MU applies across whole parcel.

--- Commissioner Lagomarsini departed at 11:25 am ---

Buffers: BOS wanted 1,000-ft buffer. AG land, but only few owners who could grow.

Sugimura cited consistency analysis with activities allowed. RR (Rural Residential) not compatible as commercial use.

Burns noted people in other parts of county showed interest in changing RR to AG. Do we treat people same throughout county? Equity issue.

Bi-State: Bi-State Action Plan recommended buffer around leks of 5 km, not 5 miles. BOS extended buffer to all agricultural activities, added language to Conservation/Open Space Element. Tri-Valley had water concerns. Outdoor personal cultivation. BOS noted possibility of banning outdoor grows, but vote was split. Get more information from other jurisdictions.

Lizza noted Mono Basin wanted approval of some regulations. Sugimura responded that BOS preferred one big package. Personal cultivation is completely separate, allowed outright under state law. Mono could adopt regulations, but not ban outright altogether. Not taxable.

Draper noted State allows six plants indoors. Some counties require annual permit, renewal process. Others have size limitations outdoors and indoors. 100 sf to control size of plants. Many areas still uncertain. Multifamily units: Up to them how they divide six plants.

Lizza stated Mono Basin RPAC opposed identifying growers, as it would impact ability to do their jobs. Sugimura indicated Long Valley thought personal grow should be regulated. Bush reminded people could grow only on own land, as growing on federal land is illegal.

OPEN PUBLIC HEARING: Carmen Hernandez-Smith noted Sugimura did not mention if outdoor grow affects wildlife. If it does, then fencing is needed. How much water used? Waste product disposal?

Roberts thought growers would have interest in protecting crop from wildlife.

Sugimura stated some issues at CEQA analysis level.

Eric Edgerton, Coleville, of Tilth. Supports permitting, regulating, taxing. Job creation + income.

Sally Rosen: Spoken to entities. Done good job on safety concerns. Antelope Valley Cannabis Association. Delay of regulations till tax measure to voters is serious issue for success of industry. Mean small businesses not able to apply for State license in January. Mono no tax benefits (property tax, payroll tax). Lose competitive edge. Cooler temps, higher altitudes. Proximity to 395 positive. Handful of business hopefuls in Antelope Valley. Other counties started to regulation and approve apps. Mono wait till 2019 to apply for state license if delayed. Lose out on 20 jobs/one-acre grow. Illegal market incentivized. Easier to regulate permitted vs. unpermitted. Ask for Planning Commission to provide feedback to BOS to allow prior process, pilot program before 2018 election. If work with Mono staff, come up with regulations that work. Result in longer, more-successful program. Allow Mono staff to work with people in industry. LUD: Interested in RR land allow grows. Equity to re-designate: Regulations not set in stone. Plant grows just like tomatoes, has odor like garlic, and is lucrative. Conduct selves in responsible, ethical way to benefit community. **CLOSE PUBLIC HEARING.**

DISCUSSION: Lizza thought increasing buffer zones contradicted policies. Planning Commission comfortable with 600', but BOS expanded and included other facilities. Kids are exposed to alcohol and tobacco in his business. Did not see harm in kid walking by facility, farm or factory. Why not include gas stations where kids air up bike tires, retail where kids buy candy? Why have buffer zones? Is it the product itself, activity happening, character of people using those facilities? Adult businesses have 500' buffer on some. Do adult businesses have less impact? 1,000-ft buffer inconsistent with General Plan. Change to 600' buffer to schools.

Bush noted kids go everywhere. Protected if not see it? Set 1,000 feet from schools, but 600' for others.

Lizza asked if cannabis is worse than alcohol, tobacco, or adult shops. He wondered if extra 400' would protect kids more. Can't have liquor license *and* state cannabis license.

Pipersky & Roberts found 600' buffer reasonable, as voters approved. Extreme buffers eliminate entire business districts in communities. After legalization in other states, interest by youth has diminished. Trying to completely eliminate? If intent is to facilitate cannabis business, contradictory.

Pipersky, Roberts & Lizza agreed on no further regulations.

Draper noted AG parcels had 71 unique landowners of 134. Cottonwood Canyon is just outside buffer. At conferences, Public Health doesn't want to normalize cannabis like tobacco and alcohol. Thought process: If not all over place, it's not huge societal problem.

Bush thought the more people are told they can't have something, the more they want it. Lizza noted some thought people blew it with alcohol, so get this one right. Sugimura cited carryover commonly seen in interest of not exposing minors. Bush thought if intended to exclude Crowley Lake, state that. Pipersky supported consistency throughout county.

MOTION: Adopt Resolution 17-01 with edits stated by staff, recommend that the Board of Supervisors approve General Plan Amendment 17-03, and find that the proposed amendment is consistent with the county General Plan and applicable area plans. (*Lizza/Pipersky. Ayes: 4. Absent: Lagomarsini.*)

GPA 17-03: Draft Commercial Cannabis Policy Edits

Planning Commission: Oct. 19, 2017

LAND USE ELEMENT: Countywide Policies

Action 1.L.1.b. Provide consideration for manufacturing uses, such as edibles and packaging/labeling, that are substantially more similar in use to food-service establishments or retail/service trades, despite falling under a single state license type that includes more traditional manufacturing uses, such as extraction.

~~**Action 1.L.2.c.** Placeholder: If desired, regulations regarding personal outdoor cultivation. (Staff will provide an update on this item.)~~

~~**Action 1.L.3.a.** Remain consistent with state requirements prohibiting commercial cannabis activities from locating within 600' of any school providing instruction to kindergarten or any grades 1 through 12, day care center (as defined in HSC §1596.76), youth center or licensed child care facility. Cannabis businesses shall not locate within 1,000' of any of the following facilities that exist at the time the application is accepted: schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities. An additional corridor of exclusion applies in Crowley Lake on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.~~

LAND USE ELEMENT: Antelope Valley Policies

Action 4.A.2.d. To promote main street and economic development as provided by other policies (Objectives 4.D. and 4.E.), emphasize commercial character and uses on US 395/main street frontages in the Mixed Use (MU) designation, ~~and residential uses along residential street frontages.~~

CONSERVATION/OPEN SPACE ELEMENT: Biological Resources

Add to the bulleted list under Action 2.A.3.e.: To protect nesting and brood-rearing habitat, agricultural cultivation shall not disturb or remove sagebrush habitat within three miles of an active lek, or as determined through an informal consultation process with applicable Bi-State Conservation partners.

--- Commissioner Bush departed at 12:37 pm ---

5. WORKSHOP

A. JUNE LAKE AREA PLAN UPDATE – Short-term Rental Policies: Wendy Sugimura suggested continuing item, but accepting comments:

Dorothy Burdette, Petersen Tract resident, got five more signatures on petition to CAC.

Ian Fettes, full-time Clark Tract resident, twice Clark Tract asked for opinions. Split, but bias toward positive side. Second survey by resident Ann Tozier erred on negative side on STR, but showed impartiality. Showed 52% favored Type I. Definite positive feeling in Clark Tract. Last CAC had no vote, but general opinions were 4-2 in favor. Commissioner Roberts noted Tozier was surprised at results.

Carmen Hernandez-Smith, Petersen Tract, helped Burdette with petition. Wanted to continue with part-time residents.

Patti Heinrich, CAC chair, expressed surprise at Commissioner Bush's comments that letters don't weigh in as much as people present. She thought everybody's opinion needed to be known. Survey in packet? Sugimura indicated it was not available at the time. Heinrich noted minutes of vote, chart. Tozier got more information for CAC with general questions. Heinrich was surprised at information gathered, personally opposed some of it before vote. Changed vote on Type I, as did Tozier. Another workshop later?

Sugimura: Not take massive amount of information at once. Workshop to review process, gathered, CAC recommendation. No specific policies written up yet. No action item till another meeting or two. Workshop at November meeting.

Roberts expressed gratitude to Sugimura et al. for series of workshops to get a meeting of minds on the issue.

6. REPORTS

A. DIRECTOR: 1) Recruiting: Temp planner starts Monday, open positions for compliance & planning analysts.

B. COMMISSIONERS: No reports. Nick Criss indicated Leonard Avenue received citations for three STRs. Appeal was denied. Milovich stated 20 days to appeal government agency decision. Rainbow Ridge also facilitated illegal rentals. Business license revocation. Owner offered to pay fine, not engage anymore. BOS held four hearings already.

7. INFORMATIONAL

A. CAL FIRE: Interplay between Cal Fire and County on Permits & Permitting

8. ADJOURN at 12:54 pm to November 16, 2017

Prepared by CD Ritter, commission secretary

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November 16, 2017

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner

Re: Use Permit 17-015/High Sierra Snowcat (HSSC)

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

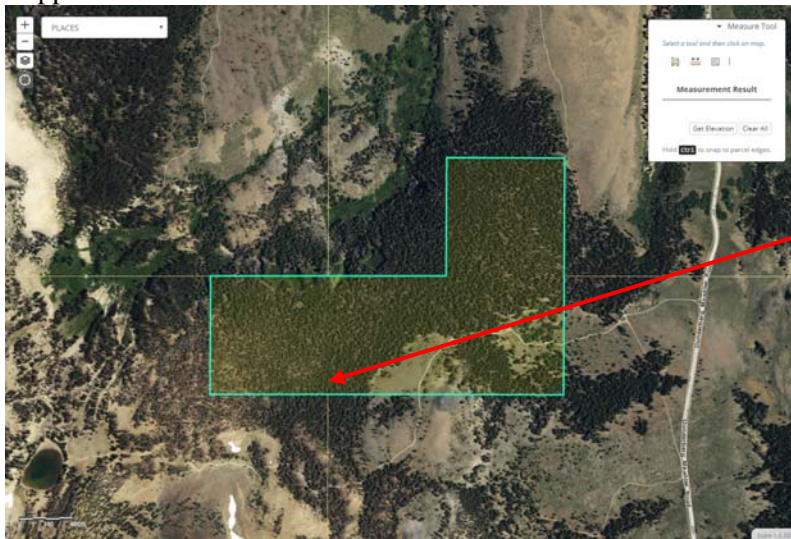
1. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15303(c) and 15304 and file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 17-015 subject to Conditions of Approval.

PROJECT

High Sierra Snowcat plans to erect an 18'-diameter yurt and associated outhouse facility on a small portion of private property for the primary use of renting out for nightly accommodations for up to six people. Customers would have the option of being driven in over snow in a snowcat or via the guest's own power (ski, snowshoes, etc.). Guests also have the option of purchasing food and meal preparation services, which would be done on site. All trips from this location are guided, and occasional education courses in the field on avalanche safety and snowpack stability may be offered.

PROJECT SETTING

This parcel (APN 011-220-002) has a land use designation of Resource Management (RM), is currently vacant, and approximately 160 acres in size. Located at approximately 10,000' along the northeastern flank of Dunderberg Peak, the proposed yurt and associated outhouse facility are surrounded by subalpine lodgepole pine forest and sagebrush steppe.



Approximate yurt location off
Dunderberg Meadows Road,
Virginia Lakes area
(APN 011-220-002)



Photographs: Yurt last season in prior location





Interior of yurt



New location for yurt

SUMMARY OF PROPOSED USES AND COUNTY REQUIREMENTS

CHARACTERISTIC	PROPOSED USES	COUNTY REQUIREMENTS	GENERAL PLAN REQUIREMENTS
Proposed uses	Installation of an 18' diameter temporary yurt and associated outhouse for overnight rental w/provision of prepared food and motorized transport to facility upon request.	Resource Management (RM) LUD Permitted use subject to Use Permit under RM LUD: <i>Limited-scale lodging, such as small inns, bed-and-breakfast establishments and cabins, if found by the Commission to be compatible</i>	Property is currently undeveloped aside from an antiquated shed and small wooden storage building. Adjoining property is managed by the Humboldt-Toiyabe National Forest, Bridgeport Ranger District (HTNF). Proponents operated on this parcel last year under DR 16-00025 and have a second yurt on Forest lands in Virginia Lakes Canyon under Special Use Permit from the HTNF.
General current site characteristics	The site – at the northeast corner of a 160-acre private parcel – is currently undeveloped save two wooden structures. The proposed project will create only limited disturbance for the installation of a raised, wooded pad for the yurt and a 4'x5' outhouse. No new road construction, vegetation removal or grading is proposed.	Compliance with CUP 17-015	The intent of the RM LUD is to “recognize and maintain a wide variety of values in the lands outside existing communities [and] indicates the land may be valuable for uses including but not limited to recreation...” (Resource Management LUD, General Plan, p166) and allows for “low-intensity rural uses in a manner that recognizes and maintains the resource values of the parcel.” The proposed project maintains consistency with the intent of the RM designation.
Setbacks	The proposed temporary structures (yurt + yurt platform and outhouse) will be on the submitted site plan dated October 2017.	Front: 50 feet Sides: 30 feet Rear: 30 feet	Proposal exceeds all required setbacks.
Signage/Graphics	There is no signage proposed or permitted for this project.		
Parking / User conflicts			See discussion below

PARKING REQUIREMENTS

Given the remote location (1.5 miles from the nearest paved/seasonally plowed County road) and seasonal nature (snow covers the access road and project location) of the proposed project, there is no on-site parking. There have been issues with parking and trespassing across private property between area residents and the increased backcountry use of the Virginia Lakes basin. See Attachment 3 letters.

For the past few seasons of operation, HSSC guests have parked in various locations along Virginia Lakes Road from the junction of US 395 west to the variable end of plowing. These areas are also used by the public and area residents.

The Board of Supervisors recently made specific operation changes based on comments received from Virginia Lakes property owners. As long as the County is able to keep the road open, the County intends to plow to the end of the pavement and provide a turnaround at the Trumbull Lake Campground turnoff, instead of ending the plowing within the private property subdivision at Rand Road. Upon heavy snows and closure, the County will monitor the parking lot near the bottom of Virginia Lakes Road in an effort to maintain as much parking as possible, and determine whether parking controls are necessary at this popular recreation destination.

**GENERAL PLAN CONSISTENCY
MONO COUNTY LAND USE ELEMENT**

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

Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono County.

MONO COUNTY LAND USE ELEMENT, Bridgeport Valley Planning Area Land Use Policies

**Note: While the proposed project location is located outside of any mapped county Planning Areas, the project has been repeatedly discussed and supported by the Bridgeport Valley Regional Planning Advisory Committee. Therefore, applicable language from the Bridgeport Planning Area Land Use Policies is included below.*

Objective 7.C. *Maintain, enhance and diversify the natural resource-based recreational opportunities in the Bridgeport Valley.*

Policy 7.C.5. *Support the development of recreation opportunities on public and private lands.*

**MONO COUNTY REGIONAL TRANSPORTATION PLAN, CHAPTER 4 COMMUNITY POLICY
ELEMENT**

Policy 20.B.3. *Explore winter trails and recreation opportunities*

MONO COUNTY CONSERVATION/OPEN SPACE ELEMENT

GOAL 21. *Provide opportunities for outdoor recreation to meet the needs of residents and visitors in a manner that conserves natural and cultural resources*

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC considered the project on Oct. 16, 2017, as a conditional application acceptance by Environmental Health, Public Works, and Planning Division.

ENVIRONMENTAL REVIEW

This project has been found to be categorically exempt from CEQA: Class 3 and Class 4 Categorical Exemption under CEQA Guidelines 15303(c) and 15304:

CEQA Guideline 15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

(c) A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.

An ¹¹18'-diameter structure equals about 255 square feet of floor area and the outhouse is ¹¹20 square feet, for a total of 275 square feet of floor area. The use is similar to a motel and potentially a restaurant, although the cooking services are much more limited than a typical restaurant. The food-service operations will meet Environmental Health standards. A wood or pellet stove provides heat, and no significant amounts of hazardous substances will be used for operations or stored on site.

CEQA Guidelines 15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

The yurt and outhouse structures are temporary in nature, not exceeding six months, and built either directly on the ground, or on a platform on the ground, without any grading, leveling, or removal of vegetation. The outhouse storage tank is located above ground, and no excavation is required. The building site does not impact a waterway, wetland or officially designated scenic area, and is not in an officially mapped area such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings. Section 32.010, Required Findings:

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

Limited-scale lodging is an allowable use subject to a use permit on lands designated Resource Management. The proposed 18'-diameter yurt and associated outhouse facility would occupy the western corner of a large, 160-acre parcel and is seasonal (November through May). The project meets setbacks, no on-site parking is permitted, and no signage is permitted.

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

The parcel is located at least 1.5 miles from the nearest development and accessed via FS Route 32178 – a native surface route. Wheeled vehicle traffic is anticipated to be limited to a small number of trips for yurt setup and take down, as well as a single trip for septic service. Winter vehicle traffic will take place over snow and is anticipated to consist of two to four in/out trips per week ferrying guests and supplies.

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

This seasonal project is not expected to negatively impact adjoining property owners or public welfare if conducted in accordance with Mono County General Plan standards and conditions of this permit. Furthermore, the nearest developed property is 1.5 miles to the south in the Virginia Lakes subdivision area. The proposed project will be visually screened by the lodgepole forest, and use associated with the project is similar in nature to the types of uses already occurring in the area, namely over-snow vehicle and self-propelled winter recreation.

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

As noted above, the General Plan Land Use Designation for this property is Resource Management (RM). According to the Mono County General Plan, “the ‘RM’ designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities [and] indicates the land may be valuable for uses including but not limited to recreation...” Permitted uses subject to a use permit include “limited-scale lodging.”

CONDITIONS OF APPROVAL
Use Permit 17-015/High Sierra Snow Cat

1. High Sierra Snowcat (HSSC) shall educate all guests and employees to respect and avoid residential areas in Virginia Lakes.
2. HSSC employees and guests shall cooperate with Public Works staff regarding specific requests to avoid parking in certain areas, and to move and/or reposition cars or equipment during snow plowing operations.
3. Project operation shall be contingent upon concurrence of Mono County Environmental Health with proposed food-service operations and disposal of project-generated sewage.
4. All trash and recyclables shall be removed from the facility following the departure of each guest. No food, trash or other potential wildlife attractant may be stored in the structure between occupations.
5. Noise generated by and associated with this operation shall not violate noise requirements set forth and described in Mono County Ordinance Chapter 10.16.070 – Prohibited Acts.
6. The temporary yurt structure will be assembled and disassembled at the beginning and end of each season of use (November through end of May).
7. Guests shall not be allowed to keep dogs at the facility.
8. All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations of the Mono County General Plan.
9. No signage is planned or permitted for this project.
10. The operations of this project are permitted from November through May and the attached proposed operations (Attachment 1).
11. Yurt and associated structure placement shall conform to setback requirements described above (Summary of Proposed Uses and County Requirements Table) and as depicted on the submitted Site Plan (Attachment 2) dated October 2017.

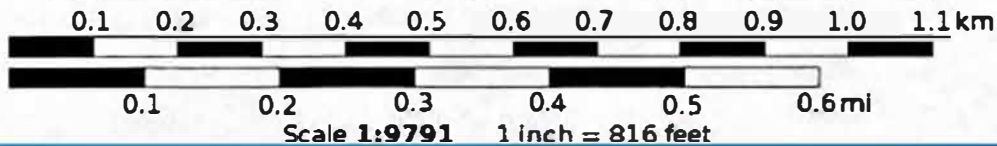
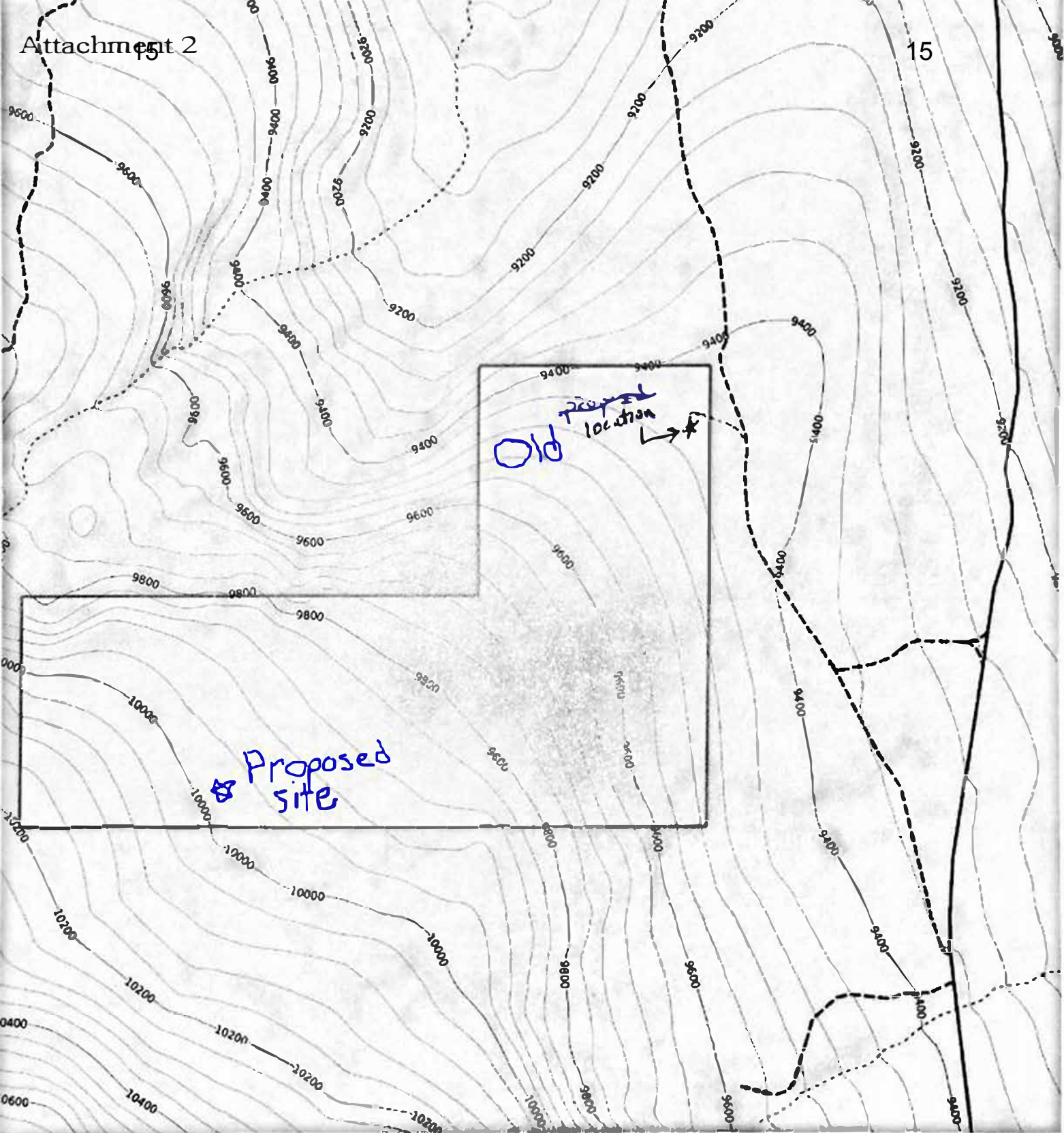
Proposed Use/ Project Description

High Sierra Snowcat LLC

High Sierra Snowcat plans to erect an 18' diameter yurt on a small portion of private land located on parcel # 011-220-002-000 for the primary use of renting them out for nightly accommodations for up to 6 people. These customers would have the option of being driven in over snow in our Thikol Snowcat with heated passenger cabin attached. They would also have the option to hire us to provide all food and cooking duties. All cooking and meal preparations would be done on sight with fresh ingredients. These customers are primarily backcountry skiers and snowboarders, but not limited to this user group, who will be enjoying the winter wonderland of the Dunderberg area. Our goal is to provide safe and comfortable accommodations, fresh high quality meals, and information about the surrounding area so that they may have a truly memorable experience.

In addition to our normal use of the yurt, we will also be providing occasional educational courses in the field of avalanche safety and snowpack stability. The only difference between these courses and a private trip including food preparation described briefly above, is that the customers would be working with an AIARE (American Institute for Avalanche Research and Education) certified instructor who will be providing instruction for up to three consecutive days.

Additionally, we will have an additional structure placed near the yurt that will be approximately 4' by 5' that will be used for a toilet system. We will use a 200 gallon storage tank that will hold all waste that will then be disposed of at the end of the season. The outhouse structure will sit directly over the 200 gallon tank system which has been integrated into the outhouse structure. We have talked with Sierra Septic Tank Services, a Bridgeport company, that have agreed to collect and transport the waste off of said property. This will happen once the snow has melted in the month of May or June. Absolutely no holes will be dug into the ground for the purpose of collecting human waste.



Attachment 3 - comments received on HSSC – listed in chronological order

1) **From:** Lisa Cutting [<mailto:lisa@monolake.org>]

Sent: Tuesday, August 22, 2017 10:37 AM

To: Wendy Sugimura <wsugimura@mono.ca.gov>; Scott Burns <sburns@mono.ca.gov>

Subject: Virginia Dunderburg Ski Yurt operation

Hi guys,

I'm receiving public inquiries about this operation and the remnant materials that are in the location over the summer.

Can someone please provide what was actually approved and the conditions of the approval? I believe it went before LDTAC but not sure what happened after that process.

Thanks,

Lisa

Lisa Cutting, Eastern Sierra Policy Director

Mono Lake Committee

(760) 647-6595 | (760) 647-6386 x142

Hwy 395 at Third Street, P.O. Box 29, Lee Vining, CA 93541

www.monolake.org | www.monobasinresearch.org

Saving Mono Lake for future generations through protection, restoration, education, and science.

Long Live Mono Lake!

2) **From:** oswaldrd@aol.com

To: Gerry LeFrancois

Cc: mrkstoltz@yahoo.com; ke6ang@yahoo.com

Subject: Re: [Land Development Technical Advisory Committee (LDTAC) Updates] LDTAC - regular meeting

Date: Sunday, October 15, 2017 7:23:49 PM

Attachments: [CONCERNS REGARDING SPECIAL USE PERMIT FOR HIGH SIERRA SNOWCAT.docx](#)

[sfr_single_family_residential.pdf](#)

[04-290 - Home Occupation.docx](#)

[ldtac_agenda_10.16.17.pdf](#)

[High Sierra - permit app.pdf](#)

Gerry:

Thank you for forwarding the information about the High Sierra Snowcat CUP review. I wished we would of had a much longer period of time to review their application and make comments, especially since this project could substantially impact the surrounding area, property owners, and eco systems since this is a first-of-its-kind of commercial operation for the area. I have attached some comments, which doesn't cover every issue that may need to be addressed.

Please present my issues before the Advisory Committee (LDTAC) for me at their Monday, October 16, 2017 1:30 PM meeting as I am unable to attend the meeting.

I am also hoping that Mark Stoltz will attempt to make the meeting, due to short notice, to assist in presenting my comments and any others. There are numerous property owners in the Virginia Lakes area that are vey concerned about this Special Use Permit and operation.

Thank you

Ross Oswald

Virginia Lakes property owner, Secretary/treasurer - Virginia Lakes Mutual Water Corp

Ross' Attachment to his email

CONCERNS REGARDING SPECIAL USE PERMIT FOR HIGH SIERRA SNOWCAT – APPLICATION DATED OCTOBER 2, 2017

Hearing Date: Monday October 16, 2017 at 1:30 PM

Application paper work states:

- Customers have the option to be driven in on High Sierra’s THIKOL Snow cat with heated passenger cabin attached.
 1. Why is there no mention of their recently purchased, within the last month or two, Piston Bully Snow cat? This snow cat is much larger in size, with a wider track and a larger articulating front blade. Their current THIKOL Snow cat has been listed for sale on Craig’s List (ID6298196764) for well over a month.
- Customers also have the option to hire High Sierra to provide food and cooking duties. Cooking and meal prep done on site with fresh ingredients. Also heating of the Yurt will be with propane and/or pellet stove.
 1. Where will their supplies of food, propane and pellets be stored if not at the Yurt location? Will they be stored at other private property in the general vicinity such as the private property/cabins in the area generally known as Virginia Lakes Subdivision and/or the surrounding private land areas which comprises of 360 acres of private property?
- Customers are primarily back country skiers and snowboarders, but not limited to this user group.
 1. Does this mean other groups such as snowmobilers as well? If so, have appropriate measures been made to ensure that these groups and High Sierra remain off other private property in the area and only utilize US Forest and BLM property during their activities?
- Besides customers, there will be either employees or contractors for High Sierra providing various services, i.e. cooking, educational instruction courses and etc.
 1. Where will these additional individuals be lodged? In the Yurt along with customers or off site at possibly other private property/cabins in the general vicinity of the Yurt? If they are being housed, in the Virginia Lakes Subdivision cabin properties is this considered an extension of the business? Would this be in compliance with General Plan Section 02-04 for Single Family Residences, and section 04.290 – Home Occupations – especially where it states in para C that business shall be carried on by members of the family occupying the dwelling, with no other persons employed. Also, Para A – vehicles limited to two not to exceed one ton towing capacity each. How does this relate to a large snow cat? Any special Use Permit required or zoning issues? Other sections of 04.290 may also be applicable.
- Toilet System
 1. What happens if the 200 gallon storage tank fills up prior to the end of the season in May or June? What arrangements and access have been made to empty the tank when full before the snow has melted and their customer season is still underway, and there is no road access? Is there road access to bring the Yurt structure in and set up and for emptying the 200 gallon tank after the snow melt?
- It is not mentioned, but it has been heard that High Sierra has been given permission to provide guides services.
 1. Is the guide(s) High Sierra will employ and utilize been properly certified by American Mountain Guides Association (AMGA) or other organization certification? The Yurt.
 2. Will the Yurt remain on site after the snow season or will it be removed at the end of the season?

- Services – Water Supply. It states High Sierra will bring water in or use small amounts of snowmelt.
 1. If they bring in water where will it be obtained from – bottled or from other local sources? If obtained from local sources, one source is Virginia Lakes Mutual Water Corp (VLMWC.) However, there have not been any arrangements made with VLMWC to provide water to High Sierra from their facilities, pipelines, springs, spigots, and etc. Water from VLMWC is only for members and only for use on a members parcel. Water cannot be taken by a member and used elsewhere – such as at the Yurt and for High Sierra’s customer use. Such language is so stated in the Bylaws of VLMWC. Please note: Tim Robinson is a member.
- Vehicles.
 1. Vehicles used in the course of High Sierra’s business. I.e. Snow cat(s), snowmobiles, etc. and utilized by the owners of High Sierra, their employees, and possibly their customers – where will they be stored when not at the Yurt location or on US Forest or BLM property? Will these vehicles be stored on other private property? If so, would they be subject to General Plan sections 02-04 (Single Family Residences SFR) and Home Occupation regulations, Section 04.290? Would they be subject to additional Use Permits, zoning requirements for areas that are residential and not for commercial operation use?
- Parking.
 1. Has there been any consideration made as to the impact of parking at the snow parking area just west of 395 on Virginia Lakes Road for additional vehicles, snowmobile trailers brought in by High Sierra’s customers? How will this additional parking need impact Virginia Lakes Subdivision property owners and residents? Often times property owners/residents arrive to find no available parking and are unable to park and return to their cabin for the evening.
 2. Many times, vehicles with trailers do not unhook and back in to use the least amount of parking space, instead they remain hooked up and just park parallel to the VL Road parking area taking up 5 to 6 or more parking spaces.
 3. Further, when the parking area is plowed of snow, the parking area seems to get smaller and smaller as the snow season progresses. Consideration should be made by the County to ensure that the parking area is plowed as wide as possible and maintained as wide as the asphalt on the road and parking area.

3) From: Lisa Cutting

To: [Gerry LeFrancois](#)

Cc: [Scott Burns](#); [Wendy Sugimura](#); [CD Ritter](#); [Lisa Cutting](#)

Subject: LDTAC agenda item 10.16.17

Date: Monday, October 16, 2017 10:43:01 AM

Hi Gerry, I have some brief comments and questions related to the High Sierra Snowcat item on the LDTAC agenda for this afternoon. I cannot attend the meeting so I thought I would send a quick email. And I should emphasize that these comments are from me personally; I am not representing the Mono

Lake Committee. (Having problems with my personal email right now.) My concerns are as follows:

1. Access to the proposed upper site: Will a road be built to access that site for pre-snow construction? If not, will the truck that is mentioned drive over existing vegetation? Will the snow cat go over the land when there is marginal snow coverage? If that is the case, will Mono County require a grading permit?
2. Does the permit that is being requested today authorize the construction of the upper proposed site platform? Or was that already approved? I believe it has already been built.

3. The permit specifies that the snow cat will only go on “snow covered existing roads”. This spring I witnessed snow cat tracks on the Dunderberg Meadow Road – mostly on dirt before the road had fully melted out. I believe that road is a Mono County road. Because of the heavy snow year that road experienced a lot of damage. I’m concerned that Mono County doesn’t have the financial resources to maintain additional damage to this road.

4. The map clearly shows the access to the “old” site but it is not clear how the proponent plans to access the “proposed site”. If they are using any route other than what was used for the “old” site than there they will be crossing a significant amount of USFS land to access their property. The access route should be clarified on the map and the USFS presumably needs to approve the route and method of travel.

5. Has there been any consultation with California Department of Fish & Wildlife regarding the proximity of this operation to Sierra Nevada bighorn sheep habitat, especially the proposed upper site?

I’ll give you a call later this week to discuss my questions and concerns.

Thank you,
Lisa Cutting

4) Original Message-----

From: Gerry LeFrancois <glefrancois@mono.ca.gov>
 To: oswaldrd <oswaldrd@aol.com>; mrkstoltz <mrkstoltz@yahoo.com>; kegang <kegang@yahoo.com>
 Cc: Tony Dublino <tdublino@mono.ca.gov>
 Sent: Mon, Oct 16, 2017 11:18 am
 Subject: Thursday meeting (10/19) with Mono Co staff @ 2:30pm

Ross/Mark/Jay. Tony Dublino and I are available to meet with all of you to discuss Virginia Lakes issues such as but not limited to the following:

- The possible renting of a cabin (>30 days) for employees of high sierra snowcat / currently being processed as a Conditional Use Permit (a public hearing before the Planning Commission in either November or December)
- Human waste and skiers, private property trespass
- Popular backcountry skiing area in the spring and skiers park along Virginia Lakes Road to ski here, designate or improve specific parking areas along Virginia Lakes Road,
- Other?

We have tentatively schedule this Thursday, Oct. 19, at 2:30pm. Let me know if this works for you folks?

Thanks.

Gerry Le Francois

Mono County Community Development Dept.

& Local Transportation Commission Principal Planner

760.924.1810 office phone

5) From: dennis carruth [<mailto:dccarruth@gmail.com>]

Sent: Friday, October 20, 2017 1:49 PM

To: Obrien, Sheryl -FS <sobrien@fs.fed.us>

Subject: High Sierra Snow Cat - Virginia Lakes

Hi Sheryl - an informal meeting was held yesterday between Gerry LeFrancois (Mono Co. Planning Dept.) & Tony Dublino (Road Dept.) and approx. 8 Virginia Lakes property owners to discuss, among other things, multiple negative impacts caused by HSSC's commercial operations in and around our private property subdivision. HSSC has applied for a Conditional Use Permit to operate a yurt on private property out off the Dunderberg Rd. This meeting was a fact finding effort on the part of Mono County relative to this new permit application. Some of the specific concerns that were raised by the residents were:

1. Trespass by their guides & customers over private property to access ski runs.
2. Use of the Forest Service permitted yurt for unguided and unsupervised groups.

3. Use of the yurt for snow mobile groups

4. Numerous parking problems for V.L. residents at the parking lot off 395 caused by HSSC customers.

It is my understanding that HSSC had committed, from the beginning, to Virginia Lakes residents that all of their customers would be with a guide. This has obviously fallen by the way-side, as has their commitment not to have snow mobile customers, only skiers. I am interested if these commitments made their way into their actual permit with the Forest Service? Please advise. It appeared that Gerry was receptive to several suggestions made at the meeting & would include them in the County's Use Permit, i.e.:

1. Require HSSC to provide every customer with a detailed map of where the private property is and how to access ski runs by staying on public land.

2. No snow mobile business.

3. No unguided/unsupervised customer groups.

4. Some form of parking lot discipline, &/or limit number of customer cars.

These suggestions are rules we would like to see implemented by the Forest Service as well. Could you please provide me with your thoughts on the above.

Thank you very much, Dennis Carruth

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6) From: dennis carruth

To: [Gerry LeFrancois](#)

Subject: High Sierra Snow Cat

Date: Saturday, October 21, 2017 8:11:50 PM

Hi Gerry - I just wanted to make my position clear - If HSSC continues to operate in the area, I believe everyone concerned would be better served if they ultimately base **all** of their operations out off Dunderberg Rd. on the Bustrum property far away from our subdivision.

Therefore, I support their application with the County, with the conditions discussed at our meeting. And, hopefully they will abandon their Forest Service yurt permit. Thank you for your attention to this important issue to the Virginia Lakes residents.

Sincerely, Dennis Carruth

7) From: Eric and Cathy [quistale@comcast.net]

Sent: Tuesday, October 24, 2017 12:44 PM

To: sobrien@fs.fed.us

Cc: John Peters

Subject: High Sierra Snowcat and Yurt negative impact on Virginia Lakes

Sheryl,

Thank you for taking the time to talk with me about the High Sierra Snowcat and Yurt (HSSY) business and the impact of this business on private property in the Virginia Lakes subdivision as well as the limitations of HSSY's special use permit from the Forest Service. Over the past few winters HSSY clients have skied and used snowmobiles through posted private property. Apparently the HSSY yurt in the Virginia Lakes canyon is used by many **unguided groups** of skiers who are either not aware of private property within the canyon or who do not respect private property and no trespassing postings. thought you would find this Youtube video posted by an HSSY client interesting as it is photo documentation of HSSY clients on private property. We know they are HSSY clients because of the video title ("Virginia Lakes Yurt") and because the video includes scenes from inside the yurt:

<https://www.youtube.com/watch?v=VBfDy26Lmuk>.

About halfway through the video we see one of the party skiing across and off of a cabin roof. There is also footage of the group using a snowmobile at night. The attached photos are some stills I took from the video and annotated. In addition, we have found that California Alpine Guides (CAG) is subletting the HSSY yurt in Virginia Lakes Canyon for their trips. This link goes to the CAG website where their use of the HSSY yurt is discussed:

<http://www.internationalalpineguides.com/backcountry-yurt-skiing/>

Please note that I have copied Mono County supervisor John Peters on this email. John had a town hall meeting with Virginia Lakes cabin owners in September and this particular topic was discussed. He is aware of the concerns of cabin owners about the negative impact of HSSY's business and the lack of oversight HSSY has over their unguided clients in the Virginia Lakes canyon. It is my hope that the National Forest Special Use Permit for HSSY and any similar businesses can be structured such that only guided ski trips are allowed in Virginia Lakes canyon. That is, a guide accompanies skiers to insure that only National Forest lands are used and private property is avoided by the skiers. Having a cook at the yurt would not qualify as a ski guide.

Catherine Barale

quistale@comcast.net

(510)482-2320

8) From: oswaldrd@aol.com

To: [Gerry LeFrancois](#)

Subject: utube video - Virginia Lakes Yurt

Date: Friday, October 27, 2017 3:40:38 PM

Gerry: Have you seen this utube video of a High Sierra Yurt customer skiing over a cabin roof in the subdivision area off of Rand Road?

Ross

<https://www.youtube.com/watch?v=VBfDy26Lmuk>

9) On Oct 31, 2017, at 10:18 AM, Jim Wilcox <james.goleta@gmail.com> wrote:

Dear Mr. Peters,

As a property owner in the Virginia Lakes subdivision I respectfully request some modifications to the winter maintenance of Virginia Lakes road. I understand the limitations with regards to equipment and manpower, and hope these requests would take minimal extra expenditure.

1. In regards to plowing the road. First, thank you to the Public Works dept for all their good work. Currently the road is plowed to Rand road. This is great for accessing our property during the winter, but it has one drawback. It forces those seeking winter recreation to park and cross private property if they choose to not follow road path heading towards the lakes. This also has created a bit of health issue, as there are no bathroom facilities at this junction and often the visitors just wander onto private land. Our request is the road be plowed all the way to either the Trumbull campground entrance or the VGL parking lot. This would allow for better parking, access to a bathroom, and the lot is surrounded by public land.

2. The VGL parking lot area just off 395. When the road is closed full time residents must park here and take snow vehicles the six miles to the subdivision. Lately, with the increased popularity of the canyon for winter recreation, the parking lot has become a parking nightmare. Often trucks pulling trailers for snowmobiles take up an inordinate amount of space, and with the new business running 2-3 yurts for guests utilizing the small parking lot it has become an issue. We request that signs be

erected that prohibit parking unless a permit is displayed. The residents do not need a majority of the space, but room for 8-10 resident vehicles would be greatly appreciated. A parking fine should discourage those without permits, and the parking lot is only a few hundred feet off the 395, giving law enforcement easy and quick access to monitor. If a resident returning from work at 7:00pm is unable to park in the lot there are NO options for many miles in either direction. This happened numerous times to one resident last winter.

Thank you for your time,
James Wilcox
259 Tip Top lane
VGL, CA
Sent from my iPad

10) **From:** "jscott14259 ." <jscott1965@gmail.com>
Date: October 30, 2017 at 9:00:38 PM PDT
To: "jpeters@mono.ca.gov" <jpeters@mono.ca.gov>
Subject: Virginia Lakes

John,

Thank you for taking the time to solicit feedback. I've been a homeowner since 2007 and plowing and parking have always been an issue. My concerns based on the last ten years are:

- 1) sufficient homeowner parking at the plowed area just east of 395. Restricting overnight parking to homeowners or permitted users could help reduce the area needed to be plowed
- 2) plowing the road until the first significant storm provides sufficient coverage for snow Travel from the 395 parking area.
- 3) ensure ample parking and turn around at the end of the plowed portion of the road. Moving the turn around from Rand road to the Trumbull lake campground and bathrooms is a great idea. Restricting overnight parking adjacent to the subdivision would also be beneficial.
- 4) spring opening. The road should not be closed to homeowners during the April snow removal for fishing season opening. A snow travel or vehicle travel option with sufficient parking needs to be maintained.
- 5) communication. A web site with plow plans for homeowners or pushing reliable data to the existing Virginia lakes homeowner site would be great

Thanks again for your time.

John & Sidney Scott
[540-848-6027](tel:540-848-6027)

--

John Scott
530-848-6027
Sent from my iPhone

11) **From:** Tim Tiernan <timtiernan16@gmail.com>
Date: November 3, 2017 at 8:51:58 AM PDT
To: <jpeters@mono.ca.gov>
Cc: <wehausen@qnet.com>, Carolyn Tiernan <ctiernan@qnet.com>, <kquinlan16@gmail.com>,

<ross@virginalakeswater.com>

Subject: Proposed Virginia Lakes snow removal/access

District 4 Supervisor Peters,

Just received email from Ross Oswald, Virginia Lakes Property Owners Association. Thank you for soliciting input on the proposed Virginia Lakes Road snow removal changes. As joint cabin owners (our property is adjacent to the pump house and Rand Road) we experience firsthand the impact that current snow removal practices have upon our cabin community. We are in support of the proposed changes to move the terminus of snow removal efforts to the Trumbull Campground area and the improvement of existing parking at the Conway/Virginia Lakes Road snow park. For those seeking backcountry access on Forest Service and Wilderness lands we strongly believe staging should occur on such lands.

Sincerely Virginia Lakes property owners,

Tim Tiernan Katie Quinlan John Wehausen Carolyn Tiernan

**Mono County
Community Development Department**

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

Planning Division

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

November 16, 2017

To: Mono County Planning Commission

From: Wendy Sugimura, CDD Senior Analyst

Re: WORKSHOP – June Lake Area Plan Update on Short-Term Rental Policies

RECOMMENDATION

Receive workshop presentation, and 1) provide direction to staff regarding the June Lake CAC short-term rental recommendations for specific neighborhoods, 2) discuss and provide direction on potential additional short-term rental regulations resulting from workshop discussions, 3) provide direction on next steps, and 4) provide any additional desired input.

FISCAL IMPACT

No impact.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed changes to General Plan Chapter 25, and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community.

At about the same time, Supervisor Johnston presented an alternative proposal on short-term rentals specific to June Lake. His process included identifying and mapping individual neighborhoods that may be appropriate for these rentals, among other requirements, such as a vote of the area property owners. Supervisor Johnston's proposal was presented to the CAC and incorporated into the process.

DISCUSSION

In December 2016, the June Lake CAC established a subcommittee to help design the area plan update process. The subcommittee established a purpose, need, principles, work plan, and calendar of workshop dates, incorporated Supervisor Johnston's proposal, and assisted with outreach.

Over 45 hours of community meetings were held to discuss short-term rentals and seek viable policy solutions. These meetings represent an impressive commitment of time and energy by community members and the CAC, who worked very hard to be objective and provide a recommendation to the Planning Commission. In addition, the process required well over 250 hours of staff time. The full compilation of area plan update proceedings was published with the

October 19 Planning Commission meeting packet and can be accessed at http://monocounty.ca.gov/sites/default/files/pc_agenda_packet_10.19.17.pdf (starting on p. 199).

The purpose of this workshop is to review the entire process (Attachment 1) to provide a full understanding of the considerations and work completed to date, review recommendations from the June Lake CAC (Attachment 2), and consider any new policies and additional regulations for short-term rentals that may be desired (Attachment 3).

This item was agendaized for the October 19 Planning Commission meeting, and some members of the public attended to provide comments. Additional public comment submitted at that meeting is included as Attachment 4.

NEXT STEPS

Following the Commission's discussion and direction to staff on the CAC's neighborhood recommendation and any additional regulations to include, the next step is to develop a final June Lake Area Plan/General Plan amendment for consideration. This complete policy package could be referred back to the CAC for consideration and a final recommendation, or the Commission could consider this package at the next meeting and forward directly to the Board of Supervisors.

In either case, the CAC declined to make a recommendation on the Leonard Avenue area pending resolution of active enforcement cases. One case has been resolved and the other is nearing completion. Once complete, the CAC intends to reconsider a recommendation for this neighborhood, which will then be forwarded to the Planning Commission.

ATTACHMENTS

1. Compilation of area plan update proceedings: available at http://monocounty.ca.gov/sites/default/files/pc_agenda_packet_10.19.17.pdf
2. June Lake CAC recommendations from the October 4, 2017, meeting, with supporting documentation that was submitted at that CAC meeting
3. Potential additional short-term rental regulations resulting from workshop discussions
4. Public comment submitted at the Oct. 19 meeting

June Lake Citizens Advisory Committee Recommendation on Short-Term Rentals (Oct. 4, 2017)

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
<i>(CAC Member Rob Morgan absent)</i>					
No	No	Williams			
		Patti	No	No	Concerns: Single egress, private roads & liability, workforce housing
		Jora	Abstain	Abstain	
		Ann	Yes, summer only	No	Ann was somewhat uncertain but could accept Type I in summer
		David	No*	No	* No on Type I until single egress is resolved then could support Type I on larger lots
		Julie	Abstain	Abstain	
		Jeff	No	No	Concerns: Roads, single access point, liability
No	No	Petersen			
		Patti	No	No	Concerns: Roads, workforce (WF) housing, Crowley STR are reducing WF housing
		Jora	No	No	Lots of long-term renters in Petersen who could be displaced, single egress, lots of neighborhood opposition
		Ann	No	No	Concerns: Private roads, uniform small lot size
		David	No*	No	* No on Type I until single egress is resolved then could support Type I with cap on numbers, Concerns: Single egress and small lots
		Julie	No	No	Type I is different, but votes "no" due to single egress
		Jeff	No	No	Concerns: Small lot sizes, single access point, roads, liability
Postpone	Postpone	Leonard			
		Patti	Postpone	Postpone	Patti feels the CAC should not decide until the BOS has completed their investigation into current illegal STR on Leonard
		Jora	Postpone	Postpone	Agree with Patti
		Ann	Postpone	Postpone	Agree with Patti
		David	Yes	No*	*David might change Type II to a "yes" if the County created a Type II STR that follows the owner rather than the parcel
		Julie	Yes	No*	*Agrees with David on Type II
		Jeff	Postpone	Postpone	Agree with Patti
No Comment	No Comment	Highlands			
CAC defers to Tract Map Modification and Specific Plan Amendment process for Highlands.					

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
No Comment	No Comment	Dream Mountain			
No recommendation. This area may have CC&Rs may prohibit STRs, but this information has been unverifiable. No owners attended workshops or meetings.					

Tie	No	South 158			
		Patti	No	No	Patti feels that Type I rentals also impact workforce housing
		Jora	Yes*	No	Jora is concerned that Type II rentals would impact existing multiple long-term rentals (WF housing) in this area, *Jora recommended a probationary period for Type I rentals
		Ann	No	No	Avalanche prone area, steep roads, private road liability
		David	Yes*	No*	*David had concerns about lumping all of the parcels in this area together. He could accept Type II for the larger lots. He felt workforce housing issues are primarily an issue for Type II rental. He was not so concerned about the terrain in this area as he felt that should be a consideration in the permitting process. He liked the idea of a trial period of 3-4 years for Type I rentals.
		Julie	Yes	No	Julie would like more information about the larger lots to see if they might be compatible with Type II
		Jeff	No	No	Not in favor of any trial periods for STR

Yes, summer with a 3% cap	No	Clark			
		Patti	No	No	Concerns: Roads, road liability, safety, workforce housing
		Jora	Yes*	No	*Type I in summer only, decrease maximum people to 4, limit vehicles to 2 or less, consider further mitigations listed by Wendy at September meeting, Note: Jora was against both STR types for Los Angeles St due to workforce housing there
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitaions
		David	Yes*	No	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow), but NOT in winter months
		Julie	Yes*	No	*Type I in summer with 3% cap
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel, Concerns: roads, liability, limited access

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
Yes, year-round	No	Nevada/Silver Meadow			
		Patti	Yes	No	
		Jora	Yes	Yes	Jora wants the Planning Commission to consider the additional rental mitigations listed by Wendy at the September meeting
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitations
		David	Yes*	No*	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow). OK in winter also. Would consider Type II for Nevada area if Type II could be changed to lapse with change of ownership
		Julie	Yes	Yes	Julie agrees with capacity limits as calculated tract-wide from Nevada over to Los Angeles St.
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel

Documents submitted at Oct. 4, 2017 June Lake CAC meeting

----- Original message -----

From: Ann Tozier <anntozier@gmail.com>

Date: 9/10/17 12:35 PM (GMT-08:00)

To:

Subject: Personal Survey on Transient Rentals in the Clark Tract

I am on the June Lake CAC and curious about how each of you (I did a blind copy) in the "Clark Tract" feel about Type I and Type II transient rentals (fewer than 30 days) in your neighborhood. I know that some of you have come to meetings and workshops and made your views clear, but I just grabbed the Silver Lake Pines Snow Removal Fund emails and thought I would do my own quick survey, so bear with me.

Type I are owner occupied, for example someone with a granny unit or an extra bedroom, but the owner must be on site. Type II are transient rentals where the owner is not on site.

The CAC is charged with coming to a recommendation regarding transient rentals in the various neighborhoods of June Lake, so I thought I would reach out to each of you. If you have a moment could you please let me know "yay" or "nay" for each of those two transient rental types.

Thanks so much!!!

Ann Tozier

Email Survey of Clark Tract Parcel Owners Type I & Type II Short-Term Rentals

180 Individual parcel owners in Clark Tract (Nevada to Los Angeles St.)

145 Developed parcel owners (excluding Los Angeles St. condos, which are, zoned commercial, but including homes accessed directly from Highway 158)

106 Developed parcel owners contacted via email/verbal, 85 responded:

59% of all parcel owners contacted
73% of all developed parcel owners contacted
80% of contacted people responded

Area	Type	NO	NO %	YES	YES %	Undecided	Undecided%	Total
All	I	37	43.5%	44	51.8%	4	4.7%	85
All	II	53	62.4%	29	34.1%	3	3.5%	85
NV-SM*	I	3	27.3%	8	72.7%	0	-	11
NV-SM*	II	5	45.5%	6	54.5%	0	-	11
Upper-LA**	I	34	46.0%	36	48.6%	4	5.4%	74
Upper-LA**	II	48	64.9%	23	31.1%	3	4.0%	74

* Nevada & Silver Meadow St., Note: 2 non-responders have legal TRODs

** Upper Clark (from California St.) over to Los Angeles St., Note: 2 non-responders had signed past petitions against TRODs

PROTECT SINGLE FAMILY RESIDENCE AREA (PETERSEN TRACT)

Please support us in the effort to inform the county the actual consensus of opinion. The county desires to change our Single Family Residence (SFR) area to Short-Term Rental (STR) area. Our June Lake Area Plan (JLAP) at this time states, "retain the Down Canyon's single-family residential character while providing for additional commercial development along State Route 158 and pockets of higher-density residential uses." This does not say change SFR to commercial use. If you do not voice your opinion the county may change our land use from SFR to STR. When you purchase or build a home in an SFR area you go in knowing there are no night-to-night rentals allowed.

Here are some pros/cons:

- Income for properties sitting vacant part of the year.
- Substandard Private Roads-maintained through Zone of Benefit with County. Paid by homeowners thru property taxes only.
- Income for County (None of TOT that would be generated would come back to the Petersen Tract road maintenance.)
- Our roads are narrow. All property owners – YOU are Responsible for the road in front of YOUR property. With possible increase in traffic you may want to check into YOUR liability insurance.
- Our emergency access is a single point, limited ingress/egress
- Steep topography in the southern section with a few dead-end roads and only one way out. Drivers unfamiliar with driving in snow and ice could end up stuck in the road thereby blocking any entry or outlet.
- There are snow storage issues
- Loss of workforce housing-inventory is already low
- A 2or 3 bedroom house normally accommodating approximately 4 to 6 would be allowed to have 10 guests per short-term rental reservation.
- Improper trash disposal
- Excessive noise after 10 pm
- Possible increase in crime.
- Income for property manager and other business in town and ski area.

By signing this petition we are reminding the county that our voice counts!

The JUNE LAKE CITIZENS ADVISORY COMMITTEE is charged with coming to a recommendation regarding transient rentals in the various neighborhoods of June Lake.

This meeting is scheduled for October 4, 2017 at 7pm in the JL Community Center
Name (print) Address Signature Pro STR/Con STR

Veronica Share 692 Palisades *Veronica Share* CON

Mark Stead 181 Rainbow *Mark A. Stead* CON

Nicole Stead 181 Rainbow *Nicole Stead* CON

Adam Southwick 692 Palisades *Adam Southwick* CON

Tom Helvie 890 Piute *Tom Helvie* CON

Blank lines for additional entries.

The JUNE LAKE CITIZENS ADVISORY COMMITTEE is charged with coming to a recommendation regarding transient rentals in the various neighborhoods of June Lake.

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Name (print) Address Signature Pro STR/Con STR

Steve Martire 842 Piute Dr. Steve Martire (CON STR)

JIM BORTOLUCCI 885 PIUTE Jim Bortolucci (CON)

RONN B. KAUFMANN 830 Piute Ronn B Kaufmann (CON STR PRO)

Reek Freeman Richard Freeman 688 Garnet Dr. (CON)

TODD KIDLWELL (CON 11) 674 MINARET RD JUNE LAKE, CA 93529

Andrew Cook (Con) 656 Minaret

Larua Joyce Steve Joyce (CON) 705 Garnet Dr.

NIKI & Matt Meyer 682 Garnet Dr. Meyer (CON)

Beverly Blum 775 GARNET DR (CON)

Jeffrey Ryan 827 PIUTE DR (CON)

John Stickle JOHN STICKLE 809 PALISADES (CON)

John Wedderburn 74 GARDNER ST John Wedderburn (CON)

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Name (print)	Address	Signature	Pro STR/Con STR
Nancy Light	903 Mono Drive	Nancy Light	Con STR
Chris Fichtel	903 Mono Drive	Chris Fichtel	Con STR
Dorothy Burdette	891 Mono Dr.	Dorothy Burdette	Con STR
David C Burdette	891 Mono Dr	D.C. Burdette	Con STR
Loke Connaughton	904 Mono Dr		Con
Gina Connaughton	904 Mono Dr.		Con
Rita Powers	714 Piote Dr.		Con STR
Ralph Oberberg	865 Mono Dr		Con STR
Herbert Cook	882 Mono Dr		Con STR
Sarah Cook	882 Mono Dr		Con STR
Leo Jankowski	850 Mono Dr		Con STR
CAROLE JANKOWSKI	850 Mono Dr.		Con STR
WILSON	761 Steelhead		Con

The JUNE LAKE CITIZENS ADVISORY COMMITTEE is charged with coming to a recommendation regarding transient rentals in the various neighborhoods of June Lake.

This meeting is scheduled for October 4, 2017 at 7pm in the JL Community Center

Name (print) Address Signature Pro STR/Con STR

ANNE HARSLEM 876 PALISADES DR *Ann* Con

Carmen Hernandez Smith 255 Pulte Drive *Carmen Hernandez Smith* Con

Blank lines for additional entries.

PROTECT SINGLE FAMILY RESIDENCE AREA (WILLIAMS TRACT)

Please support us in the effort to inform the county the actual consensus of opinion. The county desires to change our Single Family Residence (SFR) area to Short-Term Rental (STR) area. Our June Lake Area Plan (JLAP) at this time states, "retain the Down Canyon's single-family residential character while providing for additional commercial development along State Route 158 and pockets of higher-density residential uses." This does not say change SFR to commercial use. If you do not voice your opinion the county may change our land use from SFR to STR. When you purchase or build a home in an SFR area you go in knowing there are no night-to-night rentals allowed.

Here are some pros/cons:

- **Income for properties sitting vacant part of the year.**
- **Substandard Private Roads-maintained through Zone of Benefit with County. Paid by homeowners thru property taxes only.**
- **Income for County (None of TOT that would be generated would come back to the Petersen Tract road maintenance.)**
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- **Excessive noise after 10 pm**
- **Possible increase in crime.**
- **Income for property manager and other business in town and ski area.**

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This meeting is scheduled for October 4, 2017 at 7pm in the JL Community Center
Name (print) Address Signature Pro STR/Con STR

EDWARD G. LANOPHER

75 Pinecrest Ave
P.O. Box 316 - June Lake

3801 Warren St NW

Washington, DC 20016 - Con STR

General mitigations / regulations / restrictions for Type I and Type II

B. Type I General Policy

Allow type I applications in all areas subject to limitations shown in the area sections below.

C. Type II General Policy

Propose that Type II be generally disallowed area-wide as it is currently structured. Currently, a Type II designation stays with the property, even if it is sold. There is a concern that Type II properties would then become investment targets, resulting in undesirable effects.

Nevertheless, acknowledge that some Type II may be appropriate in some areas IF the county redefines Type II in such a way that the designation lapses with transfer of ownership of the property. At that point, applications in appropriate areas could be allowed based on area limitations.

D. Variations for individual areas (as defined by staff)

June Lake Highlands

No Proposal. Policies defined in Highlands Specific Plan (preliminary map plan)

Leonard Ave. Area

1. Type I applications allowed.
2. Type II applications allowed subject to section C above and any additional county restrictions.

Petersen / Williams Area

1. Type II applications not allowed
2. Type I applications not allowed until there is a second ingress / egress road.
3. After additional ingress / egress becomes available, allow type I applications on lots which are large enough to be appropriate for such activity. Do not allow applications on the smaller lots comprising most of the tract.

Clark Tract

1. Allow Type I applications up to a cap of 8 total STR properties in the Clark Tract (3% of total lot count).
2. For "upper Clark Tract" only (areas served by California St. and W. Steelhead St.), STR activity will be disallowed during the mid-winter months (exact limits to be determined by a statistical historical weather analysis).
3. For Nevada St. only, Type II applications are allowed subject to section C above and any additional county restrictions.

Dream Mountain Area

Propose a "no decision" at this point. The status of short-term rentals in Dream Mountain is unclear from the available documentation at this point. Propose revisiting Dream Mountain when more definitive information is available.

June Lake Village

No specific proposal. The village is a mix of things but is mostly MU anyway. We probably don't have enough details to form a specific proposal.

Southern 158

There has been no response. Propose defaulting to what the county is doing county-wide, which would be to allow Type I applications, and allow Type II applications subject to section C above and any other restrictions the county applies.

E. Additional provisions not specific to individual properties.

Wendy's proposals contain a number of items that would be general provisions, mostly incumbent on the county, and not individual mitigations or regulations that homeowners are responsible for implementing. These are listed here (my comments in blue):

General Policies incumbent on county, not homeowners
1. Implement an education campaign on short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.
2. Provide for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery.

General Policies incumbent on county, not homeowners
3. Consider a "three strikes" mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. (note: due to legal constraints, the "three strikes" action may be a suspension rather than revocation, pending further hearings)
4. Provide an anonymous reporting hotline for illegal rental activity.
5. The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues, such as provided by Host Compliance.
6. The County shall, within legal constraints, coordinate information between department such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.
7. Require Vacation Home Rental permit numbers to be posted in the title of the short-term rental online advertisement.
8. Existence of a listing for an unpermitted unit is <i>prima facie</i> evidence of a violation. (Legally problematic due to first amendment)
9. To support accountability, an annual permit renew renewal, certification report, and fees shall be required for short-term rental use permits, subject to the following requirements (coordinate this renewal with business license renewal process): <ul style="list-style-type: none">• An annual self-certification under penalty of perjury for all requirements in the June Lake Area Plan and Chapter 26 is required.• Owner must confirm/update management contact information, to be kept on file by the Community Development Department.• Payment of fees, as established by the Board of Supervisors, for staff time.• Failure to submit annual report by deadline would result in a delinquency letter and additional fee.• After 45 days from the notification letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.

Mono County Community Development Department

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

June Lake Area Plan Update: Attachment #3

Planning Commission: November 16, 2017

The following potential policies and adjustments were reviewed by the June Lake Citizen's Advisory Committee (CAC) but not included in the recommendation. During discussion, review by the Commission of the potential additional regulations to Chapter 26 was mentioned by several CAC members. Any updated language resulting from the CAC's recommendation is shown in "track changes" edits.

Edits to General Plan Chapter 25 (countywide):

- 500' noticing distance shall be based on the farthest edge of a contiguous parcel of the same owner.
- Add to Type I rentals (25.020), consistent with Type II language, that the short-term rental must exhibit no reasonable opposition from neighbors within 500' of the subject parcel.

Existing June Lake Area Plan Policy: to be deleted

Policy 13.A.3. Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single family homes.

Potential June Lake Policy Additions:

Objective: To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Policy: Short-term rentals should be evaluated in June Lake within the context of specific neighborhoods (see map), which vary in character.

Action: ~~Policies and regulations may be tailored to meet individual neighborhood character.~~ Insert CAC recommendations on neighborhoods, as modified/recommended by the Planning Commission.

Policy: Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

Action: Only the property owner may apply for a short-term rental permit, and the owner is the responsible party.

Action: Short-term rentals shall be limited to one per person or entity and one per parcel.

Policy: Type I (owner-occupied) short-term rentals, as defined in Chapter 25, in single family residential land use designations may be considered only under limited and highly regulated conditions in some areas, subject to Chapters 25 and 26.

Action: To address concerns raised by the community regarding potential neighborhood impacts, the following requirements and regulations shall be added to Chapter 26 for short-term rentals in June Lake:

- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which may require existing fixtures to be replaced or retrofitted.
- Owner or manager must respond on-site when warranted within 30 minutes.
- Quiet hours from 10 pm to 7 am, and no outdoor amplified sound.
- Outdoor parties, which may include special events, outdoor events, lawn parties, weddings, and similar activities, are prohibited.
- Owner shall acquire home insurance coverage that specifically covers short-term renting, and shall maintain appropriate liability coverage that covers injury and damage to hosts, guests, and others.
- Owner shall notify lender of change in use to short-term rental, and provide verification to County upon request.
- Maximum occupancy of 10 persons, which may be further limited by septic system or other requirements, and shall be posted over the primary exit door.
- The number of allowed vehicles shall not exceed the number of on-site parking spaces.
- In order to rent a detached and separate unit, the property owner must occupy the other unit on the property.
- Landline phone service is required, and owner must disclose the limited service by cell phone carriers.
- A “hideaway” key or other access is required in the event a guest is locked out.
- For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified.
- Post management contact information online.
- Interior informational sign shall also include an evacuation plan and a statement regarding respect for adjacent property owner’s rights, neighborhood character, and trespassing concerns.

~~**Action:** In order to limit changes to residential neighborhood character, short-term rentals in the Clark Tract shall not exceed ~3% of parcels, or eight rentals (of 245 parcels), similar to Durango, CO. (Note: this action has been incorporated into the CAC’s recommendation for the Clark Tract.)~~

Action: In the Clark Tract, in order to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

Action: Explore options to offset loss of workforce housing via housing studies and General Plan policy development, which may include requiring a unit be available for long-term rentals for 4-6 months of the year, mitigation fees, etc.

Policy: Short-term rentals may be prohibited in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action: Short-term rentals may be prohibited where one or more of the following safety or infrastructure conditions exist:

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

Action: Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract.

Action: Short-term rentals should not be approved when prohibited by homeowner association CC&Rs and proof is submitted by the HOA to the County in order to respect the local homeowner's determinations and prevent civil legal issues.

Action: Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with TOT requirements.

~~**Policy:** Short-term rentals may be considered in non-owner occupied properties, where deemed appropriate, by changing the Land Use Designation to Single Family Residential – Short-Term Rental (SFR-STR).~~

~~**Action:** A short-term rental use shall be subject to a discretionary permit, applicable provisions of Chapter 25, and Chapter 26 (including provisions specific to June Lake). The discretionary permit shall run with the owner and not with the land, and the rental shall be limited to a single party of individuals.~~

~~**Action:** Due to large lot sizes, roads similar to County standards, and proximity to the Village, the Leonard Avenue neighborhood and Highlands Specific Plan area should be redesignated SFR-STR.~~

[Note: CAC comments did not appear to support a new land use designation. This issue will be clarified when the CAC reconsiders a recommendation for the Leonard Avenue Area.](#)

Policy: To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

Action: The Rodeo Grounds development could be a potentially appropriate location for short-term rentals, and the opportunity should be explored.

Action: Support an even playing field, e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

Policy: Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

Action: Implement an education campaign on short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

Action: Provide for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery.

Action: Consider a "three strikes" mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM.

Action: Provide an anonymous reporting hotline for illegal rental activity.

Action: The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues, such as provided by Host Compliance.

Action: The County shall, within legal constraints, coordinate information between department such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

Action: Require Vacation Home Rental permit numbers to be posted in the title of the short-term rental online advertisement.

Action: Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation.

Action: To support accountability, an annual permit renewal, certification report, and fees shall be required for short-term rental permits, subject to the following requirements (coordinate this renewal with business license renewal process):

- An annual self-certification under penalty of perjury for all requirements in the June Lake Area Plan and Chapter 26 is required.
- Owner must confirm/update management contact information, to be kept on file by the Community Development Department.
- Payment of fees, as established by the Board of Supervisors, for staff time.
- Failure to submit annual report by deadline would result in a delinquency letter and additional fee.
- After 45 days from the notification letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.

PROTECT SINGLE FAMILY RESIDENCE AREA (PETERSEN TRACT)

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- **Possible increase in crime.**
- **Income for property manager and other business in town and ski area.**


By signing this petition we are reminding the county that our voice counts!

The Mono County Planning Commission is charged with coming to a consensual recommendation regarding transient rentals in the various neighborhoods of June Lake. They will then submit this recommendation to the Mono County Board of Supervisors.


Name (print) Address Signature Pro STR/Con STR

Danny Stymacher 803 Piute Dr.  Con

Gina Stymacher 803 Piute Dr.  Con

~~RHET BURTON~~ 770 MINARST  ~~RENTED CON~~

Pamela Day 793 Minaret Dr.  Pamela Day

DAVID DAY 793 M. MARST  David Day
