

MONO COUNTY PLANNING COMMISSION

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AGENDA

June 18, 2020 – 10 a.m.

As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast with Commissioners attending from separate remote locations. There is no physical meeting location. This altered format is in observance of recent recommendations by local officials that certain precautions be taken, including social distancing, to address the threat of COVID-19.

The meeting may be observed (no commenting) at
http://monocounty.granicus.com/MediaPlayer.php?publish_id=aa6532d4-b0ad-4841-bc0b-81fd86eb6651

The meeting may be joined by video at <https://monocounty.zoom.us/j/96857307341> and by telephone at 669-900-6833 (Meeting ID# is 968 5730 7341) where members of the public shall have the right to observe and offer public comment. If you are unable to join the Zoom meeting and wish to make a public comment prior to the meeting, please submit your comment, limited to 250 words or less, to cddcomments@mono.ca.gov by the close of the public hearing or public comment portion of an agenda item. Comments longer than 250 words may be summarized, due to time limitations. All comments will be made a part of the record.

An alternate method to access the video meeting is visit <https://zoom.us/join> and enter Meeting ID: 968 5730 7341.

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. REVIEW OF REMOTE MEETING MANAGEMENT & PROTOCOLS – p. 1

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

4. MEETING MINUTES: Review and adopt minutes from April 16, 2020. Minutes from May 21, 2020 are deferred until July. – p. 2

5. PUBLIC HEARING

10:05 A.M.

A. USE PERMIT 20-002/STONE for an owner-occupied short-term rental use of an attached one-bedroom unit at 116 Crowley Lake Drive (APN 060-030-018) in Long Valley. The Land Use Designation (LUD) is Estate Residential (ER). Maximum occupancy is two people and one vehicle. *Staff: Kelly Karl – p. 14*

DISTRICT #1
COMMISSIONER
Patricia Robertson

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COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

10:25 A.M.

B. JUNE LAKE HIGHLANDS SPECIFIC PLAN AMENDMENT #2 AND MODIFICATIONS TO TRACT MAP #34-24 and #34-26 to amend the 2001 June Lake Highlands Specific Plan in order to allow properties to conduct short-term rental (rental less than 30 days) in compliance with the Mono County General Plan Land Use Element, potentially subject to certain criteria such a cap on the number of properties that may be approved and other restrictions. *Staff: Michael Draper – p. 32*

6. WORKSHOP: Introduction to development of industrial hemp regulations. *Staff: April Sall – p. 85*

6. REPORTS

A. DIRECTOR

B. COMMISSIONERS

7. INFORMATIONAL

8. ADJOURN to regular meeting July 16, 2020

***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 to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

Agenda packets are posted online at www.monocounty.ca.gov / Planning Commission under the "Government, Boards and Committees" menu / Agendas and Minutes. For inclusion on the e-mail distribution list, send request to mbell@mono.ca.gov

Interested persons may appear before the Commission in the remote meeting 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.

Mono County Community Development Department

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Remote Meeting Procedures

Instructions for observing the meeting only (no commenting): 1) Click on the “live video” link found on the email/calendar posting for the meeting or 2) search “Mono County Granicus” and click on that link or [here](#) which will bring up the webpage with all live stream County meetings, find the appropriate meeting under “Upcoming Events” and click on “View Event”.

Instructions for joining the videoconference meeting with option to comment: Click the weblink provided in the agenda or go to <https://zoom.us/join> and input the *Meeting ID* posted on the agenda. Audio conferencing options will pop up; join through your computer speaker and microphone, or by phone by dialing (669) 900-6833 and entering the same *Meeting ID* that is posted on the agenda.

Instructions for joining the meeting by phone only (no video) with option to comment: Dial (669) 900-6833 and enter same *Meeting ID* posted on the agenda.

Upon Meeting Entry

- All participants will be muted and video will be off. *Please remain muted and keep your video off until asked to speak by the meeting moderator.*
- Participants may only chat with the host on technical issues. Any comments of substance on projects should be stated in the meeting and will not be answered or read from the Zoom chat.

To comment

- **Time Limits:** Please limit comments to the time specified by the Chair. Do not restate points that have already been made; instead, state your agreement with previous speakers.
- **On the Zoom videoconference meeting:** When the Chair calls for public comment, please select “Participants” at the bottom of the screen and then select “Raise Hand.” Wait for the meeting moderator to call your name and unmute you. At that time, you may turn on your video if you wish. Once you have finished speaking, please turn off your video and mute yourself.
- **On the phone:** When the Chair calls for public comment, please dial *9 to raise your hand and be placed in the comment queue. Wait for the meeting moderator to ask you to speak and unmute you. Once you have finished speaking, please mute yourself (*6).
- **Written comments:** Please limit comments to 250 words or less and email to cddcomments@mono.ca.gov. **Written comments received by 3 pm the day before the meeting** will be posted to the meeting website on the Mono County calendar and sent to the email distribution list.
- Comments received after 3 pm the Wednesday before the meeting and before the close of the public hearing shall be read orally by staff into the record. Written comments longer than 250 words will be summarized by staff.
- Planning Commissioners will not respond to comments in the Chat Room. The chat for participants with each other is disabled.

Meeting Decorum and Ground Rules

- Verbal comments and video must remain respectful and appropriate with the same expectations as a physical meeting.
- Participants shall remain muted and with video off until asked to speak by the meeting moderator.
- The connection will be terminated immediately with no warning for egregiously disrespectful behavior.
- Other disruptive behavior will receive one warning before the connection is terminated.

Technical Support: For technical support during the meeting, email cddcomments@mono.ca.gov or post a comment to staff hosts in the Zoom chat room.

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DRAFT SPECIAL MEETING MINUTES

April 16, 2020

As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast with Commissioners attending from separate remote locations. There is no physical meeting location. This altered format is in observance of recent recommendations by local officials that certain precautions be taken, including social distancing, to address the threat of COVID-19.

The meeting may be joined by video at: <https://monocounty.zoom.us/j/634770837> and by telephone at: 669-900-6833 (Meeting ID# is 634 770 837) where members of the public shall have the right to observe and offer public comment. Public comments may also be submitted to cddcomments@mono.ca.gov and will be read into the record if received before the end of the agenda item.

An alternate method to access the video meeting is <https://zoom.us/join> and enter Meeting ID: 634 770 837.

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Dan Roberts & Patricia Robertson

STAFF: Wendy Sugimura, director; Gerry Le Francois, principal planner; Michael Draper & April Sall, planning analysts; Christy Milovich, deputy county counsel; CD Ritter, PC clerk

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

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Scott Bush called the meeting to order via Zoom at 9:02 a.m., and attendees recited pledge of allegiance from remote locations.
2. **REVIEW OF MEETING MANAGEMENT & PROTOCOLS:** Wendy Sugimura asked staff to turn videos on, public turn videos off. Public comment? Three ways: observe not participate, log into Zoom or by phone to participate, and email. Time limit to be decided. Limit to something reasonable so all can speak. Note agreement with prior speakers. Chat room has "raise hand" option, on phone *91. Moderator will unmute for comment. Summary of >250 words. Respectful with comments. People can be removed for disruptive behavior, just as in physical meeting.
3. **PUBLIC COMMENT:** Bentley Regehr noted none.
4. **MEETING MINUTES**

MOTION: Carry minutes of Jan. 16, 2020 to the May 21 meeting. Lizza asked for his vote on the Lampson project to be checked.

5. PUBLIC HEARINGS

A. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT

REPORT to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes: 1) up to 150 new workforce housing bedrooms in up to 100 new units; 2) a third gas-pump island and overhead canopy; 3) additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles; 4) a new package wastewater treatment system tied to a new subsurface drip irrigation system; 5) replacement of the existing water storage tank with a new tank of the same size in the same area; 6) a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks); and 7) modification to the boundaries and acreage of designated open space and modification of parcel boundaries. A Subsequent Environmental Impact Report is proposed for the project. Project materials are available for public review online at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> and hard copies are available for the cost of reproduction by calling 760-924-1800. *Staff: Michael Draper*

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Commissioner Lizza will not participate in discussion or vote, so only four commissioners. Let proponent know needs three positive votes to pass. Any other contact by commissioners? Lagomarsini: After site visit, had lunch with Geoff McQuilkin and Lisa Cutting. Only spoke generally about project. Received packet of letters that only glanced at, into notebook, forwarded to Planning Division office, included in materials. Cutting emailed before to meet before meeting but declined. Cutting is personal friend. Is Mono Lake Committee member but does not read emails regarding this project. Roberts: At jury duty with proponent, no discussion. Robertson or Bush: None. Milovich: Commissioner must recuse if has prejudged or is biased in any way. Decision to make. No issue legally except for Lizza.

Request to postpone meeting evolved, BOS discussed this week. Part of PowerPoint presentation. Mono Basin RPAC April 8 considered letter asking postponement due to Covid-19. Letter in packet. BOS April 14 discussed, Mono needs to treat applicants fairly. What applications qualify, when to hear. BOS debated back and forth. No BOS direction to PC, may delay BOS on Tioga Inn. Reasons not to delay in staff report. Remote hearing authorized, technology to do so, stay home exemption includes housing project. Still PC discretion.

Milovich: Public comment not required at this point. Within PC discretion. Bush: Not if just Covid-19. With 127 participants, larger than any or all meetings. Not attendance issue. Lagomarsini: Technology allows more to comment than in person. Bush: Any opposition? None, so move ahead.

Sugimura: Tag-team presentation, identify self. Thanked everyone for participation, comments taken seriously, changed project. Covid-19 challenge for all, doing best to do well, make meetings meaningful and available. Ensure opportunity to address PC directly.

Sugimura: Commenters have asked to delay meeting during Covid-19, but remote meetings authorized by Gov. Newsom allow housing comments and Board declined to direct delay. Three ways to join meeting. Concern about Zoom-bombing. Limit comment time, not repeat earlier comments. Staff will read comments <250 words, summarize those greater. Project documents released late last night. Will post final PowerPoint after meeting.

Gerry Le Francois reviewed project revisions, history of project. Two-story structures now in mix. First formal amendment in 1995. Relocated 300,000-gal water tank. Phasing allowed convenience store prior to hotel. Amend 2 in 1997: Restaurant parcel. No access from 395, clarified financing components. Backcountry hiker shower and laundry proposed, not accepted. Master sign had modified night lighting. Amend 3: Housing up to 150 bedrooms in units, daycare facility. Six unpermitted employee cabins demolished. New 30,000-gal propane tank. Expanded open space. Parking for oversized rigs.

Sandra Bauer, CEQA consultant. Scope of analysis shaped by 15162 on subsequent EIRs. 904 comment letters from agencies, tribes and individuals: 697 in format generated by MLC (Mono Lake Committee). Formal responses to 19 comment letters.

For Alternative 6, pad elevations lowered by added grading, roof elevations on all six most visible structures reduced 15 to 11 in square format (instead of long rows) with shortest walls facing east. Six rows in original plan reduced to two housing, two parking. Paint color shaker gray, roof dark muted colors. Detailed outdoor lighting plan to reduce impact. Berms between parking areas. Daycare facility relocated. Landscape berms 3' high. Visual effects: Prepared by Triad/Holmes Engineering from Navy Beach (visibility of 2nd story of upper row buildings), south Tufa parking lot (not visible), lower structures northbound one-foot of roofline is visible from 395 for three seconds. Gas station lighting visible at night.

Many changes to project. Workforce housing became community housing to be more broadly inclusive (some not employed). Alt 6 is proposed project. Daycare center staffed, open to Mono Basin residents. Two EV charging stations. Greater square footage for increased livability.

Pedestrian connectivity to LV: Caltrans discussions. On-site trail a future Caltrans option. Caltrans has no plans at junction, not concur with pedestrian safety. High speeds and poor sight distance are issues. Public uses vs utility. ADA sidewalk based on prospect of future safety features.

Caltrans identified six fatality hot spots for wildlife collisions, but none are in project area. Cumulative impacts significant.

Access: Secondary access on Edison easement.

Phasing: 1 = 30 units initially for construction workers, 2 = 40 for hotel/restaurant employees along with Phase 1, 3 = then final 30 units if Phase 2 reaches 80% occupancy.

Draft EIR recirculate? When new info available with new impacts, increased severity of impacts, draft precludes meaningful public comment. None found. Project revised but no need to recirculate.

Grant funding no longer part of mitigation goals.

Tribe noted potential for cultural resources but no evidence, wanted paid monitoring during grading, applicant suggested training construction crew. Consultation resulted in agreement to use 50 hr compensated time.

Lee Vining Community Plan and character: FPD identified concerns, CDD offered assistance. 194-300 new residents on site, fluctuate as elsewhere. Lee Vining retain identity as small community.

150 new jobs added to 37 existing jobs on site. Many will hold second jobs.

Traffic: Home to work, home to shopping, home to other. Intersection mitigations in DEIR: Traffic signal, roundabout. Caltrans indicated applicant would fund improvements. For FSEIR, Mono, applicant, Caltrans met: July traffic counts overestimated traffic in peak season conditions. October volumes little over half, more representative; revise to reflect that data? County opted for July data. Significant impact from July 4 to Labor Day. No feasible mitigation as roundabout unfunded, not reasonably foreseeable. Not satisfy signal, not recommend. Caltrans does not agree with significance finding.

Significant impacts on biology, hydrology. Three new mitigation measures based on comments. Sierra Nevada red fox: extremely rare, state-threatened species. New: Post do not feed wildlife signage on each housing unit, parking lots, entry to complex. Amended: Badger now badger and fox. 500' buffer in all directions until den occupation has ended. If active den found, groundwork halted pending consult with CDFW.

Phasing plan: Incorporate phasing into new mitigation measure. Revise final SEIR. Change 40 units to hotel permit application deemed complete.

Aesthetic resources: Commenter wanted all two-story structures removed. Maybe no units in line of sight with adjustments to number of stories. Eliminate phase 3 units in line of sight. Incorporate into Reso 1. If no change recommended, alt 6 remain.

Other issues: DSEIR incorporated by reference, published in same webpage. Redline changes documented. Definition of AH: Retitled to "community housing."

No wood stoves or fireplaces; only propane. Project improved due to public comments.

Lagomarsini: Eliminating two-story structures? *Bush: In upper row. Eliminate second story on upper row is alternative for consideration.*

Lagomarsini: Where would housing units go? *Bush: PC could recommend change to eliminate second story but keep units. Would reduce from 100 to 70.*

Bauer: No time for engineering input on proposed changes. Upper row of 2nd story would eliminate three structures. Not just build lower floor but upper row minus 2nd story.

Bush: Eliminate height problem if only single story? *Bauer: Still have 11 including six one story, five on upper row...*

Bush: 30 units 40 units. If built, make phase 3 go away? How change? *Bauer: Modify footprints, size but change layout of remaining units, or just reduce to 70 w/o 2nd story. Has to be drawn out by engineer.*

Bush: Realistic for height restrictions not phase 3.

Roberts: If reduce height get sprawling complex? *Bauer: If keep 100, requires footprint modification of upper-row units.*

Roberts: Existing two-story buildings, how much visible: peaks of roofs or entire? *Bauer: One foot of upper roof line of lower row visible from US 395. Not part of alts presented to eliminate visibility from Navy Beach. Applies to three of upper row but may include all five to retain unit count.*

Robertson: Explain employee generation of project vs job generation? Current Mono residents take job at project. How many new might live in Mono? *Bauer: Did not estimate % of outside vs Lee Vining.*

Bush: Name changed to community housing not employee housing. Applicant said employees only, show employment. Have to be employees, long-term rentals, sellable like condo? *Bauer: None for sale, just long-term housing. Goal is employees.*

Bush: Affordability guidelines? *Bauer: Housing Mitigation Ordinance would apply to units in project but applicant seeks funding via sustainable communities grant. Only if project committed to state guidelines.*

Bush: Ask Milovich. Any info on how to limit who lives there? Everybody or employees?

Milovich: Within applicant's discretion who to rent to. Mono requires some units as affordable. Adhere to state law on housing. Mono can't enforce.

Bush: Hotel/restaurant permitted since 1993, any way if proceed to have drop-dead date or void out or keeping alive forever and ever? Not want another 27 years. *Sugimura: Not know legal specifics. Mono has not put time frames on planning docs but other jurisdictions have. Practical reality is construction so based on economic realities nobody has control over, usually applicant asks deadline extension. Another layer of process for accountability.*

Bush: Likes projects already studied affordability. Project keeps morphing. Project hung over everyone's head forever. Look at what can afford, what's planned, move ahead.

OPEN PUBLIC COMMENT: 10:58 a.m. Sugimura: Instructions on how get in queue to speak. Applicant statement first, then to Bentley to call individuals. About dozen want to speak. Limit to two minutes. Emails to be read by April Sall (47 now).

Dennis Domaille (applicant): Feasibility study in 1996, economic turndown. 2006 hotel determined feasible, after propane explosion 103 days in coma, then recession. Before Covid-19 virus, housing crisis exponentially worse. Didn't

want hotel without creating more housing. Coronavirus time for shovel-ready projects, trillions of dollars available. Just what Governor wants -- more housing. Virtually all units could be low-income housing. If get to move forward, sees no reason to see economy get back on its feet. Will respond to comments. *Bush: Chance to rebut at end as well.*

Ellen King: Mono 13 years, last eight in Mono City. Morphed from hotel into community housing. Project defined for workforce on site. Not adequate if fully built out. Could add to, not solve housing. Directly in line with wildfires, highway intersection, community with limited services, spot exemplifies Mono's Wild by Nature motto. Ask PC to vote no.

Connie Millar: Mono City since 1993, USFS. 1993 EIR invalid due to significant changes over past 27 years not considered. Climate change effects. Redefinition of threats to communities of sprawl, erosion of local culture. Mono Basin Community Plan: Significant changes since 1993 with environmental and social impacts. Oppose.

Margaret Schwarz: Regular visitor for > 20 years, photographer. Deep concern on scenic beauty of Mono. Visibility from shoreline. Vote no.

Grace Henderson: Landowner in Mono Basin since 1988, litter pickup for 10 years. Significant impacts to Lee Vining. Original permit for hotel not OK today. Phasing is illusory, based on occupancy. Allows complete project grading at outset. Scarred landscape. What if hotel not feasible? Mono study to meet housing needs. Dark skies. Disallow any grading except specific phase, Mono housing needs assessment. Land trade partnerships. Vote no.

Tony Taylor: Lived in Mammoth Lakes >20 years. Very active, especially in Mono Basin. Unavoidable significant impacts in revised state. Three concerns: 1) migrating deer herd exposure on two highways; 2) non-safe route to Lee Vining could result in accidents and fatalities; and 3) emergency evacuation congestion. Route goes up-canyon, up-wind in fast-moving wildfire. Liability ultimately falls on Mono County. Responsibility and liability -- we all in Mono County bear responsibility for this project.

Secretary interrupted by phone call. Granicus video available online for any information potentially missing.

Sheryl Taylor: Sink buildings into hillside, keep out of viewshed. Unclear if all phases will be completed. Native vegetation removal will be scar. Dark skies valuable. Vote no.

Ernest Isaacs: Berkeley, 80 years old, visit since 1960s for backpacking. Open vistas. Buildings will be scar on landscape. Disingenuous photograph. Visible from canoeing on lake. Destroy greatest virtue. Vote no on unwelcome project.

Deanna Dulen: Preserving Mono's sense of place in honor of Andrea Lawrence. New development fit harmoniously. Accelerate urbanization and visual blight, loss of charming rustic character. Here three decades. We all lose what is woven into landscape we value. Community would lose. Justify by tax revenues for Mono budgets. Recall trapeze blight on scenic highway, circus edge. Reticence to have truly valued standards to preserve viewshed. Protect integrity of natural and cultural landscapes. Supports reference to impacts. Deed restrictions should be in place. Preserve sense of place in Lee Vining, reject proposal.

Janet Carle: Retired state park ranger. Easiest is to rubber-stamp, send to BOS. Project large, growth-inducing, in iconic location. Major CEQA issues. Market-rate income housing project; who housing is for keeps changing. Not OK for applicant to say. Timeline for project to happen. Destroying large, pristine area. Recall Conway Ranch that grading got done. Not OK to ignore greenhouse gas. Worthy of iconic location?

Rose Nelson: Lee Vining resident most concerned about significance to scenic, dark skies. People visit for inspiration, beauty, learn from natural history. Led tours at lake. Look out at unobstructed view of Mono Lake. Seen from places along shore takes away awe-inspiring view. Maybe encourage other projects. Protect unmatched scenic resources.

Margaret Eisler: Mono City, lifelong connection to Yosemite. Major concerns that housing proposal with 100 units contributes to housing shortage. Two-thirds of hotel employees. Rest find housing elsewhere. Attempts to legitimize projects. Entirely inappropriate in Mono Basin. Encourage not to support.

Elin Ljung: Full-time Mono City 15 years. Affordable housing exists in Mammoth Lakes. Project would exacerbate housing shortage. Vote no.

Lisa Cutting: Urge vote no. Follow-up on Mono Basin Community Plan, finalized in 2012 after two years of consensus-based approach. Serves as Mono Basin Area Plan. Problems: Lee Vining small-town character. Contort intent of community plan. If Mono Basin Plan cannot guide, what purpose does it serve? Role to guide development in community and county.

Geoff McQuilkin: Executive director MLC, 30-year resident. Visitation to Mono Lake is cornerstone. Most development projects do not harm Mono Lake, but impacts continue to be too large and too significant to remain silent. People truly care about this special place. Multiple permanent unacceptable impacts. Fire safety, schools ignored. Spectacular, distinctive. 16,000 members ask to reject.

Philip Schafnaker: Impacts forever change area. Vote no.

Duncan King: Retiree from State Parks. Direct conflicts with Community Plan, effort to guide future land use. Small, compact communities, healthy natural environment, dark night skies. Rehabilitate existing development. Retain small-town character. Vote no.

Nora Livingston: Firefighter in area. Agree with earlier comments opposing. Disproportionately large development for Lee Vining. Increase in vehicular cross traffic at intersection, accidents severe. Disappointed could not find solutions to dangerous impacts. Save lives. Vote no.

Aaron Stanton: Shute attorney. Reviewed FSEIR. Project description confusing, unclear. Who will housing serve? No means...

Secretary interrupted by phone call. Granicus video available online for any information potentially missing.

Shuttle should work out details. Improperly compares Specific Plan to General Plan rather than existing conditions. Small-town <10,000 residents not apply to several hundred residents. Cannot approve in current form.

Winter King: Partner at Shute, representing MLC. Several comment letters submitted. Despite changes proposed now, continue to believe EIR inadequate under CEQA. Essential to have red-line in proposal. Phasing plan not resolve uncertainty of who will occupy housing units. Impacts not only actual environmental but also Mono Lake, findings required. Not require hotel be built or occupied for phases 2 or 3. Applicant intends to make affordable, but PC can't rely on that. Not recommend.

Caelen McQuilkin: Lived in Mono Basin entire life, graduated high school this year. Impact on local schools. LVHS increase 50% w/o funding. 75 students unevenly distributed, class size could be 30, no room to accommodate books, laptops. Final document does not resolve. No way to mitigate when quadruple small town's population.

Bartshe Miller: 27-year resident, MLC member. Overwhelming volume of comments. Night-sky resources significant and adversely impacted. Create new concentrated, ambient light source, no precedent. Not evaluate scenic impacts. New mitigations not substantively resolve impacts. Findings put project in conflict with one fundamental goal: Maintain spectacular values of Mono Basin. Lake is number 1. Vote no.

Paul McFarland: Thanks to all. Project representatives really missed opportunity. Built on faulty foundation. New housing (needed) development approved nearly 30 years ago. Town, tourism, county have changed. Yosemite increase of 25%, nearly million more visitors/year. Reconsider hotel along with new housing. Analyzed at different time. Nobody can say for certain project solves or addresses housing in Mono County. Don't know what getting, moving target. Unsafe travel. Can do better, believe we can.

Maureen Mc Glinchy: Mono City resident added to school comments. On school site council. Schools not adequately portrayed. At Lee Vining six grades combined. Budget not allow more teachers. No increased operating budget. 35%-50% increase for six teachers for nine grades. Planning demands further inquiry into alternatives. Comments as parent, PTO member. Vote no.

Sugimura has copy of school district letter from 4:38 pm yesterday, Will summarize into record when all speakers done.

Claire Landowsky: June Lake resident, loves Mono Basin. Development actually exacerbates housing. So few long-term rentals in area. At full build-out still 50 looking for long-term affordable housing in Lee Vining and Bridgeport. No safe walkable route, so drive to Lee Vining or Mammoth Lakes. No real assurance housing will be available. Likely market rate, completely out of reach. Where is benefit for Lee Vining? Big problems with no offsetting benefits. Please reject, work to build housing. Wonderful small town in gorgeous landscape. Revise proposal to agree with Community Plan. Vote no.

Tim Banta: Lifetime resident of Lee Vining, speaking on behalf of family. Fifth generation. Agree can do better with this for Lee Vining and Mono Basin. Must fit into character and image of Mono Basin and Lee Vining. Too much, too big. No visible connection to Lee Vining. Talk about shuttle, but visitors to Lee Vining see two defined communities. Leap-frogging. If PC moves forward with this, someone needs adequate trail system consistent with visitation to Basin. Major traffic problem at intersection. Thanked attendees.

Kevin Bown: Resident Lee Vining. Significant unavoidable: pedestrian and cyclists exposed to unsafe travel conditions. Reasons immaterial. Project puts people at risk if travel to Lee Vining. "Unsafe at any speed." Urge no vote, echoed others. We can do better.

Ilene Mandelbaum: Lee Vining resident 36 years, member Mono Basin RPAC. Community Plan for low-income community with very little control over surrounding lands. Many impacts not mitigatable. Housing goal for yet unbuilt, out-of-scale a phantom. Unlikely to break ground. Never successfully marketed to developers. Not even keep deli open year-round. Create company town. Smaller alternative dismissed as not support nonexistent hotel complex. Reduced alternative: Smaller footprint, campground for seasonal workers who not want to pay rent, expand deli. Other solutions for housing. Reject resolution.

Arya Harp: Resident. Makes community housing issues worse. Wants community to thrive. Accept tradeoffs on housing. How pencil out for housing? Vote no.

Nathan Taylor: Lifelong Eastern Sierra resident, architect in area. Agree with concerns...

Secretary interrupted by phone call. Granicus video available online for any information potentially missing.

Bare-bones proposal for large project. Need better documentation and visual guidance. Show some degree of good design. Collaborate more with community. Need well-thought-out project, clear, well-designed.

Mary Young: Mono City six months every year. Applicant asking to make dangerous situation worse by traffic, congestion for two highways. Applicant not suffer but rest would. Grew up in big county, biked area. Big development occurred, still no safe passage. Re-zone decision made by people elsewhere. Cumulative, dangerous impacts. Vote no.

John Young: Family visited for decades. EIR is stale, on shelf 27 years, attempts to refresh failed. Comments from law firm conclude fatally flawed, fails to comply with CEQA. Urge vote no.

David Strelneck: Born Bridgeport, legal resident Lee Vining, attended local schools, MMSA race department. Not have anyone speak up in favor of project. Three concerns: Schools issue shows lack of understanding, fire safety from FPD not others, and cold, dictionary definition of "small town." Run over who actually are. Hard for everybody, not want chapter in book about something great that used to exist, especially with confusion on housing.

Will Hamann: Grown to love area. Agree with all concerns. Biggest is what comes next? Widen 395? Urban sprawl? Wrong precedent. Vote no.

Daniel Bittel: Area past four years, ecological work in Tuolumne. Conflicts with environmental and cultural values. Fragile ecosystem, visual impact unavoidable. Traffic problems. Forever change Lee Vining, Tuolumne, Eastern Sierra. Vote no.

Lynn Boulton: Lee Vining resident, chair of Range of Light Group. Sierra Club concerned with climate change -- propane heat instead of electric. All-electric homes preferred. Why move water tank higher where visible from many places? Project should focus on net zero energy, fight climate change.

Barbara Harriman: Annual visits 25 years. Accepting reports from 27 years ago? Consider changing environment, especially water. Lee Vining has had fires. Where get water for facility? Two wells on site. Comprehensive water report. Wells taking water from water table? Firefighting. Fires go uphill, additional propane and fuel tanks, where water come from when fire occurs? Disaster waiting to happen. Vote no.

Barry Mc Pherson: Born Bridgeport, inherited Mono Inn property 20 years ago. Provides three little houses below plus rental. Donated upside-down house. Agree with commenters too big, too undefined, too poorly planned. After 27 years, start over for safer, better for wildlife, fewer impacts on scenic views. Unreasonable and poorly done. Adding to tide of opposition.

Name Unknown: Project too big, traffic, intersection, dark skies, alter beauty and attraction to visitors. Covid-19 crisis lets hydro-head move ahead. Agree with all other comments, urge vote no, come back with better and smaller. Enjoys gas station and deli, but no place for huge project.

Andrew Youssef: Mono Basin five years. Agree with issues of nebulous project. Mitigations still inadequate. Led tours at lake, where see nearly no human development. Now massive project approved near Mono Basin Scenic Area. Mono can do better, need more mitigation for impacts.

Jeff Wyneken: Resident 25 years. Double population. Will have to live with results. Ongoing involvement of all stakeholders. Historic gateway, portal community. Irreversible impacts. Without ongoing community involvement, without collective consent. Lee Vining listed as model gateway. Mono Basin already said no in Community Plan. Suspend project. Vote no.

David Passmore: Lifelong CA resident, Fresno County. Natural beauty main thing that draws to area. Project significantly detracts from natural beauty. Ill-conceived project for all reasons noted by many speakers, especially degradation of viewscape. Recommend back to drawing board. Not against all development but project seems ill-conceived. Reject as proposed, consider more appropriate alternatives.

Dan McConnell: Didn't want to but listened to everybody, glad he did. Some comments made Dennis sound like bad guy. Photos in staff report showing visibility of project taken with a high-quality, high-powered lens. Highway much more disturbing with lights. Night photography points up at sky. Not going to walk out onto highway. Easily solved problems.

Don Jackson: Lives 325 mi away but been here 35 years for nature, wildlife photography. Not everything done at South Tufa and Navy Beach. Been in many other areas on lake in canoe where visual impacts would be significant. Friend killed by 395 driver.

Santiago Escruceria: Chair Lee Vining FPD. Document inadequate to ensure safest, most balanced project. Threats to public safety for firefighters. Small department with volunteers. Cannot back project as written.

--- Break: 12:55-1:10 pm ---

Malcolm Clark: Executive on behalf of Range of Light's 400 members. Project has hung over area, not accounted for substantial changes in area. Start over, have deadline. Impacts locally on scenic area, gateway to Yosemite. Water concerns: groundwater sustainability. Tripling of population could overwhelm local services and schools. Major

projects should contribute on-site solar power or non-fossil-based alternative. Reduce use of fossil fuels. Increase number of EV charging stations. Two not meet need but better than nothing. Urge not to support.

April Sall read written comments received after 3 pm deadline yesterday

Carol Reimer: Not recommend poorly planned community housing development. Retain integrity of Lee Vining and rural scenic gateway community, cumulative impact. Not want eyesore to go forward.

Darrel Quiring: Frequently backpacked here. Irreversible impacts to scenic area. Not help housing shortage in region.

Raymond F. Sciarga: Dark sky from anywhere near lake compromised by lighting as designed. Building above ridgeline an obtrusion. Busy roads in summer will be jammed.

Phyllis Benham: Longtime Mammoth Lakes resident, volunteer at Mono County Park. Poorly designed. Vote no.

Janet Keller: Grandma early settler, coming here 62 years. Rugged beauty takes breath away. Mono Lake wild and serene, remained relatively undeveloped. Development will ruin place forever.

Virginia Hilker: As faithful visitor and supporter of the Mono Lake Committee and Mono Basin, strongly support the Mono Lake Committee positions on this subject.

George Mellon: Too many units in wrong area. Find somewhere less impacting to the overall topography and closer to needed services.

Pamela Tumbusch: Enjoying area since 1960s. Other areas with overcrowded roads and recreation. Rural scenic paradise with multitude of natural wonders. Stay as is for future.

Robert J Hutchens: Actually provide affordable housing or just sell to buyers? Spend more to support than make.

Karen Loro: Longtime supporter of Mono County beauty and recreation opportunities. No signs of imminent action to build the hotel or restaurant. County should take necessary time to revise its environmental analysis and do it right.

Winter King: County cannot lawfully approve in current form. Fails to inform of impacts, reduce impacts. 27 years have passed, no signs of imminent action. Take time to revise environmental analysis.

Dan Hackston: Access for hiking, skiing. Environment fragile, preserve this region. Significant impacts. Preserve aesthetic sense of Mono Basin. Vote no.

John (last name unknown): Mono Basin since 1978. Dark skies valuable resource.

Kirk Dixon: Visitor from Gardnerville since 1981. Wrong project for this location. Night sky a concern.

Rafe Miller: Mono Basin lover >50 years. Project will cause significant, irreversible, negative impacts on scenic beauty of unique landscape. Implore vote no.

Sandra Bowman: Always recommend for majestic night sky. Elevated location even more extensive. Citizens everywhere more concerned with quality of environment. Vote against.

Janet R. Barth: Stand at shore totally devoid of human incursions. Other than the kiosk and parking lot at South Tufa, there are no other buildings, no visible roadways, no power lines. Purity of viewscape rare at heavily visited destination. Service project in Death Valley: view from Telescope Peak 45 out of 50. View from South Shore would easily rate same. Please keep purity of the Mono Lake viewshed in mind.

Rebecca Waters: Mono Lake and tufas subject of many photos. Negative impact on landscape and wildlife. So many areas for growth of consumer needs.

Robin Hartman: Visitor to area 30 years. Mono Lake, Lee Vining sacred places entwined. Project increase traffic with no provision for pedestrians or cyclists. Wildlife impacts. Urge vote no.

Gary Nelson: Mono City. Hotel project shopped around for 27 years with no takers. Lee Vining not operative half of year. Only theoretical housing. Phase 4 supply vs demand makes unaffordable. Limit grading to phase 1. How much infrastructure?

Rob Hirsch: Professional photographer, leads workshops. Unavoidable visual impact. As natural biologist, concern for impact to deer. Charming, rural character of Lee Vining. Develop gateways to minimize environmental impacts. Urge vote no.

Daniel Bittel: Unique and iconic piece to protect, respect, and preserve. Development needs to line up with Lee Vining and Mono Lake. Ask vote no.

Ruth Garland: Out of character with natural. Not want big hotel on hill lighting up dark sky. Not allow.

Whitney Larson: Northern California resident. Visual impacts to shores of lake and tufa reserve. Insufficient mitigation. Vote no.

Brock Graves: Not agree with development, should not go through.

Jessica Bittel: Protect. Please vote no.

Christian Wyatt: Deep discomfort to affect Lee Vining with hotel. Protect ecosystem.

Caitlyn Bittel: Shocked and saddened to think this could happen. So many reasons why bad idea. Small community with unique culture and way of life. Family in Kansas vacationed to enjoy peaceful pristine nature there. Beg stop development. Entire area negative effect forever.

Cambo Ferrante: Inevitable impact on environmental, scenic and visual resources within Mono Basin, migration path of mule deer. Eyesore detracts from rustic small-town charm Lee Vining is known for.

Mark Liljegren: Environmental impacts far outweigh positive benefits.

Renee Jones: Significant impacts still remain. Frequent changes tried to slip through for 27 years. Not enough housing for employees. Significant visual and wildlife impact. Contrary to goals.

Helen Vajk: Better expressed by others, but this can't be a runaway train. No improvement in affordable housing; serious impact on Lee Vining size and character and on natural beauty and ecology. If you degrade this, you cannot get it back. Stop now.

Martha Mosman: Outsized impact on ridgeline above Mono Lake. Come to be part of whole ancient landscape, preserve incredible beauty of Mono Lake. Vote no.

Don Condon: California goal is to reduce fossil fuel use. Not heat with propane. Residentials now net zero. Should consider solar panels and electric heat pumps.

Colleen Balch: Former resident. Assaults on viewshed, character of iconic small town.

Janet R. Barth: Affordable housing important but development fails to provide this need. Vote no.

Jordan Solitto: June Lake cabin owner. Not want to be redundant. For love of God, don't do it!

Allison Smyth: Concern of impact on Lee Vining. Seasonal employee. Agree with countless comments on connectivity, safety. Public outcry proves goes against Community Plan. Could create domino effect. Properties built without approvals impact. Vote no.

Joseph Migliore: Lifelong California resident, member MLC, visiting all of life. Truly has special place in heart. Visiting Yosemite till crowd diminished. Same could happen here. Cascade of more development.

Robin Hartmann (repeat): Regular visitor 30 years for activities. Lee Vining and lake entwined. Severe negative impact day and night. No provisions for pedestrians and cyclists. Ill-conceived real estate deal. Urge no.

Ivan Olsen: Bedroom-style employee housing like USFS offers workforce every year.

Michael Draper summarized comment letters >250 words

Henry Haviland: 40-year Mammoth Lakes resident. Should have sunsetted long ago, threatens to overpower Lee Vining, inadequate services.

Malcolm Mozier: Lundy Lake area. Mecca for photographers. Threaten vistas and dark skies. Environment, traffic, safety, school, fire, sheriffs, CHP impacts. Should not be increased. Adhere to 1993 approval.

Heidi Torix: Eastern Sierra Unified School District. Concern for schools, development fees cover classrooms but not teachers to maintain class sizes.

Martha Davis: Former executive director MLC. Significant unmitigated adverse impacts. Not adequately address concerns. Visual impacts from vista points, night skies, population.

Paul Ashby: Photographer and visitor. Traffic safety issues, lack of connectivity to Lee Vining. Reexamine project, lease to outside operator. Triple population of Lee Vining.

Carmen Borg: Urban planner with Shute law firm. No safe way to travel into Lee Vining, no safe route to school, typical of "sprawl" development California planners have sought to avoid for the last 20 years.

Caroline Vondriska: Three generations of family stay in Lee Vining every summer. Still significant negative impacts. You risk converting your community from residential tourism to Yosemite-bound "gas and go" traffic.

Will Rowe: Chico resident. County will lose significant visitor-derived income from those of us who purposefully travel to Mono Basin to enjoy the very assets this development will destroy.

George Todd: Artist. Out of character with area. Only benefits owners. Housing only for workers. Too much traffic, demand on services.

Deanna Dulen (repeat): Accidents, roadkill. Services impacted. Need deed restrictions. Not for Mammoth or June ski area employees. Accelerates urban blight. Preserve sense of place.

Cecile Audenried: Manager Murphey's motel. Not meet employee housing so increase demand on community. FPD stress, schools, traffic accidents, fatalities, intersection. Not enough parking in Lee Vining.

Range of Light Group: Phasing not sufficient. Overbuilding. Housing not for employees, hotel not be built. Housing where hotel planned. Too much grading in plan. Visual concerns, dark sky disturbance. Lack of pedestrian connectivity.

Lily Pastell: Six-year resident. Safety risk for pedestrians, strain on FPD.

Sam Bittel: Strong opposition. Visitor from Kansas. This area represents a special and unique ecological treasure to not only California but the United States and our planet. Lee Vining, as a community, is a special place that retains its beautiful setting and old Northern California feel by avoiding over-development.

Will Rowe: Destroy visual assets of Mono Basin, approval creates negative precedent in Mono Basin.

Sarah Taylor: Project not provide affordable housing, not benefit schools.

Alex Bittel: Private individual encroaching on what belongs to everybody, impacts benefits, damages ecosystems, increases housing costs.

Jeff Wyneken (repeat): Detrimental to health of Lee Vining. Retain character.

Robert Di Paolo: Six-year resident of Mono Basin. Night sky issues, increases traffic, no definition of workforce housing, still more housing needed for employees.

Melinda Rivasplata: Recommends recirculation of DEIR as inadequate. Revise vehicle miles, deferred mitigation lacks performance standards.

Dave Marquart: Mono Basin several decades. Impact to night skies, negative population increase.

Julie Brown, Mono resident 40 years, June Mtn employees 150 people, project would make more attractive. Provide summer job opportunities, housing biggest barrier to hiring.

Mary Bittel: Obvious man-made distractions, night sky affected. Mule deer migration path. Biking, walking more dangerous. Reason to visit is magnificent views. Development detracts from town economy. Plan in constant flux, unpredictable. Humans are stewards of earth, protect treasures. Do not thrust haphazard plan on town, tripling size. Vote no.

Liam Caulfield: Not address needs of community. Analyze limits and constraints on community. Transform true soul of area. Degrade foundation of community itself. Lee Vining staple within great Sierra range. Reject, save Mono Basin.

Carmen Borg: Certified urban planner at Shute for 20 years. Not in keeping with current planning practices. No safe way to Lee Vining, half-mile. Choose driving or walking with safety hazard. Design conflicts with smart land use policies, safe routes to school.

Robbie Di Paolo: Three concerns: night skies unique and valuable resources; increased traffic; define workforce. Impact on scenic views, impact on night skies. Affordability ill-defined, housing only 2/3 of staff. Ask vote no.

Manuel Santillan: Nobody doing anything to keep jobs for locals. People outside town deciding how new generations should live. Need job and place to stay.

###

Domaille rebuttal: Providing about 70 of onsite housing for employees. Maybe already living in area. Beauty of project is 22 years at Tioga Gas Mart, hard to keep employees. Mono Market same problem. Work all summer, not have to move, become stable residents. Patronize local businesses in town year-round, not find restaurant, bar, market closed. Stable workforce lives there, kids in local school. Were 300 kids at LVHS. Eight gas stations, several markets. Not healthy place. Property cause financial impact? Elementary would run out of room. Plenty of room at LVHS. Impact fees will cover that. Prop taxes haven't gone up on existing properties. Enormous amount of money from project. Not enough for solar panels (fog in winter). Gas heat is lowest cost. Every intention to seek grant money. Virtually all will be affordable but can't guarantee. If can't build financially, won't get built. \$300/sf big problem. Government needs to provide housing. Dan McConnell to site with scaffolding red and yellow. Couldn't even see it without binoculars. Whole argument about visual impacts not significant. Just a speck, not where people focusing cameras. Minimal visibility. Not lobbied commissioners. People sleeping in cars and woods by dozens. People need housing. Right to view lake more important than place to live? Review record, see what's in it. Make right decision.

###

Sugimura: More comment, correction, staff comment.

Sall: Range of Light letter by Malcolm Clark not Lynn Boulton.

David Strelneck (repeat): ESUSD refutes evidence. Be sure accurate input used rather than previous staff person.

Sarah Taylor (repeat): Lee Vining more than 20 years. Lee Vining need more affordable housing? Yes. Beautiful and friendly small town? Yes. Would project provide affordable housing? No. Increase beauty of landscape? No. Please ask development to make project work to benefit all.

###

Sugimura: Eastern Sierra Unified School District submitted letter that changed previous input. Mono followed proper contacting procedures for initial input. Housing study has been conducted, see Housing Element adopted last year. Showed housing opportunity sites, Tioga Inn site in adopted plan. Also showed Draft EIR project description, which has not changed from Draft to Final EIR. Alternatives and the Preferred Alternative have changed in response to public comments, which is what should happen in a good public process and if project is being responsive to the community.

Trail to town: No new feasible mitigation measures suggested by public comment except eminent domain, which Mono historically has not used.

Not subject to SB 375, State ARB would not certify Mono's Resource Efficiency Plan as SCS.

No legal requirement for projects to comply with safe routes to schools. Routes into town not subject to Mono or developer control.

This project is a housing project and does not determine whether hotel and restaurant get built. 187 employees already exist due to approved hotel/restaurant project and so are reasonably foreseeable. Project proposal provides up to 150 bedrooms toward the 187. Understand idea that project exacerbates housing problem but that is not accurate picture.

Bush: 187 now or later? *37 current, 150 more.*

Sugimura: If hotel not built, phase 2 not happen and 30 units max will be built. Housing Needs Assessment indicates 120-170 units needed across entire county. Most comments addressed in analysis, many inaccuracies stated but no time to address point by point.

Bauer: Public trust doctrine not apply to this project. Buffer for fox would be 500'.

Bush: Heard EIR in 1993 could become stale? Law address that? Bauer: Original document valid unless changes proposed (changes were, assessed in new document). Anything unchanged remains protected, even in 100 years.

Milovich: Initial public comment letter brought up law that EIR does not go stale.

Bush: Any law supporting that PC would want to redo or stepping out of bounds? Two projects. Hotel not built, so no real need for housing. One dependent upon other.

Milovich: Within staff discretion to open up entitlements from 1993, decided not to do so which is legally valid. PC could ask to revisit project.

Bush: Cost involved? *Milovich: Completely new effort, more cost, resources. Can't reopen EIR, but PC could revise Specific Plan to eliminate hotel.*

Bush: Without hotel would not have housing. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Robertson: Clarify confusion. Voting on housing project. If vote no, will hotel and restaurant still move forward? *Yes.* Grade phases individually? Add childcare into phase 1.

Domaille: Daycare part of first phase, also laundry facility.

Bauer: Allow all grading before phase 1. Cannot proceed with construction without fill material.

Domaille: To lower buildings would require dirt removal, hotel would give place to put dirt. Grading has to be done when people not coming and going.

Bauer: Portion of grading to enable phases 1 and 2, postpone phase 3? *Domaille: Major grading project with people there -- logistical nightmare.*

--- Pause for tech issue: 2:58-3:13 pm ---

Robertson: Need 120-170 housing units for Mono. Large percent living with family in Mono Basin. Can't require additional affordable outside what's required in Housing Mitigation Ordinance. Project provides much-needed housing. One piece of puzzle. Not often find project proposing employee housing on site in recent years, almost unprecedented. Takes burden off current, aging housing stock existing. Incorporates changes requested. Safe access, childcare. Sense Specific Plan not going to triple population of Lee Vining, people already in overcrowded housing.

Roberts: Intimidating to speak after all negative comments. Lived in area over 50 years, understand concern about change in community. Not like when something new gets built, all share that. Disapproving this housing project does not eliminate any development on that property that provides great share of impact. Need for housing is great. Makes little sense to seek housing elsewhere for employees of that development. Live elsewhere, travel to site for employment, transportation impact than living on site. Network effect of massive PR campaign by organizations using social media mailing lists to garner opposition to project. Many who spoke thought denial would kill entire project; not true. In original 900+ comments were just a template provided. Today same talking points. Fewer than 10 people had original thought on matter. Property owner should have some rights.

Bush: If open hotel, not having housing for employees.

Lagomarsini: Share comments. Change is difficult but took extra step to read Mono Basin and Caltrans documents. Unfortunate geographical separation from town. Empty storefronts in downtown Lee Vining. Can't make that happen. If done thoughtfully, could work. Concern about dark sky issues, torn about second story buildings. Lights in town, highway, visitor center. Town could benefit from few more people, more jobs, more housing.

Bush: Public comment astronomically against but is it really that wonderful what exists? Nice if jobs available in area, housing too. Turning down housing does not negate hotel, not going away. Make housing protect ambience. If need 187 but cut down, exacerbating housing problem.

Robertson: Many comments wanted to house all employees but no visual impact. If remove second story, does that meet intent of public comments?

Bush: If goes ahead, haven't discussed lighting. Colors of buildings can make stuff go away. Lights directed down, why so overwhelming? Talk about fox, shuttle, phasing plan?

Sugimura: Not yet built in, be part of PC recommendation.

Roberts: Signage to not feed wildlife could be too many signs.

Robertson: Include childcare in phase 1 in motion? *Bush: Add that.*

Lagomarsini: See language on fox, shuttle, phasing?

Bush: Lighting shielded, downward, color choices. So much public outcry about lighting.

Lagomarsini: Ambient lighting always exists. Lighting addressed.

Robertson: Grading logistics best to do at once but occurs that phase 3 may not be built ever or later. Reasonable to do grading same as phase 1 when occupancy right away.

Bush: If phase 3 not built, would reclaim/revegetate so blends in.

Lagomarsini: If phase 3 not started within certain time...

Bauer: New mitigation requirement. Landscaping plan recognizes exposed soils. Revegetation plan outlines issues.

Bush: Already incorporate if phase 3 never happens, will revegetate to natural state.

Final public comments via email to be summarized/read into record:

Ruth Garland: People sleep in cars because like to camp there. Not buy into this argument.

Shelley Hutchinson: Family visited since was teen Special place in hearts. Never be same if built. Not right place for new housing. Changing sound pollution. Find more suitable project.

Alicia Vennos: 2018 survey of 80 businesses in unincorporated, plus Mammoth Lakes and June Lake. Almost half report difficulty recruiting. Challenges keeping year-round employees. Availability and affordability. Housing scarcity for year-round employees. Challenging, but tourism will rebound, maybe exceed prior to pandemic.

Eva Brown: Hotel/restaurant going forward. What if project decides not to build hotel?

MOTION: Adopt Resolution R20-01 making the following findings and recommending 1) adoption of Tioga Inn Specific Plan Amendment #3 and the Mitigation Monitoring and Reporting Program with the modifications read by staff and identified in Section One of R20-01, and 2) certification of the Final Subsequent Environmental Impact Report:

- A. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Final SEIR (Attachment 1), staff reports and presentations, the Planning Commission finds, as set forth in Section Two of Resolution R20-01 (Attachment 2), that:
 1. The proposed changes to the Tioga Inn Specific Plan are consistent with the text and maps of the General Plan,
 2. The proposed changes to the Tioga Inn Specific Plan are consistent with the goals and policies contained within any applicable area plan,
 3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
 4. The proposed changes to the Tioga Inn Specific Plan are reasonable and beneficial at this time, and
 5. The proposed changes to the Tioga Inn Specific Plan will not have a substantial adverse effect on surrounding properties.
- B. The Planning Commission finds that the Tioga Community Housing Project Final Subsequent EIR (FSEIR; Attachment 1) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The Planning Commission further finds that the FSEIR has been presented to, and reviewed by, the Planning Commission and is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of Tioga Inn Specific Plan Amendment #3, and for making the findings substantially in the form set forth in Exhibit A of Resolution R20-01 (Attachment 2).
- C. The Planning Commission recommends that the Board of Supervisors: 1) make the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in Resolution R20-01; 2) certify the Final SEIR; 3) adopt the Mitigation Monitoring and Reporting Program as modified; and 4) approve Tioga Inn Specific Plan Amendment #3 as modified.

(Bush/Roberts. Roll-call vote: Bush-aye. Lizza-recused. Roberts-aye. Lagomarsini-aye. Robertson-aye.)

--- Break: 4:13-4:18 pm ---

- B. **CONDITIONAL USE PERMIT 19-010/Subia.** Proposal to operate an overnight kennel facility for cats and dogs on a 5-acre Rural Residential (RR) parcel at 206 Inca Place in Benton (APN 025-030-048). The facility will be housed in a 25' x 30' metal building and will board a maximum of 17 dogs and 8 cats. In accordance with the

California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission/page/planning-commission-special-meeting-7> and hard copies are available for the cost of reproduction by calling 760-924-1800. *Staff: Kelly Karl*

Kelly Karl presented an overview of the proposed project. Last kennel project was 10 years ago. Must maintain annual kennel license and comply with noise ordinance. One negative comment. Karl suggested listing parameters of noise ordinance.

How close to neighbors? *120 feet to south.*

Comment letter from neighbor? *Not specified.*

Owner have dogs now? *Yes.*

Building exist now? *No yet. Not far from neighbor.*

Supervised all time? *Applicant lives short distance away, always staff person.*

Why 17 dogs? *13 kennels plus four additional dogs.*

Lizza: Let animal control set timing of inspection. *County Code requires two inspections. Animal Control reviewed, had no edits.*

Lizza: Thorough, complete report and business plan.

OPEN PUBLIC COMMENT: Applicant Holly Subia does not know commenter Pat. Immediate neighbors OK with it. If barking occurs, closest is her bedroom. Opaque panels on lower part so dogs not see each other, want to interact. No way to eliminate barking when outside playing.

Think will have 17 dogs? *Rare occasions like holidays. Could adjust kennels to accommodate.*

Ongoing availability in area now? *Not in Benton or Mammoth. Round Valley at capacity. Small at Mill Pond, dogs outside. Bishop Vet, dogs inside, cats in kennels. No cat condo with multilevel space. Looking for options for pet parents. Small area survey. Someone drove four to five dogs to AZ to board, not happy with options here. Benton out of way but has more space. No kennels inside Bishop city limits. Metal building can be hot. **CLOSE***

PUBLIC COMMENT.

DISCUSSION: Lagomarsini: Add noise-ordinance-specific language: All requirements of Mono County General Plan and Code 10.16.08 and project conditions.

Bush: Dog barking is rhythmic and not go away, not even have to be loud.

MOTION: Find that project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption; make the required findings as contained in project staff report; and approve Use Permit 19-010 as amended subject to conditions of approval.

(Lagomarsini/Robertson). Roll-call vote: Bush-aye. Lizza-aye. Roberts-aye. Lagomarsini-aye. Robertson-aye.)

6. WORKSHOP: None

7. REPORTS

A. DIRECTOR: Next month: Short-term rental use permit application, SP amend Highlands Specific Plan for STRs on certain parcels, Tract Map amendment.

B. COMMISSIONERS: **Bush:** Perfect setup for Zoom. **Lagomarsini:** Zoom went well. **Lizza:** Wendy could wordsmith document on screen.

8. INFORMATIONAL: None

9. ADJOURN at 4:54 pm to regular meeting May 21, 2020.

Mono County Community Development Department

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

Planning Division

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

June 18, 2020

To: Mono County Planning Commission

From: Kelly Karl, Assistant Planner

Re: Use Permit 20-002/Stone

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Revoke Use Permit UP 10-001 for an overnight dog boarding facility
2. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and instruct staff to file a Notice of Exemption;
3. Make the required findings as contained in the project staff report; and
4. Approve Use Permit 20-002 subject to Conditions of Approval.

BACKGROUND

Mono County adopted General Plan Amendment 18-01 on May 2018, which identifies the types and locations of acceptable short-term rentals in the county. Mono County Code Chapter 5.65 establishes a Short-Term Rental Activity Permit governing the operation of rentals and making the approval non-transferrable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to commencement of rental activity.

Under Mono County General Plan Land Use Element Chapter 25, Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, or RMH subject to Use Permit, if consistent with applicable Area Plan policies. In the Long Valley area plan, short-term rentals must be owner occupied. An additional Short-Term Rental Activity Permit (STR) under Mono County Code Section 5.65 approved by the Board of Supervisors must be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit

PROJECT DESCRIPTION

UP 20-002/Stone is a proposal for an owner-occupied short-term rental located at 116 Crowley Lake Drive (APN 060-030-018) in Long Valley (see Figure 1). The parcel is over an acre (1.04) in size and is designated Estate Residential (ER). The project proposes to rent an attached one-bedroom/one-bathroom unit with a separate entrance located on the ground floor of the existing residence (see Attachment 1 – Site Plan). The owners will occupy the main house located on the second floor of the existing residence. The maximum number of

occupants for the proposed one-bedroom rental is two people and one vehicle. Only a single party of individuals may occupy the rental at a time.

The parcel was previously approved for a dog day care and overnight boarding facility, Long Valley Dog Retreat, via Use Permit 10-001. All conditions and approvals related to Use Permit 10-001 are to be revoked with the approval of Use Permit 20-002.

The parcel is located within a community designated as an avalanche influence area, however, the parcel is not located within the Historic Avalanche Area/Conditional Development Area. The land use designations for the adjacent properties to the north and south are ER, properties to the east are a mix of Commercial (C) and Mixed Use (MU) designations, and to the west is a Resource Management (RM) parcel owned by the Bureau of Land Management (see Figure 2).

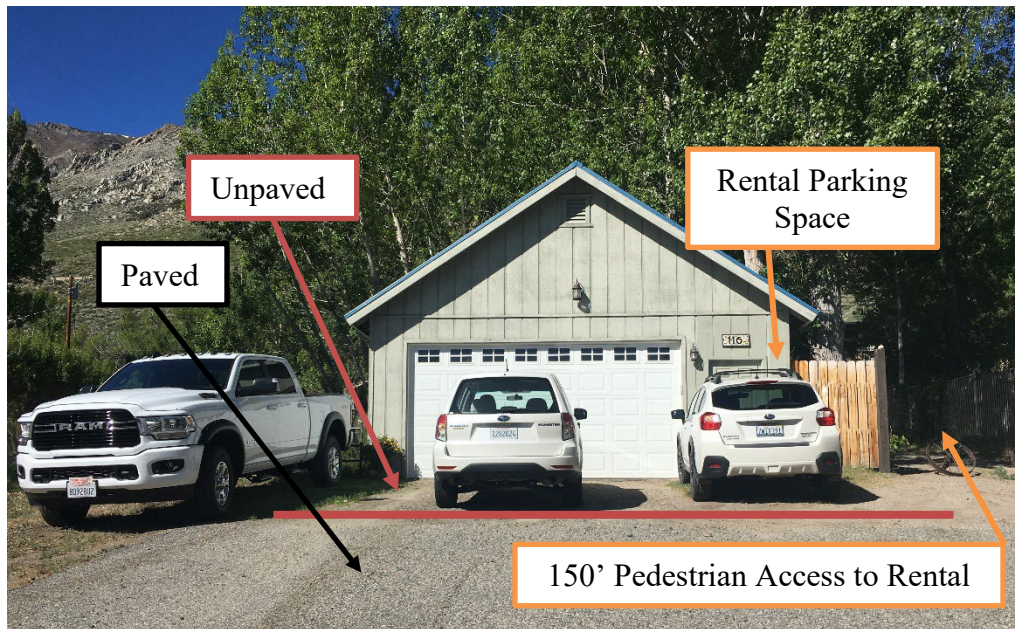
FIGURE 1: PROJECT LOCATION



FIGURE 2: PROJECT LAND USE DESIGNATION



SITE PHOTO 1 – 06/08/2020



Looking west towards the garage from base of the driveway at Crowley Lake Drive.

SITE PHOTO 2 – 06/08/2020



Looking west towards the proposed one-bedroom rental located at the base of the staircase.

SITE PHOTO 3 – 06/08/2020

The proposed one-bedroom rental located on the ground floor at the base of the staircase.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed and approved the application for processing on January 6, 2020. The draft conditions of approval for this project were reviewed and approved with edits by LDTAC on June 1, 2020. LDTAC requested the addition of one condition of approval requiring a one-time bacteriological test for the existing water system.

PUBLIC HEARING NOTICE

A hearing notice was published in the May 16, 2020, edition of The Sheet. Notices were also mailed May 13, 2020, to property owners within a 500' radius of the site per Land Use Element Chapter 25. No comments were received at the time this staff report was written.

CEQA COMPLIANCE

The project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption. Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- Conversion of a single-family residence to office use.

Single-family homes that are rented on a short-term basis (as an owner-occupied rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, short-term rentals are subject to compliance with regulations governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

GENERAL PLAN CONSISTENCY

The project is consistent with Chapter 25, Short-Term Rentals, which established a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

The project is consistent with both Countywide Land Use Policies that seek to maintain and enhance the local economy and allow for short-term rentals on ER parcels subject to Chapter 25. The project is consistent with Long Valley Area Plan Policies which allow for owner-occupied rentals and seek to provide opportunity for commercial development in order to provide necessary services to local communities.

MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

The project is consistent with the following Countywide land use policies:

Objective 1.I. Maintain and enhance the local economy.

Policy 1.I.1. Land use designations shall provide sufficient land for the economic development of community areas.

Objective 1.M. Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, or RMH, excluding MFR-M and MFR-H) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.

Policy 1.M.1. Approvals of Owner-Occupied and Not Owner-Occupied short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.

Action 1.M.1.a. The following permits are required to operate Owner-Occupied and Not Owner- Occupied short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.

The Commission may deny an application based on the following Countywide policy:

Policy 1.M.3. In addition to reasonable opposition by the neighborhood, short-term rental applications may be denied in neighborhoods with certain safety and/or infrastructure

characteristics that are not compatible with visitor use, or where conflicts with other regulations exist

Action 1.M.3.a. *Short-term rental applications may be denied 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.*

The project is also required to comply with Mono County Code Chapter 5.65 and receive Board of Supervisors approval for the Short-Term Rental Activity Permit in a public hearing. The purpose of Chapter 5.65 is to implement procedures, restrictions, and regulations related to the operation of a short-term rental. It also provides enhanced enforcement tools to address unauthorized short-term rentals countywide

MONO COUNTY LAND USE ELEMENT, LONG VALLEY AREA PLAN POLICIES

The project is consistent with the following Long Valley Area Plan Policies:

Objective 23.B. *Maintain, protect and enhance the quality and livability of community areas.*

Policy 23.B.1. *Preserve and enhance existing single-family residential uses.*

Action 23.B.1.d. *Prohibit not-owner occupied short-term rentals (see Chapter 25) in the Long Valley Planning Area.*

Policy 23.B.2. *A mix of land uses (e.g., commercial and residential) may be allowed provided they do not adversely affect the rural residential character of the surrounding area.*

Objective 23.C. *Provide for commercial development that supplies the local community with convenient and necessary goods and services.*

Policy 23.C.1. *Provide adequate land for existing and future commercial needs.*

Action 23.C.1.a *Designate a sufficient amount of land to accommodate tourist and community commercial needs.*

PARKING

Owner-occupied rentals are required to provide adequate parking for both the property owners and potential renters. Per Chapter 5.65 of the County Code, the number of vehicles shall not exceed the number of parking spaces. The parcel is located at an elevation above 7,000 feet which requires

10' x 20' parking stall dimensions. The project provides a total of four parking spaces, three spaces for the property owner and one space for renters. The property owner will utilize two spaces inside the existing garage and one 10' x 20' unpaved parking space on the south side of the garage. One 10 x 20' unpaved parking space located on the north side of the garage will be utilized by renters. The proposed parking spaces are located either within the existing garage or within the existing unpaved driveway. Per section 06.020.B. of Chapter 6, Parking from the Mono County Land Use Element, "all parking spaces shall be paved except as shown in Table 06.020." According to Table 06.020: Driveway Paving Requirements, single-family residential land parcels over ½ acre in size may have graded dirt or gravel driveways. Therefore, since the uncovered parking spaces are within the existing compliant unpaved driveway, they are not required to be paved.

TABLE 06.020: DRIVEWAY PAVING REQUIREMENTS

Land Use	Lot Size	Access Road Type	Driveway Requirement
Single-Family Residential	Less than ½ acre	Paved	Asphalt or similar impervious or approved semi-pervious surface
		Dirt or gravel	Graded dirt or gravel
Single-Family Residential	½ acre or more	Paved	Graded dirt or gravel
		Dirt or gravel	Graded dirt or gravel
Multifamily Residential	All sizes	Paved	Asphalt or similar impervious or approved semi-pervious surface
		Dirt or gravel	Graded crushed rock or gravel

SETBACKS

ER parcels greater than one-acre in size are required to meet 50' front, 30' side, and 30' rear setbacks. All setbacks are met for the existing residence, however, the existing garage at the entrance of the property is a nonconforming structure that does not meet front (22') or side yard (6' and 22') setbacks. The stream that runs through the property is not a USGS blue-line stream and does not trigger 30' stream setback requirements.

FIRE SAFE REGULATIONS

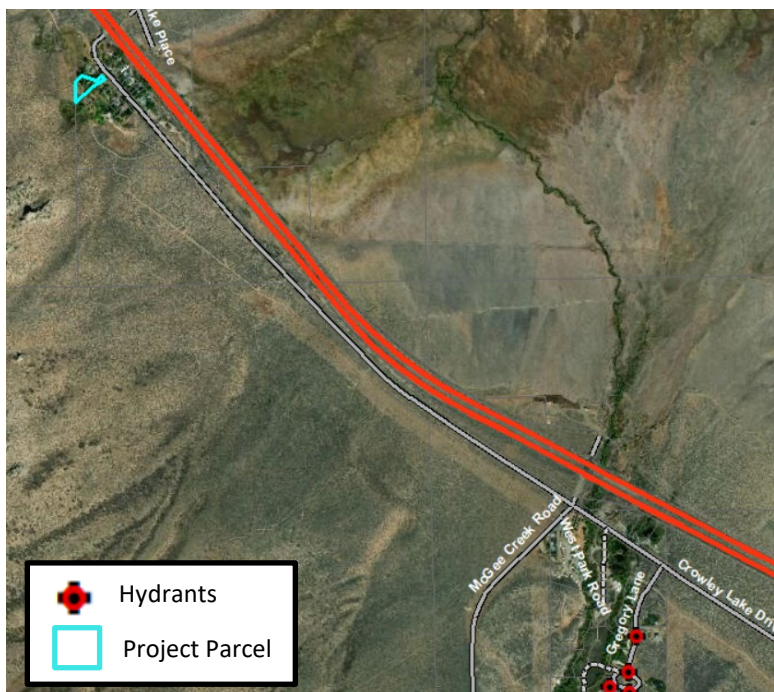
The existing driveway is unpaved and meets paving standards specified in Table 06.020 for parcels greater than one acre in size, provides more than the minimum width of one 10' traffic lane (40'+ in width), and the maximum grade is 12.5% which is below the maximum allowable grade of 16%. However, the parcel is existing nonconforming with emergency water standards.

Emergency Water Standards

The project parcel is more than 1,000 feet from a fire hydrant (Long Valley does not have access to fire hydrants) and the closest hydrant is in a McGee Creek neighborhood (see Figure 3). The emergency water standards are applied per section 22.130.A. to existing parcels being developed within Long Valley or Wheeler Crest Fire Protection Districts regardless of when the parcel was

created. Emergency water storage tanks are typically installed in areas that are not serviced by fire hydrants.

FIGURE 3: HYDRANT LOCATIONS NEAR LONG VALLEY



However, water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting” 2012 Edition shall be accepted as meeting these requirements per section 22.130.B (full text below, emphasis added). Emergency water may be provided via a man-made containment structure (water tank), a fire agency mobile water tender, or be naturally occurring (pond, stream, etc.). The parcel has a large pond (approximately 50’ x 45’) behind the existing residence that may meet these standards (see Site Photo 4). Additionally, there is a culvert located to the northeast of the property line (not on the project property, see Site Photo 5 & Figure 4) in the County Right-of-Way that has a history of being used as a draft point by the Long Valley Fire Protection District and may also meet the above standards.

The Long Valley Fire Protection District did not require a water tank to be installed in their provisional will-serve letter. An optional condition of approval has been added to this project requiring approval of one of the two above water sources as meeting the standards specified above. If certification of these potential emergency water sources can not be obtained from the local fire protection agency, an emergency water tank will be required.

22.130.B. General Standards.

Water systems that comply with the below standard or standards meet or exceed the intent of these regulations. Water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting” 2012 Edition hereby incorporated by reference, and California Fire Code, California Code of Regulations Title 24, part 9 shall be accepted as meeting the requirements of this article.

Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, as long as the specified quantity is immediately available.

Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

Where freeze protection is required by local jurisdictions having authority, such protection measures shall be provided.

SITE PHOTO 4 – EXISTING POND/POTENTIAL EMERGENCY DRAFT POINT #1



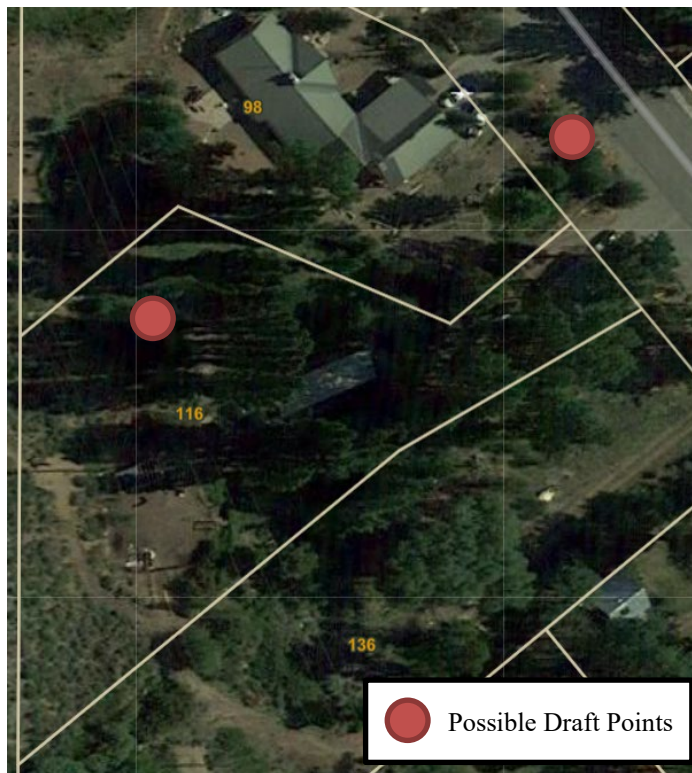
Looking north towards the existing residence from the pond.

SITE PHOTO 5 – CULVERT/POTENTIAL EMERGENCY DRAFT POINT #2



Possible emergency water draft point #2, a culvert located just outside of the project property line.

FIGURE 4 – LOCATION OF POTENTIAL EMERGENCY DRAFT POINTS



NOISE ORDINANCE

The project will be subject to the Chapter 10.16 of the Mono County Code that establishes thresholds for legal noise levels based on land use and time of day. According to Table 10.16.060(A) – Maximum Allowable Exterior Noise Levels, residential – low density land uses have a maximum allowable exterior noise level of 55 dBA or less during the day (7:00 am – 9:59 pm) and 50 dBA or less at night (10:00 pm – 6:59 am). A specific reference to this County Code section has been added to the conditions of approval for this owner-occupied short term rental.

COVID-19

Short-term rentals have been prohibited under Governor Newsom’s Executive Order N-33-20, commonly called the “Stay At Home” Order, since March 19, 2020, but are authorized to begin operations again on June 12, 2020. However, scenarios exist where restrictions may need to be reissued if COVID-19 cases and hospitalization increases. Therefore, the proposed short-term rental at 116 Crowley Lake Drive shall be required to follow any State and local health directives related to COVID-19 now and into the future.

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:*
 - a. The parcel is adequate in size and shape to accommodate the proposed owner-occupied short-term rental use.
 - b. Lot coverage is 9% which is well below the 40% maximum for the ER designation.
 - c. Project meets parking standards for “Residential Units” category of Table 06.010 by providing a total of four parking spaces, two covered spaces in the existing garage and one uncovered and unpaved 10’ x 20’ space for property owner and one uncovered and unpaved 10’ x 20’ space for renters.
 - d. The driveway and parking spaces are not required to be paved and meets standards, per Table 06.020: Driveway Paving Requirements.
 - e. The existing residence is an existing conforming structure that meets the General Plan Land Use Designation site requirements. Existing nonconforming features on the parcel include: side yard and front setbacks for the existing garage, and emergency water standards.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a. The proposed rental is accessed from Crowley Lake Drive and circulation patterns are not expected to be significantly increased through the use of a short-term rental. The use of the property for an owner-occupied rental is not expected to generate a significant increase in traffic.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*
 - a. The proposed owner-occupied short-term rental of the first floor attached one-bedroom unit in an existing single-family home is not expected to cause significant environmental impacts.
 - b. The project has existing exterior light fixtures that will be analyzed for compliance with Chapter 23, Dark Sky Regulations as part of the Activity Permit process. A condition of approval for the Activity Permit will be to retrofit any noncompliant fixtures prior to operation.
 - c. The project will be subject to Chapter 10.16 of the Mono County Code which established thresholds for noise levels. According to Table 10.16.060(A) – Maximum Allowable Exterior Noise Levels, for daytime and nighttime in residential – low density land uses.
 - d. Project is required to comply with regulations of Mono County Code Chapter 5.65.
 - e. Project was noticed by mail to surrounding property owners within 500 feet and by newspaper 30 days prior to the public hearing. No comments were received. To view notices, refer to Attachments 2 and 3.
 - f. The Long Valley Fire Protection District for this proposed use and the project will be required to obtain a final will-serve letter from the District as part of the conditions of approval for the use permit (Attachment 4).
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
 - a. The project is consistent with the 2019 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Long Valley Area Plan policies.
 - b. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property.
 - c. The proposed use is consistent with the General Plan, the Long Valley Area policies, and Countywide land use policies.

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

ATTACHMENTS

- Attachment 1: Notice of Decision and Use Permit Conditions
- Attachment 2: Site Plan
- Attachment 3: Mailed Public Hearing Notice
- Attachment 4: Published Public Hearing Notice
- Attachment 5: Provisional Will Serve Letter Long Valley Fire Protection District

ATTACHMENT 1: NOTICE OF DECISION AND USE PERMIT CONDITIONS

MONO COUNTY**Planning Division****NOTICE OF DECISION & USE PERMIT****USE PERMIT:** UP 20-002**APPLICANT:** Amanda Stone**ASSESSOR PARCEL NUMBER:** 060-030-018**PROJECT TITLE:** Owner-Occupied Short-Term Rental/Stone**PROJECT LOCATION:** 116 Crowley Lake Drive, Long Valley**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

DATE OF DECISION/USE PERMIT APPROVAL: June 18, 2020**EFFECTIVE DATE USE PERMIT:** June 29, 2020

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION**DATED:** June 18, 2020

cc: X Applicant
X Public Works
X Building
X Compliance

UP 20-002/Stone**June 18, 2020**

CONDITIONS OF APPROVAL
Use Permit 20-002/Stone Owner-Occupied Short-Term Rental

1. Short-term rental occupancy is limited to two renters and one vehicle.
2. The project shall comply with provisions of the Mono County General Plan (including Chapter 25, Short-Term Rentals), Mono County Code (including but not limited to 10.16.060(A)), and project conditions.
3. All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
4. The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
5. Project is required to comply with any requirements of the Long Valley Fire Protection District. The applicant shall provide a final “will-serve” letter from the Long Valley Fire Protection District indicating the FPD will provide service to the project.
6. Per Mono County Environmental Health Department, a one-time bacteriological test shall be completed for the onsite well prior to the operation of the short-term rental.
7. Compliance with any COVID-19 Public Health Orders for lodging and short-term rentals, whether existing now or ordered in the future, is required.
8. Property shall be maintained in a neat and orderly manner.
9. Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff’s office, Building Division, and Environmental Health.
10. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
11. Use Permit 10-001 is revoked.

Optional Condition for Planning Commission Review:

1. An emergency water source meeting the National Fire Protection Association (NFPA) 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting” 2012 Edition requirements shall be required. Certification by the Long Valley Fire Protection District will be required for sources other than an emergency water tank. If certification cannot be obtained for one of the two sources identified in this staff report, then an emergency water tank meeting the requirements of Chapter 22 shall be installed on the property within the first year of activity and prior to renewal.

ATTACHMENT 3: MAILED PUBLIC HEARING NOTICE

Mono County
Community Development Department
Planning Division

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

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
WWW.MONOCOUNTY.CA.GOV

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **June 18, 2020**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 968 5730 7341) where members of the public shall have the right to observe and offer public comment, to consider the following: **10:05 a.m. CONDITIONAL USE PERMIT 20-002/Stone**. The proposal is for an owner-occupied short-term rental use of an attached one-bedroom unit at 116 Crowley Lake Drive (APN 060-030-018) in Long Valley. The parcel is designated Estate Residential (ER). Maximum occupancy is two people and one vehicle.

In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at https://monocounty.ca.gov/meetings?field_microsite_tid_1=597 and hard copies are available for the cost of reproduction by calling (760) 924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments by **3 pm on Wednesday, June 17** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at cddcomments@mono.ca.gov, or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

For additional questions, please contact the Mono County Planning Division:

Kelly Karl, Assistant Planner
PO Box 347
Mammoth Lakes, CA 93546
(760) 924-1809, kkarl@mono.ca.gov



Planning / Building / Code Compliance / Environmental / Collaborative Planning Team (CPT)
Local Agency Formation Commission (LAFCO) / Local Transportation Commission (LTC) / Regional Planning Advisory Committee (RPAC)

ATTACHMEN 4: PUBLISHED PUBLIC HEARING NOTICE

MONO COUNTY PLANNING COMMISSION

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

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

May 13, 2020

To: The Sheet

From: Melissa Bell

Re: Legal Notice for **May 16** edition

Invoice: Stephanie Butters, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **June 18, 2020**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 968 5730 7341) where members of the public shall have the right to observe and offer public comment, to consider the following:

10:05 a.m. CONDITIONAL USE PERMIT 20-002/Stone for an owner-occupied short-term rental use of an attached one-bedroom unit at 116 Crowley Lake Drive (APN 060-030-018) in Long Valley. The Land Use Designation (LUD) is Estate Residential (ER). Maximum occupancy is two people and one vehicle. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at https://monocounty.ca.gov/meetings?field_microsite_tid_1=597 and hard copies are available for the cost of reproduction by calling 760-924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, **by 3 pm on Wednesday, June 17**, to ensure timely receipt, by email at cddcomments@mono.ca.gov, or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

**UP 20-002/Stone
June 18, 2020**

ATTACHMENT 5: PROVISIONAL WILL SERVE LETTER LONG VALLEY FPD**Long Valley Fire Protection District**

3605 Crowley Lake Drive •
Crowley Lake • California 93546-1145
760.935.4545 - 760.935.4436 (fax)
longvalleyfd@gmail.com

May 5, 2020

Amanda Stone
116 Crowley Lake Drive
Crowley Lake, Ca. 93546
APN# 060-030-018

The above project is within the boundaries of the Long Valley Fire Protection District service area. The above stated project will have no adverse effect on the fire department. This new letter serves as final will serve acceptance letter for the above owner(s). If you have any further question please let me know.

Sincerely,

Joseph Santos
Long Valley Fire Department- Assistant Chief

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

June 18, 2020

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst
Gerry Le Francois, Principal Planner

Re: June Lake Highlands Specific Plan Amendment #2 and Modifications of Tract Maps #34-24 and #34-26

I. RECOMMENDATION

1. Open the public hearing for Specific Plan Amendment #2 and tract map modifications, receive public testimony, and make any desired changes.
2. Adopt Resolution R20-02 (Attachment #1) recommending the Board of Supervisors adopt the June Lake Highlands Specific Plan Amendment #2 and modifications to Tract Maps #34-24 and #34-26 (R20-02 Exhibit A), with any desired modifications as set forth in Section One of R20-02, and making the following findings :
 - A. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, and staff reports and presentations, the Planning Commission finds, as set forth in Section Two of Resolution R20-02 (Attachment #1), that:
 1. The proposed changes to the June Lake Highlands Specific Plan are consistent with the text and maps of the General Plan,
 2. The proposed changes to the June Lake Highlands Specific Plan are consistent with the goals and policies contained within any applicable area plan,
 3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
 4. The proposed changes to the June Lake Highlands Specific Plan are reasonable and beneficial at this time, and
 5. The proposed changes to the June Lake Highlands Specific Plan will not have a substantial adverse effect on surrounding properties.
 - B. The Planning Commission further finds that there are changes in circumstances which make any or all of the conditions or the design of the recorded final maps no longer appropriate or necessary and, as set forth in Section Three of Resolution R20-02, finds that:
 1. That the proposed modification(s) do not impose any additional burdens on the present owner of the property;
 2. That such modification(s) would not alter any right, title or interest in the real property;
 3. That the proposed modification(s) are consistent with applicable general and specific plans;
 4. That the proposed modification(s) do not result in an increased number of dwelling units or a greater density than set forth in the recorded map;
 5. That the site is physically suitable for the type and proposed density of the development;

6. That the design of the subdivision or proposed improvements, as modified, will not be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and
7. That the design of the subdivision or type of improvements will not be likely to cause serious public health problems, or conflict with public easements, or requirements related to drainage, snow storage, or other requirements set forth in the recorded map deemed necessary and appropriate by the public works department.

3. Find that the project qualifies as a CEQA Exemption under CEQA Section 15301(a).

Alternatively, if the Planning Commission chooses not to recommend the June Lake Highlands Specific Plan Amendment #2 and modifications of Tract Maps #34-24 and #34-26 for approval, either all or in part, the Commission must articulate which of the findings listed in Recommendation #2 above cannot be made. Any denial (i.e., decision not to recommend the project to the Board of Supervisors for approval) by the Planning Commission must 1) specify the standards not met and 2) be supported by substantial evidence in the record. In the event the Commission chooses not to recommend the project for Board approval, staff may request a short recess to assemble the findings for action by the Planning Commission.

II. PROJECT SETTING AND LAND USE

The June Lake Highlands Specific Plan, adopted in 2001, consists of 22.75-acres located about ½ mile west of the June Lake Village between June Lake and Gull Lake. The Mono County General Plan designates the project site as Specific Plan (SP). The area has been divided into 69 parcels which are designated Single-Family Residential (SFR) in the Specific Plan. At this time, 17 of the 69 SFR properties are built. Access to the sites is gained off Northshore Drive onto Mountain Vista Drive, or from Leonard Avenue. These roadways are County-maintained paved roads.

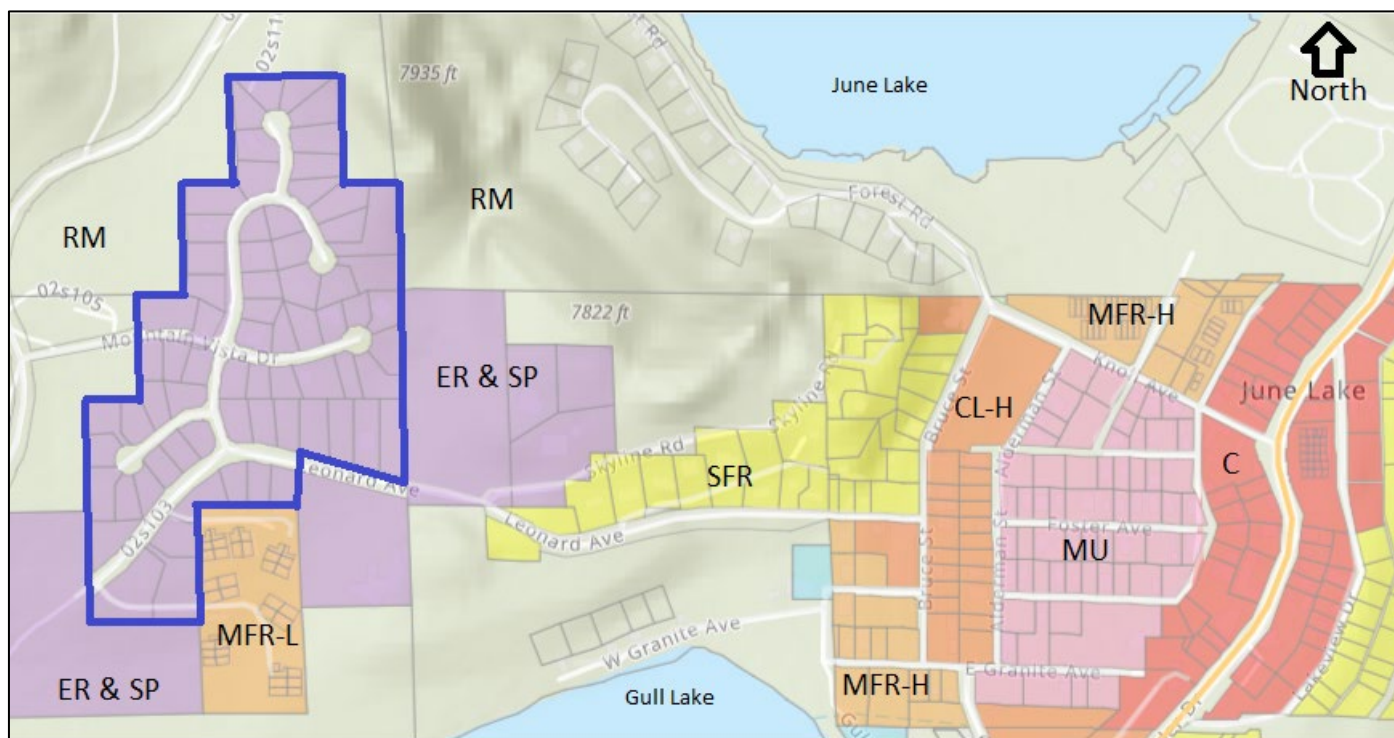


Figure 1. June Lake Highlands with surrounding Land Use Designations.

SURROUNDING LAND USES

To the north and west of the project site is open space owned and managed by the Inyo National Forest. To the southwest is a 14-acre parcel privately owned and designated Estate Residential. To the south is Multi-Family Residential – Low (Interlaken condominium complex) and Estate Residential (Victory Lodge), and south-east is vacant land designated Resource Management also managed by the Inyo National Forest. Directly east is a 4.9-acre parcel privately owned and designated Estate Residential.

EXISTING SPECIFIC PLAN & HISTORY

In March 2001, the Mono County Board of Supervisors adopted Resolution R01-26, certifying the June Lake Highlands Specific Plan, Final EIR, and Tentative Tract Map (#34-24, Phase I) allowing development of 39 single-family residential lots and 114 condominium units on 21.2 acres. The June Lake Highlands Specific Plan contains land use goals, policies and standards for development of the property. The Specific Plan approval includes 35 conditions, however transient rentals (rentals less than 30 days) were not addressed.

In June 2004, Resolution R04-038 was adopted by the Board, amending the June Lake Highlands Specific Plan (Amendment #1) by adding an additional 1.55-acre site for division into four single-family residential parcels.

In December of 2006, Tract Map #34-26 (Phase II) was finalized, dividing 9.43 acres into 28 lots (replacing the 114 multi-family units) and adding the new properties to the June Lake Highlands. The Tract Map included additional development standards and policies, including the policy that no transient rental (less than 30 days) shall be permitted.

All previously approved project documents are posted or linked at

<https://www.monocounty.ca.gov/planning/page/june-lake-highlands-specific-plan-amendment-2-and-modification-tract-maps>, and are hereby incorporated by reference.

III. JUNE LAKE HIGHLANDS SPECIFIC PLAN AND TRACT MAP MODIFICATION PROJECT DESCRIPTION & BACKGROUND

PROJECT DESCRIPTION

The overall goal listed in the June Lake Highlands' Specific Plan is "to provide quality, environmentally sensitive permanent and resort housing in proximity to the community of June Lake", and "is intended to provide a quality residential area complete with on-site amenities for both permanent and transient occupancy" (June Lake Highlands Specific Plan Goals, Objectives, and Policies).

Specific Plan Amendment #2 proposes to allow properties within the existing June Lake Highlands Specific Plans and Tract Maps #34-24 and #34-26 to conduct owner-occupied and/or non-owner-occupied transient rentals subject to a permitting process contained within Land Use Element Chapter 26 of the Mono County General Plan. The project is consistent with existing Specific Plan objectives that support resort housing and transient occupancy. The following modifications are proposed:

- A. Specific Plan Amendment #2 would amend the June Lake Highlands Specific Plan to allow transient rental (rental less than 30 days) on all parcels subject to a Mono County permit (see Exhibit A of Resolution R20-02).

- B. Tract Map #34-24 Modification adds Condition of Approval #36 specifying that transient rental (rental less than 30 days) is permitted in compliance with the June Lake Highlands Specific Plan (see Exhibit A of Resolution R20-02).
- C. Tract Map #34-26 Modification would delete a section of Condition #44 of the Tract Map Conditions of Approval and specify that transient rental (rental less than 30 days) is permitted in compliance with the June Lake Highlands Specific Plan (see Exhibit A of Resolution R20-02).

PROJECT BACKGROUND

In June 2015, Mr. George Larson, representing June Lake Highlands, LLC, initiated a Specific Plan Amendment and Tract Map Modification application to allow transient rentals. At the time, the community of June Lake was expressing a desire for more control over transient rental. Community Development staff informed Mr. Larson that a planning process would soon begin to address transient rental in the entire community and asked to postpone his request to amend the Highland's Specific Plan.

In late 2016, the June Lake Citizens Advisory Committee (CAC) initiated a process to determine where transient rentals would and would not be allowed within the community, and any additional regulations that should apply. Over 50 hours of community meetings were held to discuss transient 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 has required well over 300 hours of staff time.

Ultimately, the Board of Supervisors approved General Plan Amendment 18-01 in May 2018 specifying regulations for short-term rentals in June Lake, including acceptable neighborhoods. No specific recommendation was made for June Lake Highlands, and instead the decision was left to the public process associated with a Specific Plan Amendment and Tract Map Modification.

During the processing of this project, staff has continually worked to inform and include Highlands' property owners. After receiving the project application, staff recommended sending notice to all Highlands property owners explaining the project proposal and inviting them to join the project if desired. With the applicant's consent, an invitation to join was mailed on October 15, 2019. In January 2020, an additional email was sent to parties that hadn't responded and a deadline of February 3, 2020 was set. On February 18, 2020, the project application was accepted by the Land Development Technical Advisory Committee (LDTAC) for 19 properties owned by 14 individuals.

On April 15, 2020 a notice of the May 21 Planning Commission public hearing was mailed to all property owners within 500' of the Highlands (including Highlands properties) 30-days prior to the meeting to respect the noticing requirements in General Plan Chapter 25, Transient Rentals, which are more stringent than the standard 10-day noticing requirement. Following the notice, three additional property owners requested to add their properties (totaling six properties) to the project, increasing the total to 25 properties. An additional three parties requested to join after the Land Development Technical Advisory Committee (LDTAC) reviewed the final conditions and were not included in the May 21 staff report due to the lateness of the requests.

At the May 21, 2020 Planning Commission meeting, the Commission requested that the project be altered to include all Highlands properties. Staff mailed notification of the change to all Highlands

property owners on June 4, and a notice was published in the June 6 edition of The Sheet, a local newspaper of record.

At the May meeting, Commissioners requested more information about the short-term rental permits that could be applied and suggested other limitations. A menu of potential options and choices to refine the Specific Plan are provided below:

1. Short-Term Rental Permit Options: All of the permitting options below reference the rental of a residential structure or unit and therefore a vacant lot would not be eligible.

- A. Use Permit under General Plan Land Use Element Chapter 25.
 - The Specific Plan generally satisfies the Use Permit requirement; however, a separate use permit could be required, followed by either a Short-Term Rental Activity Permit or Vacation Home Rental Permit.
 - The cost of is \$495 plus an hourly fee for staff time greater than five hours.
 - Provides analysis of and requires compliance with General Plan and Specific Plan land use development standards and policies.
- B. Short-Term Rental (STR) Activity Permit per County Code Chapter 5.65, Short-term Rentals in Residential Areas:

https://library.municode.com/ca/mono_county/codes/code_of_ordinances?nodeId=TIT5BULIRE_CH5.65SHRMREAR.

 - Typically requires a Use Permit approved by the Planning Commission and an STR Activity Permit approved by the Board of Supervisors, both in public hearings. However, the Highlands Specific Plan could serve as the “use permit” and require only the STR Activity Permit.
 - The cost of the STR Activity Permit is \$495 plus an hourly fee for staff time greater than five hours.
 - Only the property owner is eligible to apply.
 - Permits are limited to one per parcel per person regardless of whether the ownership interest is in whole or in part.
 - The Activity Permit is nontransferable.
 - The Activity Permit must be renewed annually.
- C. Vacation Home Rental Permit per General Plan Land Use Element Chapter 26 – Transient Rentals Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS, issued under the authority of the Specific Plan Amendment:

https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/9617/2018_land_use_element_final.pdf)

 - Requires a ministerial Vacation Home Rental permit issued by staff.
 - Permits are limited to the owner of title or authorized representative. There is no limitation to the number of permits one owner may obtain.
 - The permit is held in perpetuity.
 - The cost of the permit is \$100.
- D. Both the STR Activity Permit and the Vacation Home Rental Permit:
 - Require a 24-hour contact for property management.
 - Require a business license and Transient Occupancy Tax certification.
 - Include health and safety standards; trash, solid waste, and snow removal requirements; signage, notification and advertising requirements; occupancy limitation of two persons per bedroom plus 2 additional persons, not to exceed ten persons; parking is required on site and limited to the number of spaces.

- May be suspended or revoked
- Are subject to compliance with the Noise Ordinance.

2. Options to limit the total number of properties that may conduct short-term rental:

- A. Limit of one permit per owner. This limitation could be applied through a Specific Plan Amendment policy or a Short-Term Rental Activity Permit under Chapter 5.65.
- B. Cap the number of rentals in the Specific Plan based on the percentage of total properties (100% is 69 properties):
 - 10% = 7 properties
 - 36% = 25 properties
 - 50% = 35 properties
 - Permit rentals on a first-come-first-served basis.
- C. Do not limit the total number of rental properties allowed within the Highlands.

3. Type of rental:

- A. Allow both not-owner occupied and owner-occupied rentals.
- B. Limit rentals to only owner occupied.

4. Limit the maximum occupancy: The California Residential Building Code limits short-term rental occupancies to 10 persons or less.

- A. At the previous Planning Commission meeting, a suggestion from the public was made to limit rentals to four people total and two vehicles. If desired, the Commission can place any occupancy limit of less than 10 persons.

Any conditions desired by the Planning Commission may require edits to the Resolution and must be incorporated into Section One. Staff may request a short recess to craft the necessary language.

IV. ENVIRONMENTAL REVIEW

The Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption. Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- conversion of a single-family residence to office use.

Single-family homes that are rented on a transient basis will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

V. LDTAC REVIEW, SB18 & PUBLIC COMMENT

The LDTAC met February 18, 2020, to accept the Specific Plan and Tract Map Modification applications with 25 properties included in the project. On May 4, 2020, the LDTAC met to review the final staff report and conditions of approval. No modifications were proposed.

The SB 18 notice inviting tribal consultation on a specific plan amendment was sent on May 1, 2020. Mono County must allow for 90 days for tribes to request consultation, and then complete consultation in good faith prior to the final decision on the specific plan amendment. No consultation requests have been received to date, and consideration of the final decision shall not be heard by the Board of Supervisors until at least August 4, 2020, or later.

Notice of this hearing was published in The Sheet newspaper on June 6, 2020. On Wednesday June 3, 2020 a notice of the project hearing was mailed to all Highlands property owners and property owners within 500' of the Highlands project boundary (Attachment 2). At the time this report was written, staff has received five comment letters (Attachment 3). Two letters were providing support of the project. One letter requests communication be sent to property owners, which has been completed, and another letter provides recommendations for conditioning the approval to be owner-occupied only and limit the total number of permits to a low percentage of the lots. The final letter is in opposition to the project, but asks that if approved, rentals should be limited to a small percentage of the total lots and priority should be given to existing owners who have built homes or broken ground.

VI. FINDINGS

SPECIFIC PLAN AMENDMENT FINDINGS

If the Commission decides to recommend approval of Specific Plan Amendment #2, the Commission must adopt Resolution R20-02 and make the finding contained in Section One.

TRACT MAP MODIFICATION FINDINGS

If the Commission decides to recommend approval of Tract Map #34-24 & #34-26 Modification, the Commission must adopt Resolution R20-02 and make the findings contained in Section Two.

This staff report was reviewed by the Community Development Department Director.

VII. ATTACHMENTS

- 1) Resolution R20-02 and Exhibit A: Highlands Specific Plan Amendment and modifications to Tract Maps #34-24 and #34-26
- 2) Public Hearing Notices
- 3) Public Comment Letters
- 4) Past documents are available online at <https://www.monocounty.ca.gov/planning/page/june-lake-highlands-specific-plan-amendment-2-and-modification-tract-maps>



RESOLUTION R20-02

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING ADOPTION OF JUNE LAKE HIGHLANDS SPECIFIC PLAN AMENDMENT #2 AND MODIFICATION OF TRACT MAP #34-24 AND #34-26

WHEREAS, the June Lake Highlands Specific Plan, Environmental Impact Report, and Tract Map #34-24 was originally approved and adopted in 2001 for the development of a 39-lot single-family subdivision and up to 114 condominium units on 21.2 acres; and

WHEREAS, the June Lake Highlands Specific Plan Amendment #1, an amendment to address an adjacent 1.55-acre site for division into four single-family parcels, was approved and adopted in 2004; and

WHEREAS, Tract Map #34-26 (Phase II) was approved and adopted in 2006, subdividing the remainder parcel created by Tract Map #34-24 into 28 single-family lots and removing 114 condominium units of the June Lake Highlands Specific Plan; and

WHEREAS, the Specific Plan contains a number of development standards designed to achieve the goal of the June Lake Highlands Specific Plan, which is to provide quality, environmentally sensitive permanent and resort housing in proximity to the community of June Lake; and

WHEREAS, the addition of Policy 1-D would amend the Specific Plan to allow parcels to conduct transient rentals subject to the specified permitting process(es); and

WHEREAS, no other changes are proposed to the Specific Plan and all previously approved mitigation measures remain in effect, and a Categorical Exemption 15301(a) was prepared in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Condition #36 is proposed to be added to Tract Map #34-24 for consistency with Policy 1-D of the June Lake Highlands Specific Plan; and

WHEREAS, Condition #44 is proposed to be added to Tract Map #34-26 for consistency with Policy 1-D of the June Lake Highlands Specific Plan; and

WHEREAS, on June 18, 2020, the Planning Commission held a duly noticed public hearing regarding June Lake Highlands Tract Map Modification and June Lake Highlands Specific Plan Amendment #2; and

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

SECTION ONE: Having reviewed and considered the analysis in the staff report and testimony provided in the public hearing, the Planning Commission finds that the following modifications are hereby incorporated into the proposed June Lake Highlands Specific Plan Amendment #2 and TM #34-24 and #34-26 modification. The June Lake Highlands Specific Plan Amendment #2 and TM #34-24 and #34-26 modifications are included as **Exhibit A** and incorporated herein by this reference:

1 **SECTION TWO:** Having reviewed and considered all information and evidence presented to it
 2 regarding June Lake Highlands Specific Plan Amendment #2 as set forth in **Exhibit A**, including public
 3 testimony, written comments, staff reports and presentations, the Planning Commission finds that:

4 *A. The proposed changes in the Specific Plan are consistent with the text and maps of the General Plan
 5 because:*

6 The proposed changes to the Highland's Specific Plan are consistent with General Plan policies
 7 directing the County to utilize the specific plan process for large-scale projects. The project is also
 8 consistent with Land Use Element Policies for the June Lake Area; Objective 13.M. To balance the
 9 character of single-family residential neighborhoods and the tourist economy, utilize a mix of best
 10 practices, creative solutions, and regulatory mechanisms, as guided by public input and
 11 engagement, to address the complexity of short-term rentals.

12 The project site is an existing specific plan approved for development and within the community
 13 of June Lake. The Amendment is also consistent with General Plan policies for amending Specific
 14 Plans and Tract Maps (Chapter 36 and Chapter 48).

15 The Amendment provides transient rental for those seeking to visit the community and surrounding
 16 area and does not alter the adopted Highland's Specific Plan in a manner that makes it inconsistent
 17 with the text or maps of the General Plan.

18 The site is near the Village and has long been identified for residential development. Leonard
 19 Avenue, a neighborhood permitted for non-owner occupied transient rental, is directly adjacent to
 20 the site. Amendment #2 allows the Single-Family Residential LUD parcels in this project to apply
 21 for a ministerial Vacation Home Rental Permit to conduct transient rentals consistent with General
 22 Plan Chapter 26, Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land
 23 Use Designations and TRODS.

24 *B. The proposed changes in the Specific Plan are consistent with the goals and policies contained within any
 25 applicable area plan because:*

26 Small-town character is preserved by maintaining an area of single-family residential land uses for
 27 residential occupancy, whether short-term or long-term rental or full-time residency. The
 28 Amendment also enhances and supports the tourism-based economy by providing a form of nightly
 29 rentals. The specific plan changes are consistent with the following area plan polices, in the General
 30 Plan Land Use Element:

1) Issues/Opportunities/Constraints for the June Lake Area

7. Improvements to the June Mountain Ski Area are intended to increase the mountain's capacity
 to the limits provided by the USFS special use permit, enhance the visitor experience, and
 promote increased visitation. Local accommodations, however, are not sufficient to handle the
 expected influx of ski-related visitors.

17. To provide opportunity for public input, develop and identify any consensus/common ground
 in the best interests of the community, engage residents in conversations about the character of
 their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours
 of community workshops were held supported by over 300 hours of staff time from December
 2016 to December 2017. Workshops included education on the existing industry/market, County
 regulations and identification of community character; technical considerations and issues of

1 individual neighborhoods; concerns and negative impacts; opportunities and benefits; and
 2 potential solutions; and the input was used as the basis for the development of policies and
 regulations.

3 19. Opportunities expressed about short-term rentals include meeting a tourism market need,
 4 economic development for June Lake, tax revenue for the County, assisting homeowners in
 5 keeping and upgrading their properties, the potential for reduced impact compared to long-term
 rentals, accountability and enforcement through regulation, protecting property rights, and
 6 educating, socializing with, and serving as ambassadors to visitors.

7 HOUSING:

8 22. In the past, June Lake residents, most of whom reside in single-family homes and have lived
 9 in the community for several years, would like new housing units to consist of single-family
 homes, bed-and breakfast establishments, and motels/hotels; condominiums were not highly
 10 regarded. Seasonal residents felt no additional housing was needed. Both groups identified the
 need for affordable housing.

11 23. Housing or lodging facilities are oriented primarily to second-home owners and tourists, not
 12 to local housing needs.

13 2) Countywide Land Use Policies, June Lake Community Development

14 Objective 13.M. To balance the character of single-family residential neighborhoods and the
 15 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.

16 Policy 13.M.1. Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element
 17 and Mono County Code Chapter 5.65, with the following specifications based on the context of
 individual neighborhoods (see General Plan map), which vary in character.

18 Action 13.M.1.b. Defer short-term rental housing decisions for the Highlands to the appropriate
 19 tract map and specific plan procedures.

20 C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the
 21 proposed specific plan because:*

22 The June Lake Highlands Final Specific Plan Goals, Objectives, and Policies (2001) describes the
 23 intent of the Highlands is “to provide a quality residential area complete with on-site amenities for
 both permanent and transient occupancy” (pg.42).

24 Land Use Objective 1 states, “provide a mix of quality residential uses with an integrated design
 25 format to serve the needs of both local and transient users.

26 D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

27 The proponent of this project has waited to request these Amendments in order to provide the County
 28 and June Lake community time to establish a transient rental regulatory program. Community
 outreach during that process did not request the Highland’s to either prohibit or allow transient
 29 rental, leaving the option up to Highlands’ property owners and the determination to the Specific
 Plan Amendment and Tract Map Modification process.

1 The timing for this amendment is reasonable because a regulatory program has been established to
 2 allow properties designated Single-family Residential and Multi-family Residential to apply for
 3 permits to conduct transient rental.

4 *E. The proposed changes to the specific plan will not have a substantial adverse effect on surrounding
 5 properties because:*

6 The proposed changes will not have a substantial adverse effect on surrounding properties because
 7 the sites will be developed, or are already developed, to Single-Family LUD development standards.
 8 This project does not change the established development and design regulations established by the
 9 Specific Plan and Tract Map. Transient rental use will be further regulated under Chapter 26 of the
 10 Mono County General Plan, including the Vacation Home Rental permit standards.

11 The majority of surrounding properties are federally owned and apart of the Inyo National Forest,
 12 which is not planned to be developed. Surrounding properties privately owned (Interlaken, Victory
 13 Lodge, and the Leonard Avenue neighborhood) already have the ability conduct transient/short-term
 14 rentals.

15 **SECTION THREE:** Having reviewed and considered all information and evidence presented to it
 16 regarding the modification of Tract Maps #34-24 and #34-26 as set forth in Exhibit A, including public
 17 testimony, written comments, staff reports, and presentations, the Planning Commission finds per Mono
 18 County Code (MCC) 17.21.070 that:

19 *1. That there are changes in circumstances which make any or all of the conditions or the design of a
 20 recorded final map no longer appropriate or necessary:*

21 The project is adjacent to Interlaken and Leonard Avenue which allows for transient rentals subject to
 22 certain County requirements. This Modification of condition #36 in Tract Map #34-24 and #44 in
 23 Tract Map #34-26 would provide additional transient rental opportunities for those seeking to visit the
 24 community and surrounding area of the Village. The June Lake Highlands Specific Plan design is for
 25 single family residential use.

26 A Specific Plan Amendment under Planning Commission Resolution R20-02 Section One has been
 27 recommended to the Board of Supervisors to allow for these transient rentals. The amendment is also
 28 consistent with General Plan policies for amending Specific Plans and Tract Maps (Chapter 3) and
 29 Chapter 48).

30 *2. That the proposed modification(s) do not impose any additional burdens on the present owners of the
 property:*

The proposed modification to allow for transient rentals was initiated by the original developer and
 agreed on by property owners. A majority of property owners requested to be included in this Tract
 Map modification. The change does not impose additional burdens on current owners.

3. That such modification(s) would not alter any right, title, or interest in the real property:

1 The Tract Map modification adds the ability to rent a single-family home for less than 30 days. It does
 2 not deny or lessen any right, title, or interest in real property subject to the June Lake Highlands
 Specific Plan.

3 4. *That the proposed modification(s) are consistent with applicable general and specific plans:*

4 The proposed modification to Tract Map #34-24 & #34-26 is consistent with the Land Use Element
 5 Policies for the June Lake Area; Objective 13.M. To balance the character of single-family residential
 6 neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and
 7 regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-
 term rentals.

8 The Specific Plan has been amended under Planning Commission Resolution R20-02 Section One
 9 providing transient rentals under Mono County General Plan Chapter 26 Transient Rental Standards
 and Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS.

10 5. *That the proposed modification(s) do not result in an increased number of dwelling units or a greater
 11 density than set forth in the recorded map:*

12 The project allows for existing properties to conduct transient rental consistent with the Mono County
 13 General Plan and June Lake Highlands Specific Plan. All properties have the land use designation
 14 Single-family Residential and will be developed accordingly. Sites suitable for Single- family
 15 Residential development are also suitable for transient rental (less than 30 days) because the use is
 16 similar to and not more obnoxious than already permitted uses within the designation. It does not
 increase the total number of dwelling units and/or does not allow for a greater density under Tract
 Maps #34-24 or #34-26.

17 The project will not increase the allowable density of the June Lake Highlands. The Amendment will
 18 not change the land use designation (LUD) of any property. All Highlands properties are designated
 19 Single-family Residential which allows for the development of a single-family residence plus
 accessory structures. All properties must adhere to development standards for the SFR designation.

20 6. *That the site is physically suitable for the type and proposed density of the development:*

21 All properties within the June Lake Highlands Specific Plan allow for single-family residential
 22 development. The physical location of the Highlands is suitable for transient rentals because it is
 23 adjacent to June Lake's commercial core where most hotels/motels are located. Additionally, the
 24 project is adjacent to Interlaken and Leonard Avenue as the only other neighborhood in the June Lake
 community where non-owner occupied rentals may be permitted.

25 7. *That the design of the subdivision or proposed improvements, as modified, will not be likely to cause
 26 substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

27 The tract maps were originally approved under a Final Environmental Impact Report (FSEIR;SCH #
 28 19980520037). This Tract Map Modification to allow for transient rentals does not change any
 29 mitigation measures adopted under the FSEIR. In addition, this modification does not apply to the
 requirements under Mono County Code 17.21.080.3.

1 8. That the design of the subdivision or type of improvements will not be likely to cause serious public
2 health problems, or conflict with public easements, or requirements related to drainage, snow storage,
3 or other requirements set forth in the recorded map deemed necessary and appropriate by the public
4 works department:

5 The design, improvements, easements, drainage, snow storage, and/or other requirements have
6 been completed and are not impacted by this Tract Map Modification to allow for transient rentals.

7 **SECTION FOUR:** The Planning Commission finds that the June Lake Highlands Specific Plan
8 Amendment #2 and modification of Tract Maps #34-24 and #34-26 has been prepared in compliance with
9 CEQA, Categorical Exemption Class 1, 15301(a): which allows for the: operation, repair, maintenance,
10 permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical
11 equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the
12 time of the lead agency's determination. Examples include but are not limited to the conversion of a single-
13 family residence to office use.

14 Single-family homes that are rented on a transient basis will still be used as single-family homes and
15 in a manner that is not substantially different from how they would be used if they were occupied by full-time
16 residents or long-term renters. In addition, transient rentals are subject to compliance with regulations
17 governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics,
18 noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an
19 expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family
20 residence to office use.

21 June Lake Highlands Specific Plan Amendment #2, modification of Tract Maps #34-24 and #34-26,
22 and the CEQA Exemption reflect the County's independent judgment and analysis. The Planning Commission
23 further finds that the project has been presented to, and reviewed by, the Planning Commission and is adequate
24 for consideration by the Board of Supervisors in making a decision on the merits of the June Lake Highlands
25 Specific Plan Amendment #2 and modification of Tract Maps #34-24 and #34-26.

26 **SECTION FIVE:** The Planning Commission recommends that the Board of Supervisors: 1) make
27 the findings outlined above, 2) approve the Categorical Exemption 15301(a) and 3) approve June Lake
28 Highlands Specific Plan Amendment #2 and modification of Tract Maps #34-24 and #34-26 as proposed in
29 **Exhibit A** with any modifications listed in Section One.

30 **PASSED AND ADOPTED** this 18th day of June 2020, by the following vote of the Planning Commission:

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

Scott Bush, Chair

1 ATTEST:

APPROVED AS TO FORM:

2
3 _____
4 Melissa Bell
5 Secretary of the Planning Commission

Christian Milovich
Assistant County Counsel

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Exhibit A to Planning Commission Resolution R20-02

June Lake Highlands Specific Plan Amendment #2

**** Policy 1-D. Transient rental (less than 30 days) is permitted within the June Highlands subject to permitting consistent with Mono County General Plan Land Use Element.**

June Lake and the County of Mono as a whole. Additionally, existing development in the June Lake Loop does not appear to meet modern resort standards, primarily due to the age of structures and lack of integrated amenities. Although the June Lake Highlands project will not offer solutions to every resort development opportunity, it is intended to provide a quality residential area complete with on-site amenities for both permanent and transient occupancy. Objectives and development policies are outlined below:

Land Use Objectives and Policies

Objective 1.

Provide a mix of quality residential uses with an integrated design format to serve the needs of both local and transient users.

Policy 1-A.

Designate 11.8± acre single family area as **SFR** - Single-Family Residential and designate the 9.4± acre condominium area as **MFR-M** - Multi-Family Residential, Moderate.

Policy 1-B.

~~Designate the project site as **S-F-R** - Single-Family Residential (11.8± acres) and **M-F-R** - Multiple Family Residential (9.4± acres) per Chapters 19.08 and 19.09 of the Mono County Code. Parking requirements will be adjusted as discussed in the Project Description (enforced through CC&Rs).~~

Policy 1-C.

Allow up to 39 single family lots of 7,500 square feet minimum each. With a use permit and/or tentative tract map, allow up to 114 units in a phased condominium development (subject to meeting density bonus requirements) or other combination of single family, duplex or triplex units, depending on demand.

**** Insert Policy 1-D.**

Objective 2.

Create an alpine style development which complements the surrounding high mountain environment.

Policy 2-A.

Provide a development which reflects mountain home architecture with environmentally sensitive design features and amenities.

Policy 2-B.

Utilize colors, textures and design amenities that blend with the surrounding environment.

Policy 2-C.

Screen condominium/multifamily parking areas, utilities and other unsightly accessory uses from view. Provide a high ratio of garage parking; design parking areas to be on the interior of the condominium/multifamily units rather than along street frontages.

Policy 2-D.

Place all utilities underground.

Exhibit A to Planning Commission Resolution R20-02

Modification of Tract Map 34-24 to Add Condition #36



RESOLUTION NO. R01-26
A RESOLUTION OF THE BOARD OF SUPERVISORS,
COUNTY OF MONO, STATE OF CALIFORNIA

**CERTIFYING THE JUNE LAKE HIGHLANDS SPECIFIC PLAN FINAL EIR WITH A
 MITIGATION MONITORING PLAN AND ADOPTING FINDINGS RELATED
 THERETO, APPROVING THE JUNE LAKE HIGHLANDS SPECIFIC PLAN AND
 AMENDING THE MONO COUNTY GENERAL PLAN ACCORDINGLY (GPA #01-01),
 APPROVING TENTATIVE TRACT MAP (#34-24) AND ADOPTING A STATEMENT OF
 OVERRIDING CONSIDERATIONS**

WHEREAS, the overall objective of the June Lake Highlands project (including the June Lake Specific Plan and associated Tentative Tract Map #34-24) is to provide a suitable location for mixed residential use development; and

WHEREAS, the June Lake Highlands project would allow for development of 39 single-family lots and up to 114 multi-family units on a total of 21.2± acres; and,

WHEREAS, the June Lake Highlands Specific Plan contains land use goals, policies and standards for development of the property; and

WHEREAS, the June Lake Highlands Specific Plan and Final Environmental Impact Report were prepared simultaneously to incorporate environmental mitigation measures into the project to assist in designing the project around potential environmental constraints; and

WHEREAS, the June Lake Highlands Final EIR has been prepared and reviewed in compliance with CEQA; and

WHEREAS, the Board of Supervisors hereby certifies the Final EIR and adopts the June Lake Highlands Mitigation Monitoring Plan finding that:

1. In compliance with CEQA Guidelines Section 15090 (a):
 - a. The Final Environmental Impact Report (FEIR) has been completed in compliance with CEQA;
 - b. The Final EIR has been presented to the Board of Supervisors (the decision-making body and the lead agency) and the Board has reviewed and considered the information contained in the Final EIR prior to approving the project; and
2. The Final EIR reflects the lead agency's independent judgment and analysis. Based upon evidence in the Final EIR, several potentially significant impacts have been reduced to less-than-significant levels through mitigation measures; four impact issues are considered significant and unavoidable even with mitigation. Mitigation measures

1 have been included to reduce these impacts to the lowest feasible levels. Findings
 2 have been prepared for each of the potentially significant effects and for the
 3 unavoidable environmental effects of the project (see Exhibit A).

4 **WHEREAS**, the Board of Supervisors, in consideration of evidence and testimony
 5 presented at the public hearing in accordance with County Code Section 19.41.110, hereby
 6 adopts the following findings with respect to the proposed Specific Plan:

- 7 1. The project is being proposed in response to demand for residential uses in the June
 8 Lake area.
- 9 2. The overall project goal to provide quality, environmentally sensitive permanent and
 10 resort housing in proximity to the community of June Lake.
- 11 3. The Mono County General Plan and the June Lake Area Plan indicate the need for a
 12 mix of residential uses in the June Lake area for both permanent and transient
 13 occupancy residential units.
- 14 4. Both the Mono County General Plan and the June Lake Area Plan designate the
 15 project site as Specific Plan (SP).
- 16 5. Land Use Objectives and Policies of the Specific Plan designate 11.8 acres of the site
 17 as Single Family Residential (SFR) and 9.4 acres as Multi-Family Residential,
 18 Moderate (MFR-M). These designations will allow 39 single-family lots and up to
 19 114 multi-family units, providing for a mix of residential units as envisioned in the
 20 General Plan and June Lake Area Plan.
- 21 6. Goals, Objectives and Policies in the Specific Plan and Mitigation Measures identified
 22 in the Final EIR address development of the project and impacts to the environment.
- 23 7. Public services and infrastructure are or will be made available for the proposed
 24 development. The project will provide all necessary infrastructure on site (e.g., roads,
 25 drainage, water and sewage systems). Public Service Mitigation Measure C-4
 26 requires a "will-serve" letter from the June Lake Public Utilities District.
- 27 8. The development has been designed to be as compatible as possible with the
 28 surrounding natural environment and character of the area. Design features have been
 29 included in the Specific Plan addressing architecture, parking, circulation,
 30 landscaping, signing and lighting. Mitigation measures have been included to reduce
 impacts to less-than-significant levels or to the lowest feasible levels.
9. To ensure an adequate supply of locally available affordable housing, the Specific Plan
 and mitigation measures provide employee housing and affordable housing in
 accordance with the June Lake Area Plan.
10. General Plan policies require applicants to demonstrate the availability of adequate
 fire protection by providing a Fire Protection Plan and project approvals to include a
 finding that adequate fire protection is available (Safety Element, Goal II, Objective B,
 Action 1.2). The project will provide adequate fire flows and Public Service
 Mitigation Measure C-4 requires a "will-serve" letter from the June Lake Fire
 Protection District.

WHEREAS, the Board of Supervisors, in consideration of evidence and testimony
 presented at the public hearing and in accordance with County Code Title 17, adopts the
 following findings regarding the Tentative Tract Map #34-24:

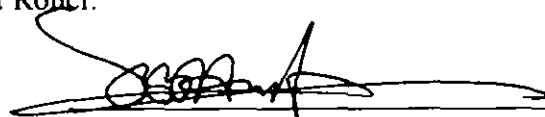
- 1 1. The Tentative Tract Map complies with the provisions of California Environmental
- 2 Quality Act (CEQA); an Environmental Impact Report has been prepared for the
- 3 project.
- 4 2. The Tentative Tract Map meets the general provisions of Chapter 17.04 of the County
- 5 Code.
- 6 3. The Tentative Tract Map is consistent with the General Plan Land Use Element and
- 7 June Lake Area Plan.
- 8 4. Conditions of approval have been applied to the Tentative Tract Map as attached to
- 9 the Board of Supervisors Staff Report for the June Lake Highlands project.


10 **NOW THEREFORE, BE IT RESOLVED** that the Mono County Board of Supervisors
 11 hereby takes the following actions:

- 12 A. Certify the June Lake Highlands Final EIR with a Mitigation Monitoring Plan and
- 13 adopt the Findings set forth in Exhibit A attached hereto and incorporated herein by
- 14 this reference.
- 15 B. Adopt the June Lake Highlands Specific Plan and amend the General Plan accordingly
- 16 (GPA #01-01).
- 17 C. Approve Tentative Tract Map #34-24 with conditions set forth in Exhibit B attached
- 18 hereto and incorporated herein by this reference.
- 19 D. Adopt the Statement of Overriding Considerations set forth in Exhibit C attached
- 20 hereto and incorporated herein by this reference.

21 **PASSED AND ADOPTED THIS** 13th day March 2001, by the following vote of the
 22 Mono County Board of Supervisors:

23 **AYES** : Supervisors Cecil, Hunt and Pipersky.
 24 **NOES** : None.
 25 **ABSENT** : Supervisors Farnetti and Ronci.
 26 **ABSTAIN** : None.

27 
 28 Byng Hunt, Chairman
 29 Mono County Board of Supervisors

30 **ATTEST:**
 31 
 32 Roberta Reed
 33 Deputy Clerk of the Board

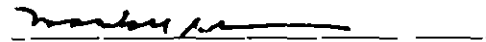
34 **APPROVED AS TO FORM:**
 35 
 36 Marshall Rudolph, County Counsel

EXHIBIT A

ENVIRONMENTAL IMPACT FINDINGS REQUIRED BY CEQA GUIDELINES SECTION 15091 JUNE LAKE HIGHLANDS SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT

PART I: FINDINGS RELATIVE TO POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS

MITIGATABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

LAND USE

1. POTENTIALLY SIGNIFICANT EFFECT: The project could result in structures that do not blend with the natural terrain if the standard zoning ordinance height restriction is applied.

STATEMENT OF FACTS: The standard height of an average of 35' would allow tall building elevations on sloping lots. If a maximum building height of 35' were imposed, the structures would blend better with the natural terrain. Mitigation Measure A-1 would allow no part of any structure to exceed 35' above the natural terrain.

FINDING: Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

PUBLIC SERVICE IMPACTS

1. POTENTIALLY SIGNIFICANT EFFECT: The project could result in deterioration of law enforcement services due to potential growth induced by the project.

STATEMENT OF FACTS: The Mono County sheriff indicates that the project will have potential impacts on law enforcement services; it is possible that new personnel and/or equipment may be needed with buildout of the project. Mitigation Measure C-1 requires the proponent to participate on a fair-share basis for the provision of additional law enforcement facilities in the vicinity.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

2. POTENTIALLY SIGNIFICANT EFFECT: The project will require substantial improvements to the June Lake PUD water system.

STATEMENT OF FACTS: The June Lake Water System Master Plan requires the installation of tanks, pumps and line extensions for service to the general area of the project. Mitigation Measure C-2 would require the installation of these improvements, either through assessment district or developer funding. Mitigation Measure C-4 requires a “will-serve” letter from the June Lake PUD prior to approval of the project.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

GEOLOGY, SEISMICITY AND SOILS

1. **POTENTIALLY SIGNIFICANT EFFECT:** The project site and general vicinity are subject to potentially large earthquakes.

STATEMENT OF FACTS: Moderate to severe seismic ground shaking could result from displacement of several active or potentially active regional faults, including the fault near the project site. Mitigation involves structural enhancements to buildings and utilities to withstand vertical and horizontal accelerations. Boulders on the natural slope face should be considered in lot design review to prevent earthquake-induced displacement and rolling. Mitigation Measures D-1 and D-2 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

2. **POTENTIALLY SIGNIFICANT EFFECT:** Seismic-induced settlement could affect structures placed on the project site; natural conditions are not suitable for structures.

STATEMENT OF FACTS: Topsoil and slopewash on the site are not suitable for structural support unless removed and recompacted. Some areas of fill on the site are not suitable for structural support. Also, the old borrow site on the property will need to be filled and compacted. Slope stability should be reviewed in individual lot design. Mitigation Measures D-3, D-4 and D-5 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

3. **POTENTIALLY SIGNIFICANT EFFECT:** Earthwork operations on the site could cause soil erosion and potential for siltation to reach Gulf Lake.

STATEMENT OF FACTS: During earthwork activities, soil erosion potential will be present during rainy weather or heavy winds. Impacts could include disruption to the local environment with dust, mud and siltation. Mitigation Measures D-5 and D-6 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

NOISE

1. **POTENTIALLY SIGNIFICANT EFFECT:** Construction activities could cause short-term noise impacts, particularly on the adjacent Interlaken development.

STATEMENT OF FACTS: Adverse noise impacts from construction noise may arise during construction of the multi-family area directly adjacent to the existing Interlaken condominiums. Mitigation Measures I-1 and I-2 address this concern.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

2. **POTENTIALLY SIGNIFICANT EFFECT:** Long-term noise will increase from occupancy of the site by residents of the project.

STATEMENT OF FACTS: Noise impacts will be present from private vehicles, delivery vehicles, snow removal equipment, refuse pickup, lawn mowers, etc. Effects of these noise sources on the Interlaken project will come primarily from the adjacent proposed multi-family area. Outdoor activity will contribute to "people" noise. Significant effects can be avoided with designs that place outdoor activity areas away from exterior property lines or shielded by structures or berms. Mitigation Measures I-1 and I-3 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

AIR QUALITY

1. **POTENTIALLY SIGNIFICANT EFFECT:** Short-term air quality may be adversely impacted during construction activities that generate the potential for dust and wind erosion.

STATEMENT OF FACTS: The project will utilize the best available dust control measures. Measure J-1, J-4 and J-5 address this concern.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

2. POTENTIALLY SIGNIFICANT EFFECT: Emissions from dust created by application of road cinders and wood-burning appliances could result from the project.

STATEMENT OF FACTS: The emissions would be well below relevant thresholds. Land uses within the project will use appliances that meet current emission reduction standards as specified by the Great Basin APCD. Mitigation Measures J-2, J-3 and J-4 address these issues.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

WATER RESOURCES

1. POTENTIALLY SIGNIFICANT EFFECT: Impacts from pollutant loading and sediment transport to Gull Lake are a concern.

STATEMENT OF FACTS: The project could contribute to degradation to receiving waters from construction earthwork activities and/or long-term occupancy of the site. The project will be regulated by the State Water Resources Control Board; an NPDES permit will be required as well as an SWPPP. Mitigation Measures K-1, K-2, K-3 and K-4 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant

2. POTENTIALLY SIGNIFICANT EFFECT: Drainage from the project may adversely affect off-site drainage facilities.

STATEMENT OF FACTS: Drainage from the project will be designed to avoid or minimize impacts to adjacent drainage facilities, such as found in the Interlaken project. Mitigation Measures K-5 and K-6 address these concerns.

FINDING: Changes or alterations have been required in, or incorporated into, the project which reduce this potential impact to a level that is less than significant.

UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

WILDLIFE

1. POTENTIALLY SIGNIFICANT EFFECT: Due to the impacts of the project from human intrusion, alteration of wildlife habitat, construction impacts, and direct mortality impacts on wildlife, potentially significant impacts will be present which cannot be mitigated to less-than-significant levels.

STATEMENT OF FACTS: Although there are no federal or state-listed rare, threatened or endangered wildlife species known to be present on the site, the project area provides high-quality habitat for mule deer and marginally suitable habitat for the western white-tailed hare and mountain quail. In addition, the site provides breeding, nesting and foraging for a variety of birds and mammals. Mitigation Measures E-1 through E-17 will lessen potential impacts, but not to a less-than-significant level.

FINDING: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to the extent feasible. Additional mitigation or project alternatives with less environmental impact are infeasible due to specific economic, engineering and other factors (see Part II of these Findings).

VISUAL RESOURCES

1. **SIGNIFICANT EFFECT:** The project is anticipated to have significant unavoidable visual impacts resulting from development activities on the site.

STATEMENT OF FACTS: The project will create significant alteration in the visual quality of the area from many viewpoints. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less-than-significant level; however, the project will still result in significant visual impacts. Mitigation Measures F-1 through F-10, and policies and design features in the Specific Plan, will lessen potential impacts, but not to a less-than-significant level.

FINDING: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to the extent feasible. Additional mitigation or project alternatives with less environmental impact are infeasible due to specific economic, engineering and other factors (see Part II of these Findings).

CIRCULATION

1. **SIGNIFICANT EFFECT:** The project is anticipated to have significant unavoidable circulation impacts resulting from development of the site.

STATEMENT OF FACTS: Due to the restricted right-of-way and awkward access route to and from the site via Leonard Avenue, the project will result in significant impacts which are unavoidable. Mitigation Measures H-1 through H-4 will lessen potential impacts, but not to a less-than-significant level.

FINDING: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to the extent feasible. Additional mitigation or project alternatives with less environmental impact are infeasible due to specific economic, engineering and other factors (see Part II of these Findings).

TRAFFIC NOISE

1. **SIGNIFICANT EFFECT:** Traffic noise generated along the Leonard Avenue access will be significant and unavoidable.

STATEMENT OF FACTS: The project will create significant impacts along the Leonard Avenue access to and from the site. Due to proximity of residential uses along Leonard Avenue, Bruce Street, and Knoll Avenue, the project will result in significant impacts which are unavoidable. Mitigation Measures H-1 through H-4 will lessen potential impacts, but not to a less-than-significant level.

FINDING: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to the extent feasible. Additional mitigation or project alternatives with less environmental impact are infeasible due to specific economic, engineering and other factors (see Part II of these Findings).

PART II: FINDINGS RELATIVE TO ALTERNATIVES

The Lead Agency finds that the project alternatives identified in the Final EIR are infeasible due to specific economic, social, or other considerations, and that the alternatives identified in the Final EIR, except the "no project" alternative, would have similar or greater environmental impacts than the proposed project.

The Lead Agency finds that Alternative 1, the No Project Alternative, which is the least environmentally damaging scenario, is infeasible due to social and economic considerations. This alternative would not allow subdivision on the project site and would not meet the project's objective: "to provide an environmentally sensitive mix of permanent and resort housing units in proximity to the community of June Lake. The development will offer a mix of single-family homes and condominiums in a specific plan area."

The Lead Agency finds that Alternative 2, Alternative Site - Rodeo Grounds, is infeasible due to social, economic and legal considerations. This project site could meet the objectives of the project but is not available to the proponents due to ownership constraints.

The Lead Agency finds that Alternative 3, All Single Family Alternative, is infeasible due to social and economic considerations. The project could meet only partial objectives of the project sponsor; a mix of permanent and resort housing would not be achieved.

Exhibit B

Conditions of Approval June Lake Highlands Tentative Tract Map 34-24

1. All new development shall be in accordance with the Project Description, Land Use Objectives and Policies of the June Lake Highlands Specific Plan.
2. All Specific Plan Goals, Objectives, & Policies and Mitigation Monitoring Plan as identified in the June Lake Highlands Specific Plan are tentative tract map conditions.
3. The project applicant shall inform future owners and developers of the project mitigation measures, as a means of reducing or eliminating impacts to less-than-significant levels, as contained in the June Lake Highlands Specific Plan (Goals, Objectives and Policies, and Mitigation Monitoring Plan) and CC&Rs.
4. Prior to approval of the final tract map, the project proponent shall provide the County with a "will serve" letter from the June Lake PUD, indicating that the district has the capability to serve the proposed development for both water and sewer.
5. Prior to approval of the final tract map, the project proponent shall provide the County with a "will serve" letter from the June Lake Fire Protection District, indicating capability to serve the proposed development.
6. All utilities (electricity, water, sewer, telephone, LPG, cable TV, etc.) shall be installed underground. All service connections shall be placed such that public roadways will not have to be cut up for service connections to future residences.
7. Construction shall be limited to daylight hours in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species, such as mule deer.
8. Noise levels during construction shall be kept to a minimum by equipping all onsite equipment with noise attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
9. Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming.
10. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases.
11. Dust generated during construction shall be controlled through watering or other acceptable measures.
12. All wood burning appliances installed in the project shall be Phase II EPA certified, in conformance with the Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies, Objective A, Action 6.1).

13. The project proponent shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site shall be permitted until such time as the applicant hires a qualified consultant and an appropriate report that identifies acceptable site mitigation measures is filed with the County Planning Department. Road construction/grading plans shall include such notice.
14. A CSA-Zone of Benefit district shall be created by the developer along newly constructed public roads in order to pay for road maintenance and snow removal. The CSA-Zone of Benefit shall be formed prior to approval of the final tract map for the initial phase.
17. Drainage easement(s) shall be offered to the public for the drainage swale(s) shown on the tentative maps and/or grading plan.
18. A letter of clearance and/or waste discharge requirements from Lahontan Regional Water Quality Board shall be obtained, if necessary.
19. All road grading and earthwork activities must be conducted in accordance with an approved road construction plan and/or grading plan.
20. Construction material (rock, debris, etc.) that is not utilized as road fill material shall be removed to a designated dump or other approved site.
21. The applicant will be required to submit a soils report or process a soils report waiver. Any such report or waiver shall be reviewed and approved by the Director of Public Works, according to the provisions of Mono County Code (MCC) Section 17.36.090.
22. A slope stability and lot development plan shall be prepared and be reviewed by a geologist or geotechnical engineer for all single-family lots. Boulders on the natural slope face shall be considered in review to prevent earthquake-induced displacement and rolling. The report and recommendations shall be approved by the Public Works Department.
23. A comprehensive erosion and sediment transport control plan shall be submitted to the Mono County Public Works Department prior to issuance of the grading permit(s).
24. An air quality permit shall be obtained from the Great Basin Unified Air Pollution Control District, if required.
25. The developer shall provide necessary easements for existing and proposed utility service within the subdivision.
26. The project shall comply with the Fire-safe Regulations (Mono County General Plan, Land Use Element, Land Development Regulations Chapter 22) pertaining to emergency access; signing and building numbering; emergency water supplies; and vegetation modification.
27. The project proponent shall assist with improvements to the June Lake Ballfield such as parking lot paving, restrooms, additional landscaping, erosion control, irrigation, etc. A not-to-exceed cost for these improvements shall be negotiated between the County and the developers prior to any subsequent development approval.

28. The project proponent shall provide an access path to the June Lake Ballfield from the single family and condominium areas (e.g., between lots 37 and 38). Maintenance of the path shall be provided in the CC&Rs.
29. The project proponent is encouraged to provide bulk propane storage with distribution lines in the single-family portion of the project instead of individual propane tanks for each lot.
30. The project proponent shall confer with local postal authorities for installation requirements for cluster mailboxes. The applicant shall provide a letter from the postal authorities stating *their approval of road names and box locations* in the development, or a release from the necessity of providing cluster mailboxes. If clustering or special locations are specified, easements, concrete bases or other provisions shall be included.
31. The applicant shall provide off-site street improvements or in-lieu fees (e.g., widening, overlay, intersection improvements) for specified segments of Leonard Avenue, Bruce Street and Knoll Avenue as directed by the Public Works Director. A not-to-exceed cost for these improvements shall be negotiated between the County and the developer prior to any subsequent development approval.
32. The applicant shall prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent to comply with provisions of the State Water Resources Control Board's Stormwater NPDES Permit for Construction Activities.
33. The project's CC&Rs shall establish an *Architectural Design Review Committee* which shall be responsible for establishing and enforcing design guidelines used in construction on the project lots.
34. Landscaping shall be used to minimize potential visual impacts resulting from development. At the time of building construction on each single family lot or condominium parcel, Jeffrey and lodgepole pine trees (5 gallon minimum) in equal numbers shall be planted on each project lot/parcel at a rate of one tree per 1,000 square feet of lot area (excludes public street area). Other types of trees may be planted but the required number of Jeffrey and lodgepole pine trees shall be required and maintained as a condition of the CC&Rs. In addition to the above tree planting requirements, additional trees (Jeffrey and/or lodgepole pine) shall be planted in accordance with Attachment A (proponent concept tree planting plan modified to include additional trees in the vicinity of the June Lake Ballfield) A subsequent detailed landscape plan shall be submitted to the Planning Commission for approval and included in the final map subdivision improvement plans. The Landscaping Plan shall be subject to the Mono County Code requirements for landscaping plans.
35. The project proponent shall revegetate disturbed areas resulting from roadway construction and infrastructure installation. A Landscaping and Revegetation Plan shall be required as a component of the street improvement plans for each subdivision phase. The Landscaping Plan shall be subject to the Mono County Code requirements for landscaping plans.

Modification

36. Transient rental (less than 30 days) shall be permitted according to the June Lake Highlands Specific Plan Land Use Objectives and Policies, Policy 1-D.

Exhibit C

STATEMENT OF OVERRIDING CONSIDERATIONS JUNE LAKE HIGHLANDS SPECIFIC PLAN FEIR

Mono County's economy is supported primarily by tourism and outdoor recreation with limited areas suitable for housing opportunities. Only about 6% of the land area in Mono County is private land and much of that is constrained for development by economic, environmental and other considerations. The June Lake Highlands project would expand the range and opportunity for housing in accordance with the Mono County General Plan and June Lake Area Plan. In addition, the project would enhance the local economy providing additional job opportunities. The Mono County Board of Supervisors finds that the level of development provided under the June Lake Highlands Specific Plan would significantly benefit Mono County's housing supply and economy and would thereby outweigh significant unavoidable impacts associated with the project.

The June Lake Highlands project is located in proximity to the village of June Lake in an area suitable for housing and serviceable by public services. The project site is located adjacent to existing development, accessible by the new North Shore Drive access road and next to the June Lake Ballfield. The project incorporates design features to reduce environmental impacts and mitigation measures have been incorporated into the Specific Plan Final EIR to reduce impacts to their lowest feasible levels.

The development of the June Lake Highlands would create additional jobs in central Mono County. It would generate additional revenues for the County, particularly in the form of property taxes and also from transient occupancy taxes collected from overnight visitors. Based upon these considerations, the Mono County Board of Supervisors finds that the potential benefits derived from the June Lake Highlands project outweigh the project's significant unavoidable impacts and that a Statement of Overriding Considerations is warranted.

Exhibit A to Planning Commission Resolution R20-02

Modification of Tract Map 34-26 Amending Condition # 44 specifying that short-term rental (rental less than 30 days) is permitted in compliance with the June Lake Highlands Specific Plan Policy 1-D

**MONO COUNTY COMMUNITY DEVELOPMENT
DEPARTMENT
Planning Division**

NOTICE OF TENTATIVE TRACT MAP APPROVAL

TENTATIVE TRACT MAP # 34-26

APPLICANT: Larson

ASSESSOR'S PARCEL NUMBER: 15-010-79

PROJECT LOCATION: The property is located along the intersection of Leonard Avenue and Highland Drive in West Village, June Lake.

You are hereby notified that the Mono County Board of Supervisors did on January 4, 2005, hold a public hearing to hear any and all testimony relative to the approval of Tentative Tract Map 34-26 and did approve the map for a period of twenty-four (24) months, subject to the following conditions.

**Please refer to the attached
Conditions of Approval #1 through 44**

A final map, which includes compliance with the foregoing conditions, may be submitted for final approval prior to its expiration. Failure to file the final map within twenty four (24) months after the above approval will nullify all approvals; except that such time limitation may be extended by the Planning Commission. Written application for such extension must be made to the Executive Secretary to the Planning Commission or Clerk to the Board no later than forty five (45) days prior to expiration of the tentative map. Extensions may be granted for a one-year period, or successive one-year period, not to exceed a total of three (3) additional years.

DATE OF EXPIRATION: 01/04/07

DATED: January 4, 2005

cc: Applicant
 Engineer
 Assessor's Office
 Public Works
 Environmental Health

TM 34-26
JUNE LAKE HIGHLANDS
 CONDITIONS OF APPROVAL &
 MITIGATION MONITORING PROGRAM

FORMAT:

CONDITION OF APPROVAL.....

- a. SCHEDULE OF COMPLIANCE.....
- b. RESPONSIBLE MONITORING AGENCY or DEPARTMENT.....
- c. IMPLEMENTING PARTY
- d. TYPE OF MEASURE: DESIGN, ONGOING, CUMULATIVE

Uniformly Applied Development Standards and Policies

1. Future residential development shall meet the requirements of the Mono County General Plan.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department/ Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design
2. The subdivision improvements, as well as future development, shall comply with the Fire-safe Regulations (Mono County General Plan, Land Use Element, Section VI Land Development Regulations Chapter 22) pertaining to emergency access, signing and building numbering, emergency water supplies and vegetation modification.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department/Building Division
 - c. Applicant/Property Owner
 - d. Design
3. All wood-burning devices installed in the project shall be Phase II EPA certified, in conformance with the Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies, Objective A, Action 6.1).
 - a. Generally associated with future development. Requires monitoring over a period of time.
 - b. Community Development Department/Building Division
 - c. Applicant/Property Owner
 - d. Design
4. The project proponent shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. Additionally the contractor/owner of future residential construction/development shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site shall be permitted until such time as the applicant hires a qualified consultant and an appropriate report is filed with the county Planning Division, which identifies acceptable site mitigation measures.
 - a. Generally associated with future development but may occur anytime construction is in progress. Requires monitoring over a period of time.
 - b. Community Development Department/Planning Division
 - c. Applicant/Property Owner
 - d. Design/Ongoing

5. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approved residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant
 - d. Design/Ongoing

6. Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

7. Erosion-control measures on disturbed areas shall include the use of Best Management Practices such as placement of fiber blankets and roll, filter fencing or similar erosion-control materials. Removed topsoil shall be stockpiled and replaced over disturbed areas. Disturbed areas shall be revegetated with a native seed mix and/or native plants. For all phases of subdivision and future parcel development, exposed soil surfaces shall be stabilized and/or revegetated as soon as possible to reduce impacts related to erosion.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

8. Revegetation of disturbed areas shall occur as soon as possible following construction and shall require the use of stabilization material or landscaping. Use of native seeds, native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

9. To prevent wind erosion and public nuisance created by dust, the property owners shall refrain from clearing native vegetation except as necessary for impending or same-year construction. Dust generated during construction shall be controlled through watering or other acceptable measures
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

10. For all phases of subdivision and parcel development, controls shall be instituted to reduce the impact of dust. Such controls are to include watering and mulching of disturbed areas or by other approved methods. Initiation of revegetation efforts should commence as soon as practical after construction.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing
11. Grading permits shall be required as specified in Mono County Code Section 13.08.030 et seq. Activities requiring a grading permit include but are not limited to land clearing/grading activities that will clear more than 10,000 square feet or require any cuts greater than 4 feet or fill greater than 3 feet. Construction requiring more than 200 cubic yards of cut or fill will also require a grading permit.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design/Ongoing
12. Drainage and erosion-control plans shall be required of future residential construction involving more than 5,000 square feet of pad area disturbed, including secondary or accessory structures on any one parcel, at any one time. Drainage and erosion-control plans shall also be required for future residential construction on any one parcel that cumulatively exceeds 20,000 square feet. If plans are required, plans will be developed with the individual project applicant, Mono County Planning Division, and Mono County Department of Public Works.
- a. Requires monitoring over a period of time, usually linked to future development.
 - b. Community Development Department/Planning Division and applicable federal and/or state agency
 - c. Applicant/Property Owner
 - d. Design/Ongoing
13. Liquefied Petroleum Gas (LPG) when used shall be installed according to all applicable codes and Mono County Code 15.04.056. The project proponent shall provide bulk propane. Minor adjustments to tentative tract map lot lines may be made to satisfy required fire code setbacks. A landscaping plan for screening of propane tank(s) shall be submitted to Community Development Department for approval.
- a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department/Building Division
 - c. Applicant/Property Owner
 - d. Design
14. Exterior/outdoor lighting on individual lots shall be designed and maintained to minimize the effects of lighting on the surrounding environment. Exterior lighting shall be limited to that necessary for health and safety purposes; high-intensity outdoor lighting shall be avoided or adequately shielded. All lighting must be designed to confine light rays to the premises of each individual lot. In no event shall a lighting device be placed or directed so as to permit light to fall upon a public street, adjacent lot, or adjacent land area.
- a. Generally associated with future development but may occur any time construction and/or road grading is in progress. Requires monitoring over a period of time.
 - b. Community Development Department/Planning Division
 - c. Applicant

d. Design

Specific Subdivision Map Conditions and Development Mitigation Measures

15. All new development shall be in accordance with the Project Description, Land Use Objectives and Policies of the June Lake Highlands Specific Plan as follows (note: policy descriptions are excerpts of actual policy – see Specific Plan for full wording):
- a. Policy 1-A: Designate 11.8 acres as SFR; designate 9.4 acres as MFR-M (no longer applies; whole project area is allowable by Specific Plan as SFR – SFR requirements of the General Plan apply to this phase as well as first phase).
 - b. Policy 1-B: Designate the project as S-F-R and M-F-R (no longer applies since Zoning and General Plan were combined).
 - c. Policy 1-C: All single-family lots are to be 7,500 sf minimum.
 - d. Policy 2-A: Development to reflect mountain home architecture/environmentally sensitive design.
 - e. Policy 2-B: Utilize colors, textures, amenities that blend with environment (see official materials – color palette).
 - f. Policy 2-C: Screen the condominium/multifamily parking area from view (no longer applies).
 - g. Policy 2-D: Place all utilities underground (see condition below).
 - h. Policy 2-E: All single-family and multi-family architecture subject to Design Review (“multi-family” no longer applies).
 - i. Policy 3-A: Install water/sewer systems consistent with June Lake PUD requirements.
 - j. Policy 3-B: Coordinate solid waste service with local provider. Screen on-site containers.
 - k. Policy 3-C: Provide on-site condominium management and affordable housing (“condominium management” no longer applies – see condition below).
 - l. Policy 3-D: Provide snow removal for the condominium streets and parking areas (no longer applies).
 - m. Policy 4-A: Provide on-site recreational facilities in each phase of the condominium area (no longer applies).
 - n. Policy 4-B: Allow single-family lot owners to join the condominium HOA for access to recreational facilities (no longer applies).
 - o. Policy 4-C: Assist with June Lake Ballfield improvements such as parking lot paving, restrooms, etc., to be negotiated with County (this has been completed).
 - p. Policy 4-D: Provide an access path to the June Lake Ballfield with maintenance by CC&Rs (a pathway from phase one of the development has been provided; another pathway is to be provided in this phase – see condition below).
 - q. Policy 5-A: Institute a “dark skies” policy – outdoor lighting must be shielded/directed downward (see standard condition above).
 - r. Policy 5-B: Erect construction barriers on project perimeters to prevent damage to off-site habitat.
 - s. Policy 5-C: Avoid tree removal – replace trees removed per replacement schedule in the Specific Plan.
 - t. Policy 6-A: Ensure affordable employee housing (one affordable unit was provide during phase one; provision for a second unit is proposed with this phase – see condition below).
 - u. Policy 6-B: Utilize alpine architectural style.
 - v. Policy 7-A: Construct new streets to County standards (see condition below).
 - w. Policy 7-B: Provide interior streets that interconnect the condominium area (no longer applies).

- x. Policy 7-C: Provide off-site street improvements or in-lieu fees for Leonard Avenue, Bruce and Knoll; negotiate not-to-exceed cost (Leonard to be improved during this phase).
 - y. Policy 7-D: Provide a Zone of Benefit for street maintenance (see condition below).
 - z. Policy 7-E: Provide a fair share of funding for trails and bike paths; negotiate not-to-exceed cost (fee has been established for first phase; additional fee to be required for this phase – see condition below).
 - aa. Policy 8-A: Design connections, pathways, to surrounding open space (access pathway to be provided in this phase – see condition below).
 - bb. Policy 8-B: Utilize condominium open space areas to enhance the visual quality of the project (no longer applies).
 - cc. Policy 9-A: Incorporate latest building codes regarding seismic safety.
 - dd. Policy 9-B: Avoid construction on faults and unstable geologic features.
 - ee. Policy 10-A: Minimize construction noise by specifying times of operation of construction noise (see standard condition above).
 - ff. Policy 10-B: Utilize smart design in placement of condominium outdoor recreation areas to minimize outdoor noise generated from the site (no longer applies).
 - gg. Policy 10-C: Design condos to shield noise from interior parking and noise producing features (no longer applies).
 - hh. Policy 11-A: Preserve natural vegetation - replace trees per Specific Plan replacement schedule.
 - ii. Policy 11-B: Minimize flattening and grading for house construction – blend with natural terrain.
 - jj. Policy 11-C: Exposed soils to be revegetated with natural vegetation and specific seed mix; significant number of trees to be planted (1 tree/1000 sf –see condition below).
 - a. At time of subdivision final map and generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior final map recording, issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department-Building and Planning divisions and Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
16. All Specific Plan Mitigation Measures identified in the June Lake Highlands Specific Plan are tentative tract map conditions as follows (see Specific Plan EIR for full wording):
- a. Mitigation Measure A-1: No part of any structure may exceed 35' above natural grade; reflected in CC&Rs (CC&Rs were recorded by applicant with wrong drawing! This condition supercedes CC&Rs).
 - b. Mitigation Measure A-2: Buyers to be advised of presence of June Lake Ballfield and associated potential for large recreational events.
 - c. Mitigation Measure B-1: Provision of affordable housing; 2 perpetually affordable units somewhere in the June Lake Loop (one has been provided; one is to be provided with this project – see condition below).
 - d. Mitigation Measure C-1: Applicant shall provide fair share of additional law enforcement facilities (fee has been paid for first 39 units; fee to be same per unit for this phase –see condition below).
 - e. Mitigation Measure C-2: Assessment District to be formed or water system improvements per June Lake PUD requirements (has been completed).
 - f. Mitigation Measure C-3: Plans to be reviewed by the June Lake Fire District - review by June Lake PUD and Fire District; “will serve” letters required.

- g. Mitigation Measure C-4: "Will-serve" letters from June Lake Fire District and PUD must be provided to County.
- h. Mitigation Measure C-5: Water conserving fixtures/xeriscape required.
- i. Mitigation Measure D-1: Structural enhancements for buildings and utilities to be consistent with UBC for Seismic Risk Zone IV.
- j. Mitigation Measure D-2: Rolling boulder potential to be considered in lot design to prevent earthquake-induced displacement.
- k. Mitigation Measure D-3: Slope stability and lot development plans to be reviewed by geologist or geo-engineer for all single-family lots.
- l. Mitigation Measure D-4: Structural/earthwork specifications to be employed in project design/compaction.
- m. Mitigation Measure D-5: Grading Guidelines in Appendix B of DEIR and Mono County PW requirements to be followed for all grading.
- n. Mitigation Measure D-6: Comprehensive erosion and sediment transport plan required prior to grading permit issuance.
- o. Mitigation Measure E-1: Dogs to be contained in private fenced yards or enclosed in a building.
- p. Mitigation Measure E-2: Mono County leash laws to be reiterated in the CC&Rs.
- q. Mitigation Measure E-3: Dogs prohibited in area during construction (see standard condition above).
- r. Mitigation Measure E-4: Night lighting restricted in number, duration, intensity; shielded light fixtures; not visible off-site (see standard condition above).
- s. Mitigation Measure E-5: Access to work areas to utilize existing dirt roads; avoid unnecessary disturbance to vegetation outside project area.
- t. Mitigation Measure E-6: Revegetation to utilize native plants and conducted immediately following construction.
- u. Mitigation Measure E-7: Deter spread of weeds/ cover stockpiled topsoil/revegetate immediately.
- v. Mitigation Measure E-8: Use techniques to reduce pads and drives.
- w. Mitigation Measure E-9: Establish setbacks between private fenced areas and property lines for ease of deer and wildlife movement through the project.
- x. Mitigation Measure E-10: Open space management and restrictions to be specified in CC&Rs.
- y. Mitigation Measure E-11: No tall, solid fences shall be constructed along adjoining back yards; pet enclosures excepted if in keeping with CC&Rs.
- z. Mitigation Measure E-12: Construction activities to be scheduled only during daytime hours to reduce wildlife disturbance.
- aa. Mitigation Measure E-13: Dust to be controlled (see standard condition above).
- bb. Mitigation Measure E-14: Noise levels during construction to be minimized (see standard condition above).
- cc. Mitigation Measure E-15: Open ditches/trenches to be covered/barricaded during night.
- dd. Mitigation Measure E-16: Refueling/repair of equipment to occur in disturbed areas away from sensitive habitat.
- ee. Mitigation Measure E-17: Reduced speed limits to 25 mph should be imposed on roads leading to and from the development to reduce wildlife-vehicle collisions.
- ff. Mitigation Measure F-1: Design buildings, parking, site grading to blend with natural terrain; no building height greater than 35' above "natural grade" (natural grade defined).
- gg. Mitigation Measure F-2: Building finishes, color palette to be detailed in CC&Rs. CC&Rs to be approved by Planning Department in consultation with Design Review Committee (see Chapter 9 of Land Use Element of the General Plan).
- hh. Mitigation Measure F-3: Housing and accessory structures to utilize alpine architectural style and reviewed by Design Review Committee.

- ii. Mitigation Measure F-4: Cut and fill slopes to be contoured, tops and toes to be tapered/rounded.
- ii. Mitigation Measure F-5: House and condominium grading to blend with natural terrain.
- jj. Mitigation Measure F-6: Building sites and graded areas to be immediately re-vegetated to blend with native landscaped areas; native plants to be utilized.
- kk. Mitigation Measure F-7: 300 Jeffrey / lodgepole pine trees to be planted on perimeter of project (deleted- replaced by Tentative Map Condition 34 of phase 1).
- ll. Mitigation Measure F-8: Native trees required at 1/1000 sf of lot area; maintenance via CC&Rs (see condition below).
- mm. Mitigation Measure F-9: Removal of existing trees to be avoided; replacement in accordance with Policy 5-C.
- nn. Mitigation Measure F-10: Roof and ground mounted mechanical equipment to be screened from view.
- oo. Mitigation Measure F-11: Exterior lighting must be concealed; light rays confined to the premises; high intensity lighting to be avoided/shielded (see standard condition above).
- pp. Mitigation Measures G-1: If cultural evidence discovered, mitigation plan required (see standard condition above).
- qq. Mitigation Measure G-2: If Native American burial sites discovered, Health and Safety Code section 7050.5 to be followed.
- rr. Mitigation Measure H-1: Consideration shall be given to revising Leonard Avenue as a one-way street or back-to-back cul-de-sac (not required – Leonard to be repaved at this stage).
- ss. Mitigation Measure H-2: Per Public Works Director, applicant to reconstruct and pave Leonard Avenue to current structural standards; extent and cost to be negotiated during tentative map considerations (to be done at this stage).
- tt. Mitigation Measure H-3: Zone of Benefit to be established for street maintenance.
- uu. Mitigation Measure I-1: For noise mitigation, construction limited to daylight hours (see standard condition above).
- xx. Mitigation Measure I-2: Heavy equipment and other construction equipment to be properly muffled.
- yy. Mitigation Measure I-3: Condos next to Interlaken to have outdoor activity areas located away from Interlaken or shielded by structures (no longer applies).
- zz. Mitigation Measure I-4: Consideration shall be given to revising Leonard Avenue as a one-way street or back-to-back cul-de-sac (same as H-1 – not required).
- aaa. Mitigation Measure J-1: Air quality – comprehensive erosion and sediment control plan required (same as D-6).
- bbb. Mitigation Measure J-2: Only high efficiency heating systems allowed. No units developed with wood burning appliances as primary heating source.
- ccc. Mitigation Measure J-3: Any wood burning appliances must be EPA Phase II certified.
- ddd. Mitigation Measure J-4: Air quality – revegetation of graded sites (same as F-6).
- eee. Mitigation Measure J-5: Permit to Operate from GBUAPCD required.
- fff. Mitigation Measure K-1: Water resources – comprehensive erosion-control plan required (same as D-6 and J-1).
- ggg. Mitigation Measure K-2: SWPPP required/submitted to Public Works for comment.
- hhh. Mitigation Measure K-3: Natural vegetation to be preserved to reduce impervious surface runoff.
- iii. Mitigation Measure K-4: Impervious surfaces to be regularly swept and cleaned.

d. Design

21. The subdivider shall construct improved roads within the subdivision in accordance with the County Road Improvement Standards section for a Typical Section Residential (Plate No. 8 Typical Section Residential – Mono County Road Improvement Standards, 1981). All road improvement costs, including design, plans and specifications, permitting, testing, inspections, and any related reports shall be the responsibility of the subdivider. Engineered plans, specifications and cost estimates shall be submitted to the Department of Public Works for review and approval. The roads shall be constructed prior to recording of the final map or security shall be provided and a subdivision agreement executed with the County to guarantee construction.
 - a. Must be satisfied prior to recording of final map or bonded for.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

22. A CSA-Zone of Benefit district shall be created by the developer along newly constructed public roads in order to pay for snow removal and maintenance of streets and drainage facilities. The CSA-Zone of Benefit shall be formed prior to approval of the final tract map.
 - a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design

23. All drainage and storm water from this subdivision and the previous 39-unit subdivision (June Lake Highlands TM 34-24) shall be considered in drainage easements and facilities. Design of these facilities shall strictly limit deposit of silt and other deleterious materials into Gull Lake. This shall include modifications or improvements to downstream facilities if needed.
 - a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design

24. If a drainage basin installation is pursued across from the ballfield, the developer will prepare all environmental review documents, obtain appropriate permits and other approvals, pay all related fees, and furnish surety necessary for the project. Plans and specification shall be approved by Public Works prior to initiating construction.
 - a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design

25. A letter of clearance and/or waste discharge requirements from Lahontan Regional Water Quality Control Board shall be obtained, if necessary.
 - a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design

26. All road grading and earthwork activities must be conducted in accordance with an approved road construction plan and/or grading plan.
 - a. Must be satisfied prior to final map
 - b. Department of Public Works

- c. Applicant/Property Owner
 - d. Design
27. Construction material (rock, debris, etc.) that is not utilized as road fill material shall be removed to a designated dump or other approved site.
- a. Generally associated with construction of the subdivision
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
28. The applicant will be required to submit a soils report or process a soils report waiver. Any such report or waiver shall be reviewed and approved by the Director of Public Works, according to the provisions of Mono County Code (MCC) Section 17.36.090.
- a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
29. A comprehensive erosion and sediment transport control plan shall be submitted to the Department of Public Works prior to issuance of the grading permit(s).
- a. Must be satisfied prior to issuance of grading permit(s)
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
30. An air quality permit shall be obtained from the Great Basin Unified Air Pollution Control District, if required.
- a. Must be satisfied prior to final map
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
31. The developer shall provide necessary easements for existing and proposed utility service within the subdivision.
- a. Must be satisfied prior to sale of lots
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design
32. The project proponent shall confer with local postal authorities for installation requirements for cluster mailboxes. The applicant shall provide a letter from the postal authorities stating their satisfaction with road names and box locations in the development, or a release from the necessity of providing cluster mailboxes. If clustering or special locations are specified, easements, concrete bases, paved turnouts, and other provisions shall be included.
- a. Must be satisfied prior to recording of the final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
33. The applicant shall prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent to comply with provisions of the State Water Resources Control Board's Stormwater NPDES Permit for construction activities. As part of compliance with the

- NPDES Stormwater Permit, the project shall comply with the North Lahontan Basin Project Guidelines for Erosion Control.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
34. The project proponent shall provide a 5' wide, compacted decomposed granite access path to the June Lake Ballfield from the single-family subdivision between lots 17, 18 and 19. Maintenance of the path shall be provided in the CC&Rs. (Note: the developer does not agree with this condition.)
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
35. A ten (10')-foot wide snow storage/utility easement shall be dedicated along all street frontages. This would apply to all 40-foot-wide rights of way, Mountain Vista, Highland and Alpenglow. It does not apply to the 60-foot-wide rights of way, Leonard, Roed's Road and "A" Street.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
36. Lots 20, 21, 22 and 23 are double-frontage lots; they shall have vehicular access only to Alpenglow Lane; developer shall waive all rights to vehicular access along Leonard Avenue at each of these lots.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
37. Landscaping shall be used to minimize potential visual impacts resulting from development. At the time of building construction on each single-family lot, Jeffrey and lodgepole pine trees (5-gallon minimum) in equal numbers shall be planted on each project lot/parcel at a rate of one tree per 1,000 square feet of lot area (excludes public street area). Other types of trees may be planted but the number of Jeffrey and lodgepole pine trees shall be requirements.
- a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department/ Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design
38. The applicant shall share in the estimated cost of providing additional Sheriff's Department services for the area (estimated cost: \$485/unit x 28 = \$13,580). A deposit of \$13,580 shall be made to the Sheriff's Department for this purpose.
- a. Prior to approval of final map
 - b. Department of Public Works
 - c. Applicant
 - d. Design

39. The applicant shall pay \$60,000 to the June Lake housing trust fund.
 - a. Prior to approval of final map
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant
 - d. Design

40. All infrastructure (roads, utilities, sewer and water) and associated landscaping and revegetation shall be available or in the process of being constructed prior to recording of the final map or bonded for with a subdivision agreement.
 - a. Must be satisfied prior to recording of final map or bonded for.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

41. The applicant shall provide off-site street improvements as indicated in the attached "Exhibit A".
 - a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

42. This subdivision shall establish CC&Rs same as and/or integrated with CC&Rs of the previous 39- unit subdivision (June Lake Highlands TM 34-24).
 - a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

43. The applicant shall share in the estimated cost of providing a trail plan for the June Lake area. A deposit of \$1,311 shall be made to Mono County for this purpose.
 - a. Prior to approval of final map
 - b. Department of Public Works
 - c. Applicant
 - d. Design

44. Lots 4-10 and 14-16 may allow duplex development. ~~No transient rental (less than 30 days) shall be permitted.~~ Transient rental (less than 30 days) shall be permitted according to the June Lake Highlands Specific Plan Land Use Objectives and Policies, Policy 1-D.
 - a. Prior to approval of final map
 - b. Department of Public Works
 - c. Applicant
 - d. Design

EXHIBIT "A"

**AGREEMENT BETWEEN
THE COUNTY OF MONO AND
THE HIGHLANDS AT JUNE LAKE, LLC**

**SCOPE OF WORK FOR
OFF-SITE IMPROVEMENTS TO LEONARD AVENUE:**

At Subdivider's expense, Subdivider shall furnish, construct, and/or install off-site improvements associated with Phase II of the Subdivision, as defined by the Specific Plan, including all labor, supervision, permitting, inspection, equipment, materials, supplies, travel, delivery, taxes, and all other items necessary to perform the work required, as follows:

1. Improvements to the Leonard Avenue roadway, which shall extend west from Bruce Street through to its termination (approximately 0.53 miles). Improvements shall meet the standards and specifications as may be established by the Public Works Director. Consistent with said standards and specifications, engineered plans and specifications shall be prepared by the Subdivider and submitted for approval by the Public Works Director prior to commencing work. These improvements shall generally include, but not be limited to, the following:
 - Grinding of existing asphalt concrete pavement, followed by placing, leveling, and compaction of resulting grindings as base material;
 - Overlay with a minimum thickness of three (3) inches of roller-compacted hot-mix asphalt concrete pavement, followed by a fog seal. The minimum pavement width shall be two 10-foot travel lanes, as measured from the centerline, in sections where County right of way is twenty-five (25) feet. Where the County right of way exceeds twenty-five (25) feet, the County may require each travel lane to be a minimum pavement width of twelve (12) feet;
 - Placement, grading, and compaction of shoulders on each side of the paved section. Said shoulders shall be a minimum constructed width of two to three feet;
 - Grading and/or improvement of drainage facilities adjacent to roadway, as may be deemed necessary;
 - Construction of two turnout areas where deemed appropriate by the County.
2. All work shall be completed in accordance with Mono County Standards, plans and specifications approved by the Public Works Director or his authorized representative, and general standards of care for the construction industry.
3. Off-site improvements specified in this Attachment shall be completed by Subdivider within four (4) years from the date of this Agreement, or prior to recordation of the final map for Phase II of the Subdivision, whichever occurs first, unless otherwise agreed upon by the Parties in writing, in accordance with section twenty-four (24) of this Agreement.
4. Off-site improvements may be subject to environmental review, approval, and/or modification by Inyo National Forest staff or other public agencies or utilities having jurisdiction or authority over the project or the property. Any modification required by said agencies to the aforementioned improvements shall be required of the Subdivider as though a part of this Agreement.

Improvements furnished, constructed, and/or installed as a result of this Agreement shall be considered to satisfy Condition No. 31 specified in the Conditions of Approval for Tract Map No. 34-24.

THE HIGHLANDS AT JUNE LAKE - PHASE 2
TENTATIVE TRACT NO. 34-
 BEING A RE-SUBDIVISION OF THE REMAINDER OF
 TRACT 34-24 OF MAP BOOK 10 PAGE 64
 IN THE COUNTY OF MONO, STATE OF CALIFORNIA

1" = 50'

DATE: 04/29/04

BY: [Signature]

SCALE: 1" = 50'

PROJECT: 02/05

DATE: 04/29/04

BY: [Signature]

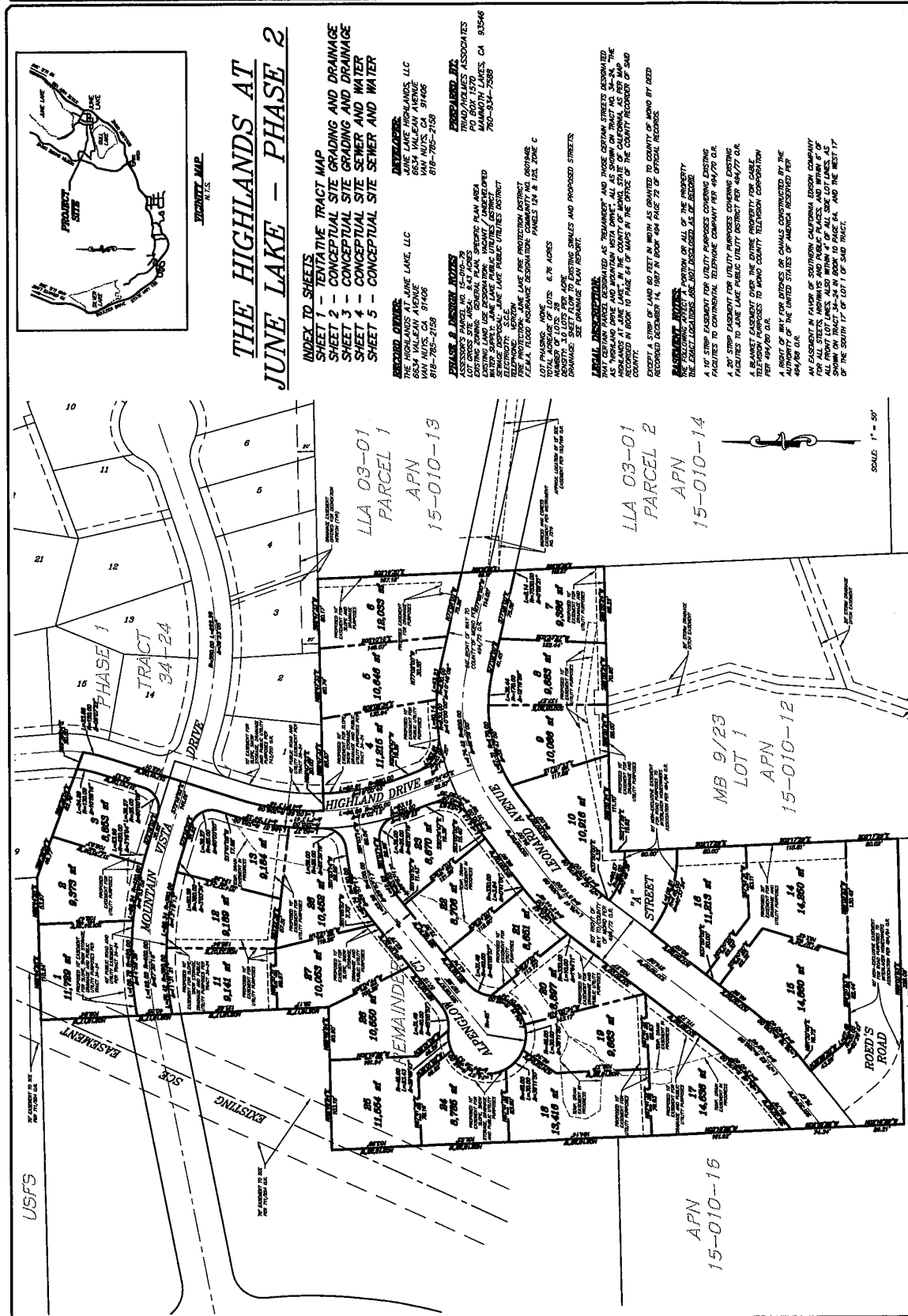
SCALE: 1" = 50'

PROJECT: 02/05

DATE: 04/29/04

BY: [Signature]

SCALE: 1" = 50'



June Lake Highlands / Larson
 January 4, 2005
 Exhibit A to Planning Commission Resolution R20-02
 Page 38

MONO COUNTY PLANNING COMMISSION

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

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

June 2, 2020

To: The Sheet

From: Michael Draper

Re: Legal Notice for **June 6** edition

Invoice: Stephanie Butters, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **June 18, 2020**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 968 5730 7341) where members of the public shall have the right to observe and offer public comment, to consider the following: **10:25 a.m. JUNE LAKE HIGHLANDS SPECIFIC PLAN AMENDMENT and TRACT MAP AMENDMENTS 34-24 and 34-26** to allow owner-occupied and non-owner occupied transient rentals (less than 30 days). If approved, all Highlands properties will be eligible to apply for permits to conduct transient rentals subject to certain conditions and with a possible cap on the total number of rentals that may be approved. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials will be made available for public review online at <https://www.monocounty.ca.gov/planning/page/projects-under-review> and hard copies are available for the cost of reproduction by calling (760) 924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to **submit comments by 3 pm on Wednesday, June 17** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by email at cddcomments@mono.ca.gov, or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

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Mono County Community Development Department Planning Division

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

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

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **June 18, 2020**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by livecast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 968 5730 7341) where members of the public shall have the right to observe and offer public comment, to consider the following:

10:25 a.m. JUNE LAKE HIGHLANDS SPECIFIC PLAN AMENDMENT and TRACT MAP AMENDMENTS 34-24 and 34-26 to allow owner-occupied and non-owner occupied transient rentals (less than 30 days). If approved, all Highlands properties will be eligible to apply for permits to conduct transient rentals subject to certain conditions and with a possible cap on the total number of rentals that may be approved. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials will be made available for public review online at <https://www.monocounty.ca.gov/planning/page/projects-under-review> and hard copies are available for the cost of reproduction by calling (760) 924-1800.

INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments **by 3 pm on Wednesday, June 17** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, by email at cddcomments@mono.ca.gov, or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

For additional questions, please contact the Mono County Planning Division:

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

Project Locations



From: dennischapman1746@gmail.com
To: [CDD Comments](#)
Cc: [Robert Chapman](#); grantlakemarina@gmail.com
Subject: June Lake Highlands SPA and TTMA 34-24 and 34-26 related to 220 Highland Dr. June Lake Ca 93529
Date: Tuesday, June 9, 2020 11:41:04 AM
Attachments: [June Lake Public Notice Short Term Rentals.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Secretary,

Thank you for the opportunity to comment on the subject matter. First of all, I am commenting with the full support of Robert Chapman who has a 50% interest in the subject property and home. At the last meeting the Planning Commissioners asked some very good questions regarding the original proposal by the developer applicant. It became very apparent that the existing owners who have already built their homes were potentially going to be harmed if the original request were approved. At the meeting, I spoke on the zoom call and voiced our position on the proposal and I requested that our property be included in the request. In fact, I stated that all the properties should be included in the request and then the Planning Commission should take action one way or the other. Since the meeting I spoke with a number of the existing homeowner residents about the process. Their views varied. One neighbor stated that there was going to be a % cap on the number of permits for short term rentals that would be approved. He stated 3%. We are in favor of limiting the permits on a percentage basis only if the existing owners who have built homes or those who have broken ground be given first opportunity to file the appropriate application. This accommodation would prevent the Developer or other owners who have not built from gaining any unfair advantage of those who have built their homes. Our preference is that the Planning Commission deny the request, however, if the Commission chooses to approve the amendments, then I strongly urge the commission to make conditions that provide existing owners who have built or who have commenced building some assurance that their applications would be processed and not be arbitrarily blocked out by a percentage threshold.

Thank you for the opportunity to comment.

Sincerely,

Dennis Chapman
Robert Chapman
220 Highland Drive
June Lake, Ca 93529



Virus-free. www.avast.com

From: [Kurt Erikson](#)
To: [Michael Draper](#)
Subject: Re: FW: [Planning Commission Updates] Planning Commission - regular meeting
Date: Thursday, May 21, 2020 5:47:18 PM

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Hi Michael,

Highlands

I joined the planning commission Meeting today but had to leave in the middle for a job. Anyway, I heard from Andre Blaine afterwards that there was no resolution. 25 property owners had signed for transient rentals. I would believe this should be enough to pass the amendment? A re-notice doesnot make any sense to me as many of the lots are still not sold and have been for sale for 14 years. Waiting for new property owners to join will make this a very long process. Property owners received a notice and if it was important to them they should have replied. Also I know you have been very patient and accommodating allowing people to apply until recently.

There may be a few that donot agree and then changed their minds to also be included after understanding the majority want approval. I donot understand why a few people can stop the majority in getting this passed.

Please let me know what I can do to help get this resolution passed.

Kind regards,
Kurt Erikson

From: jinhewett@gmail.com
To: [Michael Draper](#); ["Charles Hewett"](#)
Subject: RE: [June Lake Highlands Specific Plan Amendment] Planning Commission - regular meeting
Date: Thursday, May 28, 2020 7:33:07 PM
Attachments: [JL STR Policy Recs for PC 02.15.18.doc](#)

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Hi Michael,

I am not sure whether the attached document is the latest short term rental policy for the June Lake area. It seems to have some good ideas in terms of limiting impact to the existing homes. Please advise.

With regards to the June Lake Highlands Specific Plan, we'd like to recommend the following additions for the Planning Commission to consider.

1. Please limit the short term rental in the Highlands area to Type I – Owner Occupied only.
2. Please limit the total number of permits to a low percentage of the lots (e.g. 10%).

Thanks,
Jin & Charles Hewett

From: [Lucian Jorg](#)
To: [Michael Draper](#)
Subject: Short term rentals in the Highlands
Date: Wednesday, June 3, 2020 12:01:56 PM

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Hello Mr. Draper,

Thank you for your letter regarding short term rentals. I own lot #30 at 46 Highlands Place and would welcome the ability to use my future house as a vacation rental since it will be a secondary residence. It would be a big financial help to be able to rent out the house and it would help the community thrive. Please contact me with any additional input you require.

Thank you and be safe

Lucian Jorg

From: [Emil Youssefzadeh](#)
To: [Michael Draper](#)
Subject: Highlands short term rental
Date: Sunday, May 31, 2020 1:58:44 PM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,

I hope all is well. I was on the call for the lengthy meeting on May 21. My feeling from the call is that most of existing 12 or so actual owners/residents prefer there will be no short term rentals even though most, including me, like to have it if its approved for any lot. If majority residents think as such and the board will follow the decision of the majority then I will also follow the majority.

Based on this, I would request a communication be sent to owners of all lots with (a) existing occupied residents and (b) those with applications for permits or permits in hand. The question to them could be as follows:

“The board would wish to know how many of existing residents of Highlands (including those with permits in hand or process) are in favor of short term rentals and if the board decides to follow the preference of majority of existing residents (including those with permits in hand or under application) whether you would be willing to withdraw any request for approval of short term rentals for your property”.

On a separate subject, I like to start landscaping my two adjacent empty lots but cannot afford the irrigation water bill. Is there a possibility I can get a permit for a well on my eastern lot strictly for irrigation ? I know my neighbors up on the hill on skyline have a well.

Thanks

Emil

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

June 18, 2020

To: Mono County Planning Commission

From: April Sall, CDD Planning Analyst
Michael Draper, CDD Planning Analyst

Re: WORKSHOP – Industrial Hemp Program and Regulations

RECOMMENDATION

Receive workshop presentation and provide any desired direction to staff.

FISCAL IMPACT

No impact.

INTRODUCTION

Industrial hemp is an agricultural commodity cultivated for a wide variety of uses ranging from fiber to extracts. As of 2018, industrial hemp cultivation is legal under both federal and state law, a fact which has prompted many counties within California to develop local regulatory frameworks to help facilitate its expansion and viability as well as mitigate the many issues raised by its production within their respective jurisdictions.

Industrial hemp is a variety of the *Cannabis sativa* L. plant with a tetrahydrocannabinol (THC) concentration of 0.3% or less (see California Food and Agricultural Code section 81000(a)(6)). Cannabis and industrial hemp are the same species of plant, with only the THC level differentiating the two. Industrial hemp strains have simply been bred to have low THC content and are grown specifically (and exclusively) for the industrial use of their fibers. Industrial hemp is indistinguishable from cannabis in the field and can only be differentiated through laboratory testing analysis for THC concentration. Since they are the same species, cultivation of hemp raises some of the same issues that cannabis cultivation does, including concerns over odor and security. Also, because the only difference between the plants is the THC level, cross-pollination is a concern for industry professionals and regulators alike because cannabis can contaminate a hemp crop, raise the THC levels, and result in “hot hemp” that must be destroyed or abated (i.e., if a crop is above the THC limit, it is considered to be marijuana under the Controlled Substances Act and must be disposed of accordingly). Conversely, hemp can cross-pollinate cannabis and reduce THC content, and decrease the marketability due to the presence of seed, but this is less of a concern as it usually does not result in the crop being destroyed. While research and best practices on these issues remain limited, staff will continue to gather information and apprise the Commission, as necessary.

State laws and regulations pertaining to industrial hemp are relatively new, incomplete, and rapidly changing. This situation complicates an already difficult local regulatory development process. Further, the controversial nature of commercial cannabis in parts of the County along with varying opinions on best practices, and the newness of the industry, pose additional challenges. Since hemp is a new program in California, regulations have been in flux, as has the status in many counties across the state. California

must also have a USDA accepted plan in place for the cultivation of industrial hemp, which is still forthcoming. To date, “lessons learned” and best practices are few, and the economic success of the crop remains uncertain. Industrial hemp cultivation poses two primary issues for regulators: the plants are visually indistinguishable from cannabis plants and thus trigger the same public health and safety concerns (including odor nuisance) raised by cannabis production, and hemp pollen is extremely light weight (prone to drift) and may easily cross pollinate cannabis plants if planted too closely.

In November 2019, the Mono County Board of Supervisors adopted an ordinance enacting a temporary moratorium on the cultivation of industrial hemp to allow time for the state regulatory environment to stabilize and the County to develop a local regulatory program. The moratorium expires on November 5, 2020; therefore, the county must have its regulations in place before that date or regulation of industrial hemp will default to the State. To develop regulations, the intent is to pursue a rational planning process that prioritizes public health and safety and consistency with the General Plan Vision, community character, and related public input, similar to the framework that was used to develop cannabis regulations.

LEGAL HISTORY

Federal Law

Before 2014, industrial hemp could not legally be grown in the United States. This changed somewhat with the passage of the Agricultural Act of 2014 (the 2014 Farm Bill), which authorized institutions of higher education or state departments of agriculture (in states where hemp was legal) to grow hemp for research or agricultural pilot programs.

In 2018, the Agricultural Improvement Act of 2018 (the 2018 Farm Bill) was signed into law, which essentially legalized commercial hemp at the federal level by removing it from the Controlled Substances Act. The 2018 Farm Bill also placed full regulatory authority with the United States Department of Agriculture (USDA) and allowed state departments of agriculture to file hemp program plans and regulate hemp cultivation per their state specific programs. The Bill further required USDA to promulgate regulations and guidelines to establish and administer a program for the production of hemp in the United States. Under this new authority, states wanting to have primary regulatory authority over the production of hemp within their jurisdictions may submit, for the approval of the Secretary, a plan concerning the monitoring and regulation of such hemp production. For states that do not have approved plans, the Secretary is directed to establish a Departmental plan to monitor and regulate hemp production in those areas. As of April, California Department of Food and Agriculture (CDFA) had drafted and submitted its plan to the Governor’s Office and upon approval will be able to submit to the USDA.

State Law

Senate Bill 566 (the California Industrial Hemp Farming Act) was approved by the Governor in 2013 with the intention of enacting provisions relating to growing industrial hemp that would impose specified procedures and requirements on a person who grows industrial hemp, except as specified, that would become operative when authorized under federal law. The Bill amended and added various provisions in and to the California Food & Agriculture Code and the California Health & Safety Code.

Senate Bill 1409 was approved by the Governor on September 30, 2018. This Bill further amended and added various provisions in and to the Food & Agriculture Code and the Health & Safety Code, essentially bringing California’s hemp laws up to date by adding pilot program status to CDFA’s registration program in conformance with federal requirements and striking outdated state provisions that conflicted with the expanded definition of hemp that includes extracts and derivatives from the non-psychoactive flowers and leaves. The Bill ultimately allowed for California farmers to grow industrial hemp and to produce hemp seed, oil, fiber, and extract.

In the fall of 2019, the Governor approved Senate Bill 153, which sought to clarify the requirements for the cultivation of industrial hemp by research institutions and to align the state industrial hemp program with the Federal requirements. The law identifies requirements and parameters for state program development, requires Established Agricultural Research Institutions cultivating industrial hemp to register with the County Agricultural Commissioner, and includes eligibility requirements for registrants and associated enforcement responses. The provisions in SB153 include annual registration through the County's Agricultural Commissioner's office, a checklist of application requirements, and the use of approved "cultivars" (sources and strains of hemp). The Bill also requires clear signage, sampling and testing of hemp prior to harvest, and describes specific protocols for abating "hot hemp."

In conjunction with state legislation, CDFA has been busy developing state regulations governing industrial hemp, which are now in their final stages. These regulations include requirements for local registration, signage to help distinguish hemp from cannabis, background checks, and sampling and testing requirements THC. The CDFA is will be submitting its full regulatory package, which includes all the current regulations, to the USDA for a 60-day review and approval process.

For a comprehensive overview of all current state law and regulation, please visit the following link: <https://www.cdfa.ca.gov/plant/industrialhemp/docs/CaliforniaIndustrialHempLawandRegulations.pdf>

Other Counties

As of May 14, 2020, 33 counties in the state have registered 724 industrial hemp growers at 1,511 sites for a total of 39,072 acres. The largest acreages are in southern and central California counties such as Riverside, Kern and Fresno.

The Community Development Department researched similar counties in central and northern California for hemp regulation examples. The results indicate that since industrial hemp is a new crop to CA, there is a lot of variation in how counties are treating it and thus a lack of consensus. The range of variability spans from not regulating it and treating hemp as a "right to farm crop," to the maximum of requiring local permits with limits on the number of projects, acreage, and additional financial requirements. Furthermore, long-term success of the program for hemp crop cultivation is still undetermined.

A few lessons learned thus far include vetting proposals and applicants, close coordination between local enforcement agencies, requiring setbacks in areas that are adjacent to residential LUDs or city boundaries, and some counties are now requiring financial bonding or increased fees to recover costs associated with crops that must be abated for exceeding the 0.3% THC threshold ("hot hemp"). Cross-pollination remains an issue that is still understudied and therefore the consequences are unknown. A few counties are requiring additional setbacks or buffers between industrial hemp and commercial cannabis cultivations to attempt to mitigate cross-pollination.

DISCUSSION

The purpose of this workshop is for staff to receive direction on a potential Mono County program for Industrial hemp. The CDD also seeks direction on key policy issues such as the most appropriate land use designations, setbacks, odor, financial bonding, and permitting structure.

Because industrial hemp and cannabis are the same species with different THC levels, the concerns and impacts are very similar and thus the County's cannabis regulations are used as a starting point for discussing potential hemp regulations. In this case, the county could restrict cultivation and processing to specific Land Use Designations (LUDs), require setbacks and buffers to mitigate potential nuisance concerns, require financial assurances for abatement, and require additional local permits. For commercial cannabis, the county currently requires both a Use Permit approved by the Planning Commission and an annual Operation Permit approved by the Board of Supervisors to allow for site-

specific analysis and requirements. Commercial cannabis cultivation also requires a safety and security plan that is approved by the Sheriff's Department.

Community Input

Mono County practices community-based planning and values public input. The CDD initiated outreach and education on industrial hemp to receive input and public concerns, questions, and comments on a potential regulatory framework. Presentations were made in May at the following Regional Planning Advisory Committees (RPACs): Antelope Valley, Bridgeport Valley, Mono Basin, and June Lake Citizens Advisory Committee (CAC). The CDD collected feedback on program options and a subset of policy issues that have the potential to impact local communities. The RPACs were polled on policy issues including setbacks, odor, and cross-pollination; the poll results are discussed under the respective policy topics.

Antelope Valley RPAC:

The Antelope Valley RPAC asked how much interest the county had received for hemp cultivation and had several comments and questions about odor impacts and water use of industrial hemp, primarily in comparison to commercial cannabis. Pollen drift was discussed, and Nate Reade, the Inyo-Mono Agricultural Commissioner, was on the phone to assist with information. The consensus was to consider additional setbacks between industrial hemp and cannabis cultivations (commercial and any known personal cultivations).

Bridgeport RPAC:

The RPAC asked questions about pollen-drift and discussed large setback to prevent impacts to existing commercial cannabis cultivation operations. The group felt the buffers around schools (and sensitive receptors) appeared to be sufficient but were also interested in an update once the Antelope Valley RPAC made recommendations on increased setbacks for cannabis.

June Lake CAC:

The June Lake CAC had questions about the interest in and economic viability of hemp in the county. There was a member with cannabis experience that commented on the CBD oil demand and processing, and that CBD oil needs a certain level of THC to be effective. The group recommended the county consult the "experts" on cross-pollination and gather the best available science and practices. The consensus was to consider additional setbacks between industrial hemp and cannabis cultivations.

Mono Basin RPAC:

The group had questions regarding water consumption of hemp and how it compared to cannabis and other agricultural crops such as alfalfa. They inquired about interest levels in Mono County and asked about economic viability and any analysis for hemp. The consensus was to consider additional setbacks between industrial hemp and cannabis cultivations (both commercial and any known personal cultivations).

Options for an Industrial Hemp Program:

In considering the development of an industrial hemp regulatory program, four options have been identified: 1) Ban industrial hemp outright; 2) Allow industrial hemp under existing State regulation without the creation or implementation of any additional local regulation; 3) Allow industrial hemp under a pilot program as a preliminary step and later revisit the issue to determine whether a permanent, long-term plan should be implemented; or 4) Allow industrial hemp subject to both State and local regulation (e.g. a Use Permit from the CDD).

1) Ban

A ban would require the least investment of costs and staff time, but it would also preclude the expansion of the agricultural sector, private investments, and any potential economic benefits to residents and the County. However, much remains unknown about regulating the hemp

industry and regulations are still changing, and enacting a ban has the benefit of providing more time for the regulatory environment to stabilize and best practices to emerge.

2) State Regulation

Industrial hemp would be allowed using the State framework and regulations and a registration process under the Mono County Ag Commissioners office only. A major benefit would be that it does not require any additional regulation or policy development for Mono County. However, since no additional requirements or regulations apply locally, specific community concerns or consistency with the General Plan cannot be addressed.

3) Pilot Program

Mono County could limit the number of projects, set the time-period, and allow industrial hemp in certain LUDs. This framework could allow for industrial hemp cultivation while State and federal regulations stabilize. This option may also give Mono County the opportunity to assess the costs of implementing and enforcing a program before a permanent decision or adoption is made. A potential disadvantage is that cultivators may invest significant funds and livelihoods into a project, which may ultimately be disallowed or significantly changed at the end of the pilot program. Extinguishing a use is significantly more difficult once it has been allowed, even under a temporary format.

4) Local Regulation

This option would require the creation and implementation of a local regulatory strategy. Local regulation would allow the County to impose additional, stricter requirements on cultivators where necessary to accommodate the unique nature of the County. The regulatory strategy would include oversight through a permit or permits from the CDD in addition to the Ag Commissioners registration (e.g. a Use Permit and/or Operations Permit), similar to the County's cannabis program. Local regulation would help facilitate and preserve investments in industrial hemp cultivation but could be costly and time consuming to implement, such as the case of the County abating a "hot hemp" crop due to failure of the operator to do so.

RPAC Polling Results on Program Options:

RPAC	Ban it	State Regs	Pilot Program	Local Regulation
June Lake CAC	3	0	3	4
Antelope Valley	6	0	0	2
Bridgeport Valley	0	1	0	3
Mono Basin	0	0	3	3
TOTAL	9	1	6	12

Key Policy Issues:

Key policy and regulatory topics are presented for direction including identification of appropriate Land Use Designations (LUDs), setback requirements, odor mitigation, financial assurances, and permit types.

- 1) **Land Use Designations/LUDs:** Based on the concept that hemp is an agricultural crop and "similar to but not more obnoxious than" commercial cannabis cultivation, the recommendation is to allow it in the same LUDs: Agriculture (AG), Industrial (I), and Industrial Park (IP) (see Attached LUD Maps). A second option would be to allow industrial hemp in more or fewer LUDs based on an alternative rationale identified by the Commission.
- 2) **Setbacks:** Setbacks can be used to address three main issues: a) provide adequate separation between uses on adjacent properties and protect sensitive receptors, b) address odor issues, c) address pollen drift. Most California counties have not established setbacks to address cross-

pollination concerns except Monterey County established a 2-mile buffer, but other western states such as Washington, Colorado, and Arizona have established setbacks between commercial cannabis and hemp cultivations as large as 3-10 miles.

a) Adequate separation and sensitive receptors (schools, daycares, churches, etc.):

- i. Rely on the standard setbacks required by the LUD
- ii. Apply the sensitive receptor setbacks required for cannabis cultivation:

“Cannabis businesses shall not locate within 600’ 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.” (MCGP 13.130)

b) Odor mitigation:

- i. Apply outdoor cannabis cultivation requirement of 300’ setback from nearest residential use under separate ownership.
- ii. Apply increased setback from any residential LUD: The Antelope Valley RPAC is currently discussing a potential increased setback/buffer for cannabis cultivation of 600’, 1000’, 1500’, or some other distance. The discussion has been tabled until meetings can be held in person.

c) Pollen drift:

- i. The county could increase the noticing to include cannabis cultivators within 5 miles (or any greater distance than the standard 300 feet) during the Use Permit review, as some counties including Inyo County have done, to encourage industry comments or recommendations.
- ii. Require an increased setback from an existing commercial cannabis cultivation:
 - Monterey County requires 2-mile buffer between outdoor cannabis and outdoor hemp, and a 1000-foot setback from all residential zones
 - Washington State requires a 4-mile buffer and some jurisdictions in Arizona mandate a 10-mile buffer.

RPAC polling results for setbacks:

RPAC	Use existing cannabis setbacks	Additional setbacks from cannabis	More restrictive setbacks than current cannabis	Less restrictive setbacks than cannabis
June Lake CAC	*	5	0	0
Antelope Valley	0	4	2	0
Bridgeport Valley	3	0	1	0
Mono Basin	4	0	1	2
TOTAL	7	9	4	2

* Note: As a result of discussion during the Antelope Valley RPAC on odor we reworded the question and thus the polling was slightly different for the other 3 RPACs.

3) Odor. Odor is a highly controversial issue that is difficult to measure, enforce and mitigate. The primary method to mitigate odor thus far is to require setbacks from residential or other sensitive uses. A few

counties or cities throughout the west have labeled odor for cannabis and hemp a “nuisance” and have created enforcement policies and protocols. Some are attempting to establish minimum and violation thresholds related specifically to odor from hemp and cannabis. Mono County is working on quantifying odor thresholds for cannabis, but that work has been put on hold due to other priorities. The county has two options:

- a. Same measure as commercial cannabis cultivation: submittal and approval of an odor mitigation plan.
- b. No requirements except setbacks.

Staff polled the RPACs on the topic of odor and received the following initial responses.

- **June Lake CAC:** 5 voted to treat it the same as existing cannabis and 0 voted for a different approach.
- **Antelope Valley RPAC:** 5 voted to treat it the same as cannabis and 0 voted for a different approach.
- **Bridgeport Valley RPAC** felt they did not have enough experience or information to vote.
- **Mono Basin RPAC** felt they did not have enough experience or information to vote.

4) Financial assurances. This remains an unresolved issue at present and staff is diligently researching the best approach. Many counties throughout the state have been burdened by the high costs of mandatory abatement and it is imperative that the County’s regulator structure include mechanisms to address such concerns. The following list of options are currently being vetted:

- c. Bonding: Surety bonds (similar to reclamation bonds for mining projects) provides funding for the County to abate if a cultivator “fails” a sampling test and is unable to or does not destroy the crop. A few counties are requiring surety bonds, but the amounts vary greatly. Bonds can be expensive and, except for reclamation plans, have typically proven to be a barrier for other Mono County projects.
- d. Detailed ordinance language: Detailed language can be included in the hemp regulations mandating that the applicant cover all costs and implement destruction via a plan and timeline approved by the Agricultural Commissioner’s office. This option provides less financial coverage and assurances to the county in the event of failure to abate.
- e. Increase fees: Some counties are implementing increased fees to help cover the estimated costs to the county of managing and enforcing industrial hemp cultivation. Additional permit costs or deposits have ranged from \$900- \$5000.

5) Permitting Options.

- a. Permit Outright: Since hemp is an agricultural crop, it could be considered a use just like any other agricultural crop in which case no additional permits would be necessary.
- b. Use Permit: A Use Permit would allow for site-specific conditions to be addressed based on each project proposed, an in-depth analysis of the project, and regulatory responsiveness as lessons are learned.
- c. Use Permit and Operation Permit: Similar to commercial cannabis, the County could require an annual Operation Permit in addition to a Use Permit to make the approval specific to an individual owner and require annual compliance inspections for renewal.

NEXT STEPS

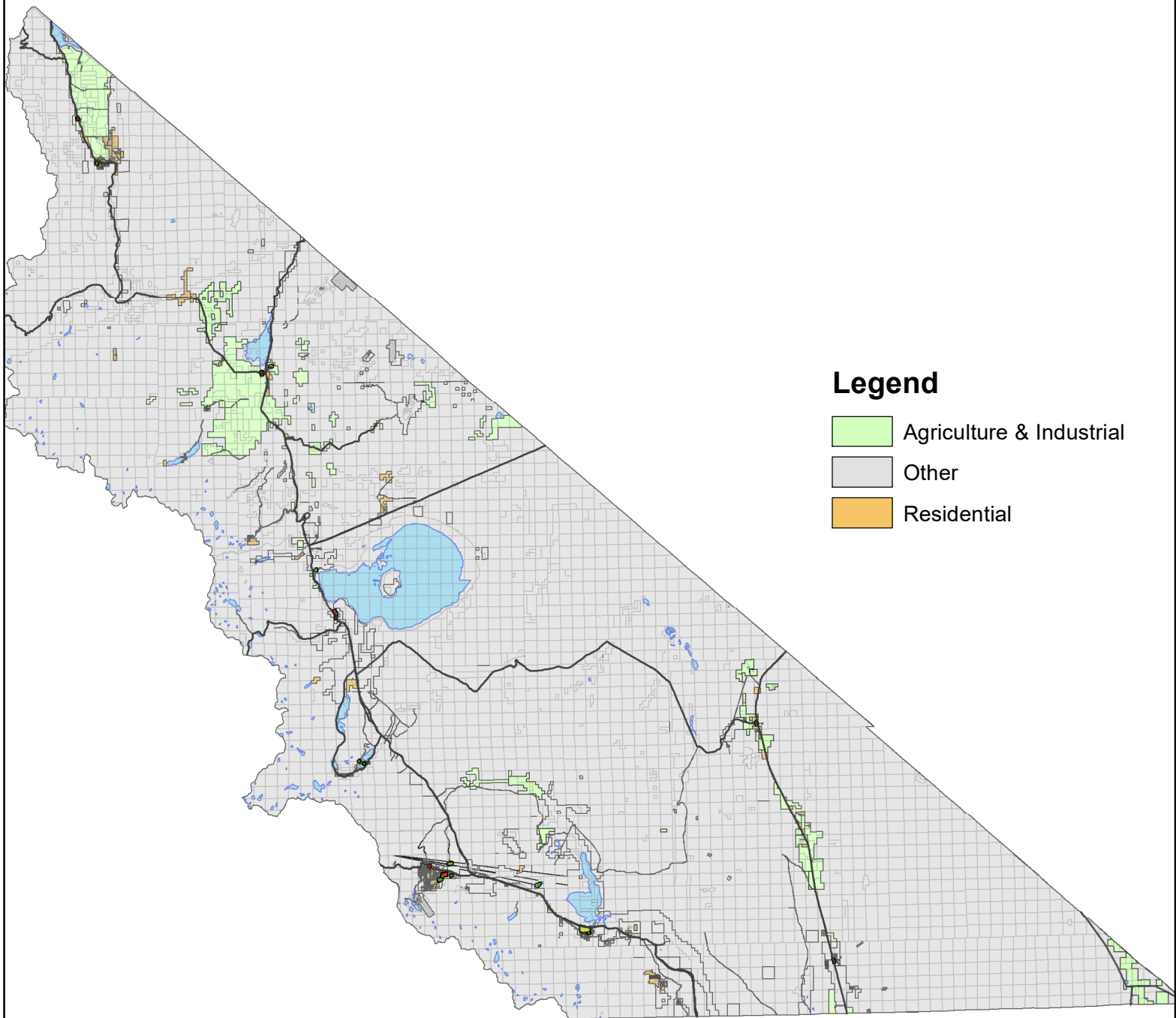
Lastly, the CDD has outlined the following timeframes for the County to complete the industrial hemp regulation development before the moratorium expires Nov. 5, 2020.

Timeframe:




- **June 18:** Planning Commission Workshop – land use framework and regulatory menu/options
- **July 7:** Board of Supervisors Workshop- land use framework and regulatory menu/options
- **July/ August:** Additional RPAC Discussion on Draft regulations
- **Sept. 8:** Board of Supervisors Workshop – proposed regulations
- **Sept. 17** Planning Commission – consideration of a recommendation to the Board
- **Sept. 21 or Oct 6:** Board of Supervisors Public Hearing (Resolution Adoption for General Plan Amendment)

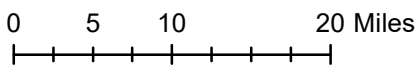
ATTACHMENTS

1. Land Use Designation Maps indicating Agriculture, Industrial and Industrial Park LUDs



Legend

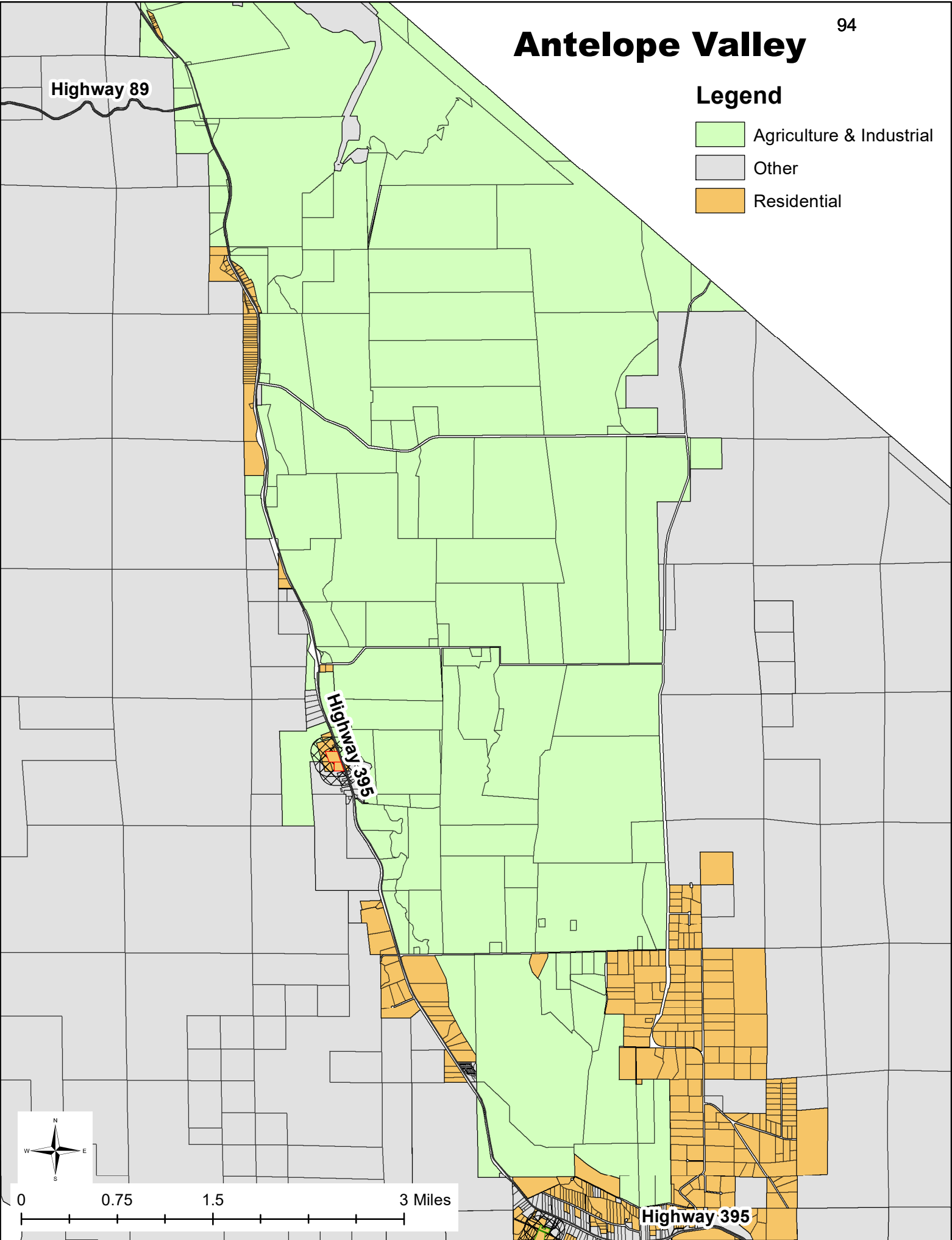
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-  Other
-  Residential



Antelope Valley




Legend

- Agriculture & Industrial
- Other
- Residential



Benton

Legend

-  Agriculture & Industrial
-  Other
-  Residential

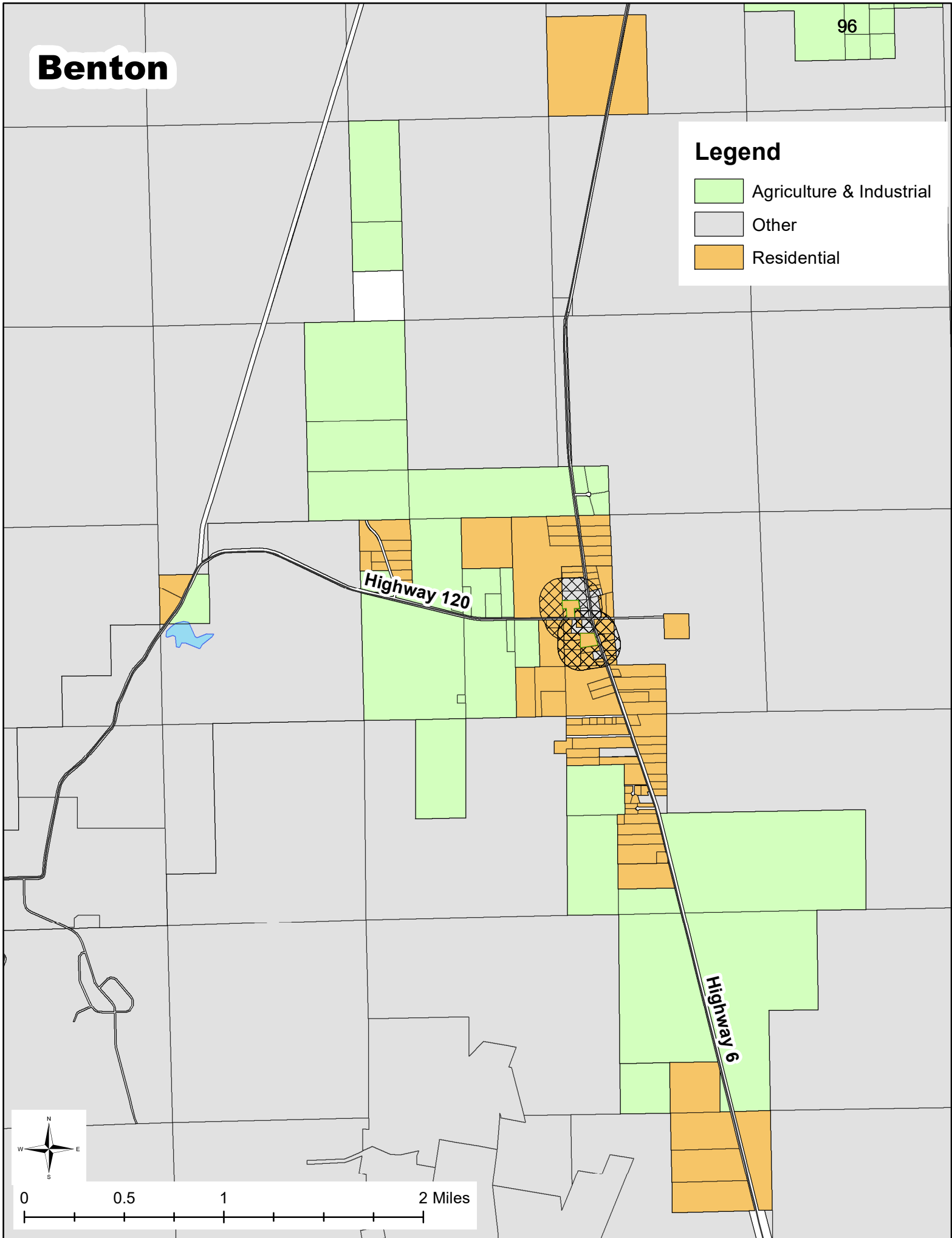
96

Highway 120

Highway 6



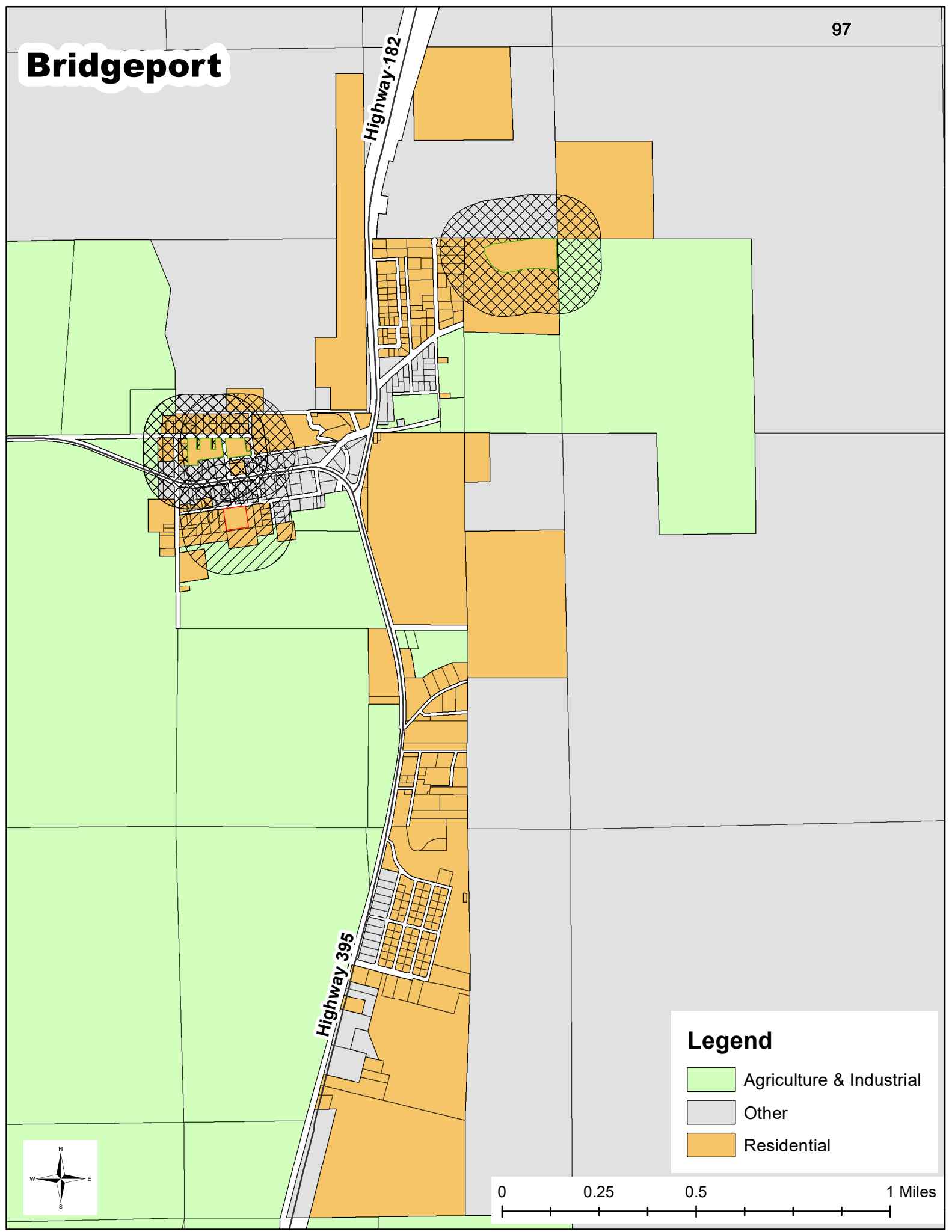
0 0.5 1 2 Miles






Bridgeport

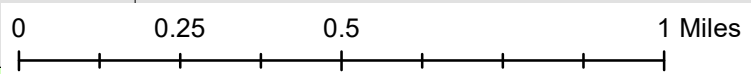
Highway 182

Highway 395






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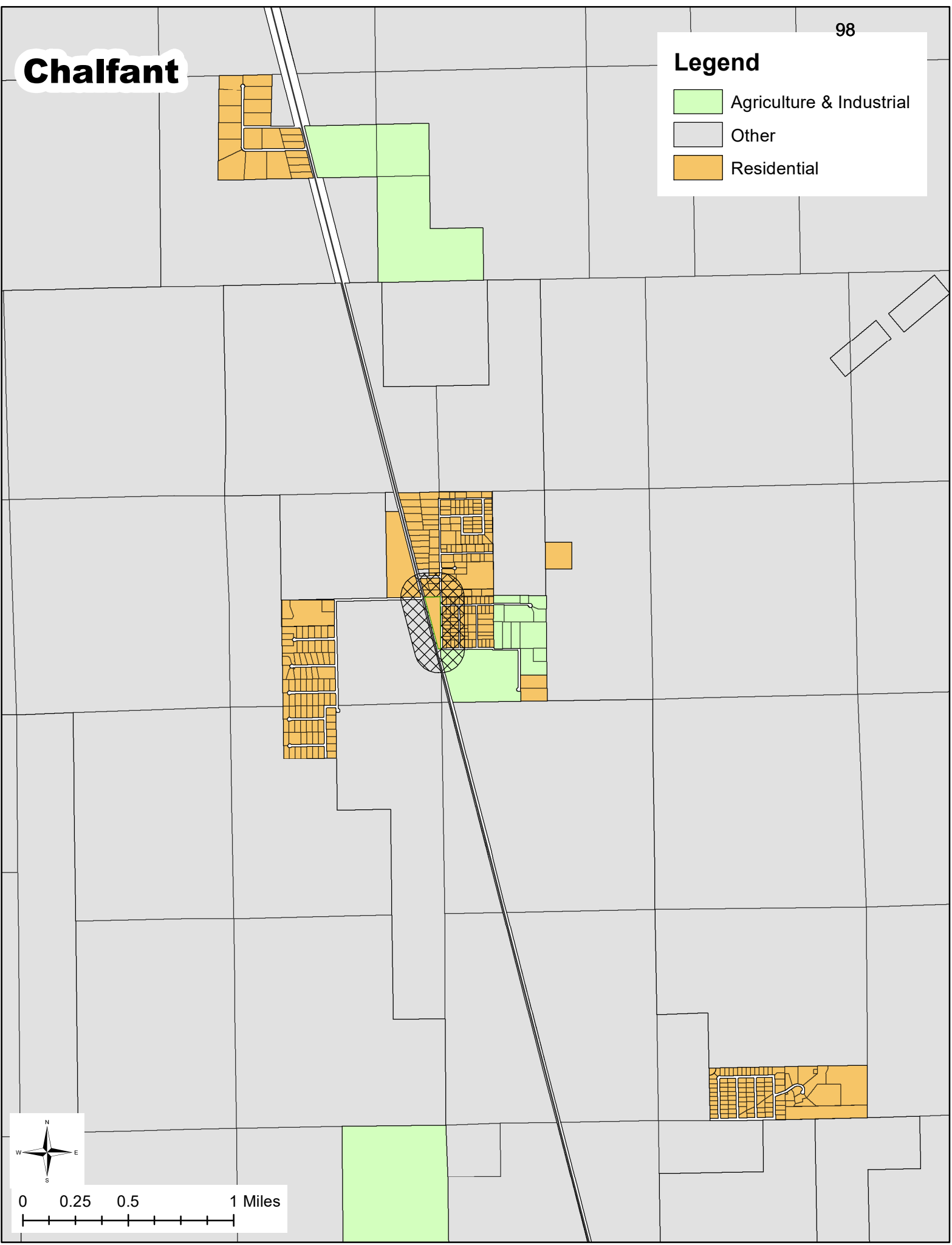
-  Agriculture & Industrial
-  Other
-  Residential



Chalfant




Legend

-  Agriculture & Industrial
-  Other
-  Residential



Hammit Valley

Legend

-  Agriculture & Industrial
-  Other
-  Residential

Highway 6

