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

SPECIAL MEETING AGENDA

JUNE 9, 2016 - 10 a.m.

Town/County Conference Room, Minaret Village Mall, Mammoth Lakes *Videoconference: Supervisors Chambers, County Courthouse, Bridgeport

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

*Agenda sequence (see note following agenda).

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

- 2. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda
- 3. MEETING MINUTES: Review and adopt minutes of May 12, 2016

4. PUBLIC HEARING

<u>10:10 A.M.</u>

A. VARIANCE 16-001/Heaton. The proposal is to allow for future construction of an addition to an existing single-family residence and bridge within the 30' blue-line stream setbacks. Project is located at 25 Granite Ave. in the community of June Lake (APN 001-510-305). Property is 5,000 sf +/- and has a land use designation of Multi-Family Residential High (MFR-H). The project qualifies as a CEQA exemption. *Staff: Courtney Weiche, Associate Planner*

<u>10:40 A.M.</u>

B. ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP 35-35/Triad Holmes Associates Profit Sharing Plan *Staff: Gerry Le Francois, Principal Planner*

5. WORKSHOP

A. Transient Rental Overlay Districts (TRODs). Staff: Courtney Weiche & Nick Criss

6. REPORTS:

- A. DIRECTOR
- **B. COMMISSIONERS**
- 7. INFORMATIONAL: No items.
- 8. ADJOURN to July 14, 2016

More on back ...

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

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

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

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

Mono County Community Development Department

Planning Division

P.O. Box 347 Mammoth Lakes, CA 93546 (760) 924-1800, fax 924-1801 commdev@mono.ca.gov P.O. Box 8 Bridgeport, CA 93517 (760) 932-5420, fax 932-5431 www.monocounty.ca.gov

June 9, 2016

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Variance 16-001/Heaton

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project is exempt from CEQA as a Categorical Exemption under CEQA guidelines 15303(a) & 15305(a) and direct staff to file a Categorical Exemption.

2. Adopt the Variance Findings contained in the staff report, and approve Variance 16-001 to allow the construction of an addition to an existing structure and bridge within the required stream setbacks.

PROJECT

Variance 16-001 would allow for future construction of a 12' x 24' addition to the existing residence and a bridge within the required blue-line stream setback. The project is located at 25 Granite Ave. in the community of June Lake (APN 015-103-005). Property is +/-5,000 sf and has a land use designation of Multi-Family Residential-High.

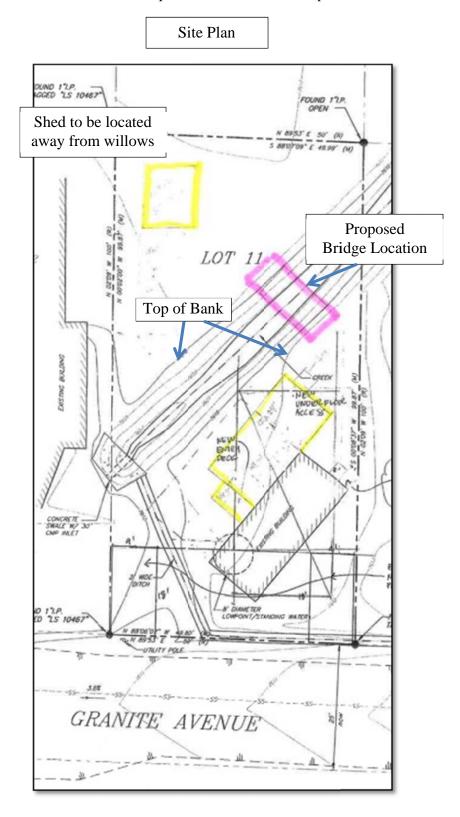
A small intermittent stream/channel ditch runs diagonally through the center of the property. Although this stream was not naturally created (originated as a man-made ditch) it is still identified by the United States Geological Survey (USGS) to be a blue-line stream. Per the Mono County General Plan, blue-line streams require a 30-foot setback for construction unless a variance permit is granted and findings can be made. The project is also within a special flood hazard area Zone A, which requires conformance with Flood Plain Regulations.

The existing structure is a 12' x 30' studio unit with a kitchen and bathroom. The proposed addition would be adjoined to the northwest wall of the existing structure and would provide for roughly 600 sf of additional living space including one bedroom on the main floor and two bedrooms with an additional bathroom on the second floor. In total, the residence proposed would total around 900 sf. All footings for the addition shall be located beyond the top of bank as determined by Public Works.

Additionally, the applicant is proposing to build a 6' wide x 14' long bridge spanning the ditch to be able to access the back of the property to a potential 120-sf shed in the back corner. Upon consultation with Public Works, the length of the bridge may be extended depending on the necessary location for stable footings and beyond the top of bank. These standards will be established through the grading permit process.

The parcel is highly constrained due to the ditch bisecting the center of the parcel. This feature minimizes the feasibility of locating the addition in any other location on the parcel other than as proposed. The required stream and yard setbacks substantially, if not entirely, eliminate a suitable building site without needing a variance for reduced setbacks.

The applicant has consulted with the Army Corps of Engineers, Cal Fish and Wildlife and Lahontan Regional Water Quality Control Board for their input on the proposed reduced stream setback (see attached correspondence). None of the agencies objected with the understanding that "all construction and proposed footings be placed completely outside of the bed and banks of the channel, no discharge to the channel will occur (fill, concrete, etc.), no vegetation will be removed (mowing ok), and the area of disturbance is less than one acre." These requirements have been incorporated as conditions of approval.









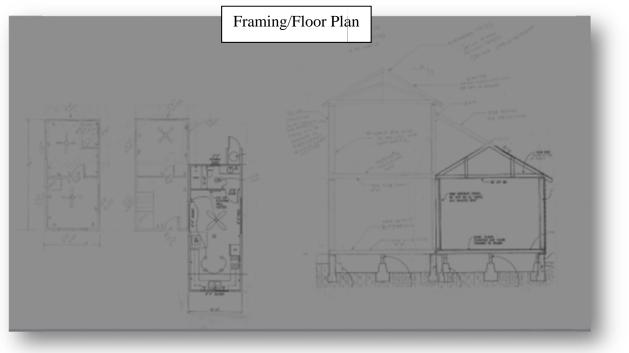
Looking east from front property line











GENERAL PLAN CONSISTENCY

Building setback requirements apply in the following excerpts from the General Plan:

Section II of the General Plan, Land Use Element, **04.120 Yards**, states that a side yard setback of 10' may be reduced to a minimum of 5'.

Section II of the General Plan, Land Use Element, **04.130 Special Yard Requirements**, states that a 30' minimum setback from any "major or minor stream" shall be required.

In order to deviate from these setbacks, a variance must be approved. A variance is a permit issued to a landowner by an administrative agency, in this case the Planning Commission, to construct a structure or carry on an activity not otherwise permitted under the land use designation. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under the general land use regulations because his or her parcel is different from the others to which the regulation applies due to size, shape, topography, or location. The concept is not that the basic land use designation is being changed but that the property owner is allowed to use his property in a manner basically consistent with the established regulations with such minor variations that will place him in parity with other property owners in the same designation. All of the required findings specified in Mono County General Plan Chapter 33.010 A-D must be made in order to issue a variance.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

Variance 16-001 was brought before the LDTAC March 21, 2016, for review. Its recommendations and proposed conditions of approval have been incorporated into the variance and conditions of approval.

ENVIRONMENTAL REVIEW

This variance would qualify for a Class 3 Categorical Exemption CEQA Guidelines 15303(a) for "New Construction or Conversion of Small Structures," and Guidelines 15305(a) "Minor Alterations in Land Use Limitations." These exemptions allow construction of one single-family residence, including a garage.

CEQA Guidelines15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) One single-family residence or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

CEQA Guidelines 15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits.

VARIANCE FINDINGS

The Planning Commission can approve a variance based only on the provisions of the General Plan and only when all of the findings can be made:

1. Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surrounding, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:

The property is significantly constrained due to lot-width dimensions and the required yard/stream setbacks. The stream bisects the center of the property and substantially limits any suitable building location that could meet the setback requirements.

2. The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:

The surrounding area is designated Multi-Family Residential and the proposed addition is modest in size and similar to surrounding development. Due to the setback constraints of the parcel, the applicants have asked for a setback variance to allow them to develop their property in a manner that is consistent with the established uses of the surrounding parcels. There are distinct physical limitations on the property that prevent the proposed addition to be constructed in any other location on the property that could comply with the setbacks.

The variance permit process provides the public the opportunity to comment on the proposed setback reductions. Following a notice to surrounding property owners, no comments have been received in opposition to the variance.

The stream in this case is a man-made channel.

3. The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:

Project conditions prohibit vegetation removal from the bed and banks of the channel and require pre-cast footings for the bridge to minimize disturbance to the manmade channel.

Project conditions shall also require conformance with Flood Plain Regulations that prohibit modification of the flood hydraulics of the property.

The property is located in a multi-family residential area, and the proposed project would be consistent with adjoining residential development. The variance permit process provides the public the opportunity to comment on the proposed setback reductions. No comments have been received in opposition to the variance.

4. The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the County because:

June Lake Area Plan

1) Land Use, Objective C, Policy 13.C.1. states: Encourage compatible development in existing and adjacent to neighborhood areas.

The project is a permitted use for the MFR-H land use designation and will be compatible with the surrounding uses that are also designated MFR-H.

2) Land Use Objective E, Policy 13.E.1. states: Encourage infilling and/or revitalization in areas designated for development in the Area Plan.

The property of the proposed project lies within an existing subdivision and will be compatible with the surrounding uses that are also zoned MFR.

3) Policy 18.A.1. Mitigate impacts or limit development to an appropriate level in environmentally and visually sensitive areas. Environmentally sensitive areas include: riparian areas, potential high groundwater table zones, wetlands, and steep hill slopes.

Project conditions prohibit vegetation removal from the bed and banks of the channel and require pre-cast footings to minimize disturbance to the man-made channel.

MONO COUNTY Planning Division NOTICE OF DECISION / VARIANCE

VARIANCE #: 16-001 APPLICANT: Tim Heaton

ASSESSOR PARCEL NUMBER: 015-103-005

PROJECT TITLE: Variance 16-001/Heaton – Reduced setback from a blue-line stream

PROJECT LOCATION: 25 Granite Ave. in June Lake

On June 9, 2016, a duly advertised and noticed public hearing was held, and the necessary findings, pursuant to Chapter 33, section 33.010 of the Mono County General Plan, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for **Variance 16-001** subject to the following conditions:

CONDITIONS OF APPROVAL

- 1. Variance 16-001/Heaton shall be in substantial compliance with the project Site Plan and Project Description.
- 2. The project shall not cause any change to the flow in the onsite "stream channel" or its vegetation.
- 3. Project shall comply with any required permits from Department of Public Works, including but not limited to a grading permit. Project shall also comply with Flood Plain Regulations. Conditions will be, at a minimum the following:
 - a) All footings to be placed completely outside of the bed and banks of the channel as specified in an approved grading permit. At a minimum, no cast in place construction will be allowed within 5 feet of the existing stream channel bank, as delineated by Public Works.
 - b) The bridge footings may be made of pre-cast materials (not to be poured in place). Bridge footings may be allowed to be less than 5 feet from the bank only upon approval by Mono County Public Works and if made of pre-cast materials or other "non cast in place" products approved for use in this proximity.
 - c) Project shall not modify the flood hydraulics of the property including the base flood elevation.
- 4. No discharge to the channel will occur (fill, concrete, etc.), no vegetation will be removed (mowing ok).
- 5. If a shed is sited, it shall be located a minimum of 10' from the rear and side property lines.
- 6. Access to the back portion of the property shall be contained on site.
- 7. Best management practices, as required by the Building Division and/or the Public Works Department, shall be required and implemented.

DATE OF DECISION:

June 9, 2016

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:

Staff Signature

cc: X Applicant Engineer Assessor's Office Compliance Officer

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Courtney Weiche

Subject:

FW: Bridge for Terry Heaton

------ Forwarded message ------From: **Buckmaster**, **Nick@Wildlife** <<u>Nick.Buckmaster@wildlife.ca.gov</u>> Date: Mon, Apr 11, 2016 at 8:59 AM Subject: RE: Bridge for Terry Heaton To: Terry Heaton <<u>heatontl@gmail.com</u>>

Terry,

Certainly. Email is below:

Terry,

Based on the information you provided, you will not require a 1600 for this project, provided there is no disturbance to the stream itself (as defined by the edge of the bank). Please keep a copy of this email onsite during construction,

Thank you

Nick Buckmaster

California Dept. of Fish and Wildlife

From: Terry Heaton [mailto:heatontl@gmail.com] Sent: Wednesday, April 06, 2016 8:07 AM To: Buckmaster, Nick@Wildlife Subject: BRIDGE AT GULL LAKE FOR TERRY HEATON

Please let me know if this will work. Thanks for your help

Terry Heaton

760 939 2379 day

760 375 2042 evening

From: Terry Heaton [mailto:<u>heatontl@gmail.com</u>] Sent: Monday, April 11, 2016 8:57 AM To: Buckmaster, Nick@Wildlife Subject: Bridge for Terry Heaton

Nick,

For some reason not sure what I did but I have lost some of my Email. Could you please

resend the last Email that refers to no permit needed to build my bridge.

Have a great day

Terry Heaton

Courtney Weiche

Subject:

FW: Determination of No Permit Required

------ Forwarded message ------From: **Zimmerman, Jan@Waterboards** <jan.zimmerman@waterboards.ca.gov> Date: Wed, May 4, 2016 at 9:27 AM Subject: Determination of No Permit Required To: "heatontl@gmail.com" <heatontl@gmail.com> Cc: "Copeland, Patrice@Waterboards" <patrice.copeland@waterboards.ca.gov>, "Buckmaster, Nick@Wildlife" <<u>Nick.Buckmaster@wildlife.ca.gov</u>>, "Hanlon, Erin M SPL (Erin.M.Hanlon@usace.army.mil)" <<u>Erin.M.Hanlon@usace.army.mil></u>

Mr. Heaton, thank you for calling this morning. As we discussed, the Lahontan Regional Water Board would not require you to obtain permit authorization to construct a bridge over the drainage channel that flows diagonally across your property (to be constructed southwest of the intersection of Howard Avenue and Bruce Street). Our determination is based on the bridge span being wider than the width of the channel with the footings being placed completely outside the bed and banks of the channel, no discharge to the channel will occur (fill, concrete, etc.), no vegetation will be removed (mowing would be ok), and the area of disturbance will be less than one acre. If any of the assumptions mentioned above change, please let me know so that we can verify that no permit would be required. Our determination does not preclude you from obtaining other state and federal authorizations for your project. If you have any questions please contact me. Thank you for calling and good luck with your project!



Jan Zimmerman, PG

Engineering Geologist

Lahontan Regional Water Quality Control Board

Phone: <u>760/241-7376</u>

http://www.waterboards.ca.gov/lahontan/



Courtney Weiche

Subject:

FW: [EXTERNAL] Fwd:BRIDGE FOR TERRY HEATON (UNCLASSIFIED)

------ Forwarded message ------From: **Szijj, Antal J SPL** <<u>Antal.J.Szijj@usace.army.mil</u>> Date: Wed, May 18, 2016 at 9:03 AM Subject: RE: [EXTERNAL] Fwd:BRIDGE FOR TERRY HEATON (UNCLASSIFIED) To: Terry Heaton <<u>heatontl@gmail.com</u>>

CLASSIFICATION: UNCLASSIFIED

No problem, Terry. Good luck with the project!

-----Original Message-----From: Terry Heaton [mailto:<u>heatontl@gmail.com]</u> Sent: Wednesday, May 18, 2016 8:32 AM To: Szijj, Antal J SPL <<u>Antal.J.Szijj@usace.army.mil</u>> Subject: Re: [EXTERNAL] Fwd:BRIDGE FOR TERRY HEATON (UNCLASSIFIED)

Antal,

Thanks for the help and have a great day!!! You just made mine.

Terry Heaton

On Tue, May 17, 2016 at 1:39 PM, Szijj, Antal J SPL <<u>Antal.J.Szijj@usace.army.mil</u> <mailto:<u>Antal.J.Szijj@usace.army.mil</u>> > wrote:

CLASSIFICATION: UNCLASSIFIED

Hi Terry,

Thanks for providing the plans for your proposed project at 25 Granite Street, June Lake, CA. Based on my review of the plans and our discussion, you would not need a permit from the Corps of Engineers. This determination is based on the understanding that the bridge would be designed such that it completely spans the channel and you are not placing fill material or otherwise grading within the channel. Provided those conditions are met, no Corps permit is required.

If you have any questions feel free to contact me.

Thanks, Antal

Antal Szijj U.S. Army Corps of Engineers, Los Angeles District Regulatory Division, Ventura Field Office 2151 Alessandro Dr., Suite 110 Ventura, CA 93001 (805) 585-2147 <tel:%28805%29%20585-2147>, fax (805) 585-2154 <tel:%28805%29%20585-2154> antal.j.szijj@usace.army.mil <mailto:antal.j.szijj@usace.army.mil>

Assist us in better serving you! You are invited to complete our customer survey, located at the following link: Blockedhttp://<u>corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0</u>

Note: If the link is not active, copy and paste it into your internet browser.

-----Original Message-----From: Terry Heaton [mailto:<u>heatontl@gmail.com</u> <mailto:<u>heatontl@gmail.com</u>>] Sent: Monday, May 16, 2016 12:52 PM To: Szijj, Antal J SPL <<u>Antal.J.Szijj@usace.army.mil</u> <mailto:<u>Antal.J.Szijj@usace.army.mil</u>> > Subject: [EXTERNAL] Fwd:BRIDGE FOR TERRY HEATON

Antal,

This is what I sent Daniel Swenson last Friday. Thanks for calling !!! Have a great day

Terry Heaton ------ Forwarded message ------From: Terry Heaton <<u>heatontl@gmail.com</u> <mailto:<u>heatontl@gmail.com</u>> <mailto:<u>heatontl@gmail.com</u>> >> Date: Fri, May 13, 2016 at 2:06 PM Subject: To: <u>Daniel.P.Swenson@usace.army.mil</u> <mailto:<u>Daniel.P.Swenson@usace.army.mil</u>> <mailto:<u>Daniel.P.Swenson@usace.army.mil</u> <mailto:Daniel.P.Swenson@usace.army.mil> >

Daniel,

The pictures and enclosures should give a good idea of what I wold like to do. I estimate that I will need to build a 6 foot wide bridge x 14 feet long minimum longer if needed to make sure there is no damage involving the sides of the drainage ditch. The bridge design will also need to be approved by Mono County building department. before I build any thing so it will be very close to their plans. (Not all bad)

I will be looking forward to working with Ventura office.

Thanks have a good day!! Terry Heaton <u>760 -375-2024</u> <<u>tel:760%20-375-2024</u>> <<u>tel:760%20-375-2024</u>> (H) <u>760-939-2379</u> <tel:<u>760-939-</u> <u>2379</u>> <tel:<u>760-939-2379</u> <tel:<u>760-939-2379</u>>> (W) <u>heatontl@gmail.com</u> <mailto:<u>heatontl@gmail.com</u>> <mailto:<u>heatontl@gmail.com</u>> >

CLASSIFICATION: UNCLASSIFIED

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- Date: June 9, 2016
- To: Mono County Planning Commission
- From: Gerry Le Francois, Principal Planner
- Re: One-Year Extension of Tentative Parcel Map (TPM) 35-35 / Triad Profit Sharing Plan (formerly Patel)

RECOMMENDATION

It is recommended that the Mono County Planning Commission take the following actions:

- A. Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, and no new information of substantial importance has been received to warrant further environmental analysis.
- B. Approve the first one-year extension of Tentative Parcel Map 35-35 to May 10, 2017, subject to the prior Conditions of Approval and Mitigation Monitoring Program of May 10, 2007, as contained herein.

BACKGROUND

The proposed project is located in southern Adobe Valley west of Benton Hot Springs, and seven miles west of the intersection of US 6 and SR 120 at the junction of SR. 120 and Benton Crossing Road in Mono County. The proposed project would divide APN 024-250-002, totaling 160.56 acres, into three clustered lots of 10 acres each. One access is proposed for the three lots from Benton Crossing Road, a County-maintained road. The General Plan land use designation is Resource Management (RM).

The Planning Commission approved the tentative parcel map on May 10, 2007, and numerous statutory map extensions by the Legislature extended the approval date to May 10, 2016. The applicant filed a timely extension request. If approved, this one-year extension will continue the TPM approval until May 10, 2017.

LDTAC Review

The Land Development Technical Advisory Committee has reviewed this map extension and recommended the approval of a one-year map extension.

Attachments:

- Map Extension Application
- Planning Commission Staff Report and Project Conditions from May 10, 2007

Submit by Email

Mono County Community Development Department

P.O. Box 347 Mammoth Lakes, CA 93546 (760) 924-1800, fax 924-1801 commdev@mono.ca.gov	lanning Division	P.O. Box 8 Bridgeport, CA 93517 (760) 932-5420, fax 932-543 www.monocounty.ca.gov
MAP EXTENSION APPLICATION	DATE RECEIVED	FEE PAID \$ RECEIVED BY ECK # (NO CASH)
APPLICANT/AGENT Triad/Holmes Asso	ociates Profit Sharing Pla	un (formerly Patel)
ADDRESS PO Box 1570	CITY/STATE/ZIP	Mammoth Lakes, CA 93546
TELEPHONE (<u>760</u>) <u>934-7588</u>	E-MAIL <u>tplatz@th</u>	ainc.com
OWNER , if other than applicant		
ADDRESS	CITY/STATE/ZIP	
TELEPHONE ()	E-MAIL	
Date of Planning Commission approval _	5/10/2007	APN 024-250-002
Date of Board of Supervisors approval	N/A	Minute Order # <u>N/A</u>
Map expiration date <u>5/10/16</u>		
PREVIOUS EXTENSIONS : Extension ap	proved	Expires
Second extension approved	Expires	
REASON FOR REQUEST : Applicant(s) s why an extension is necessary, using add		

Economic conditions do not warrant that these lots be developed at this time.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Project processing deposit: See Development Fee Schedule for Map Extension.
- C. If the environmental document is still valid and does not need modification by staff, no deposit. Otherwise, see Development Fee Schedule for the following Environmental Review deposits (CEQA) that may be required: Categorical Exemption, Negative Declaration, Environmental Impact Review (deposit for initial study only).

More on back...

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: legal owner(s) of the subject property (all individual owners must sign as their names appear on the deed to the land), corporate officer(s) empowered to sign for the corporation, or 🛛 owner's legal agent having Power of Attorney for this action (a notarized "Power of Attorney" document must accompany the application form), AND THAT THE FOREGOING IS TRUE AND CORRECT.

none Signature

Signature

4/14/16 Date

Mono County Community Development Department

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Date: May 10, 2007

To: Mono County Planning Commission

From: Keith R. Hartstrom, Principal Planner Gwen Plummer, Associate Planner

Re: Tentative Parcel Map 35-35/Patel

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

- A. In adopting the CEQA document:
 - 1. Find that the proposed project is consistent with the Mono County General Plan;
 - 2. Find that the Mono County General Plan EIR and the General Plan Land Use Element Update Environmental Impact Report analyzed the potential impacts of development provided for in the General Plan, including the development proposed for the subject parcel;
 - 3. Find that the Environmental Analysis for Tentative Parcel Map 35-35 need examine only those environmental effects that are peculiar to the project and which were not addressed as significant effects in the Mono County General Plan EIRs, unless substantial new information shows that those effects will be more significant than described in the prior Environmental Impact Reports (Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183);
 - 4. Find that uniformly applied development policies or standards (i.e., General Plan/Area Plan policies or other development standards) have been applied to the project and that the policies or standards will substantially mitigate potential environmental effects that were not addressed as significant effects in the prior Environmental Impact Reports to a less-than-significant level;
 - Adopt the Environmental Analysis for the Tentative Parcel Map 35-35, which was prepared in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183; and
 - 6. Find that the feasible mitigation measures identified in the Mono County General Plan will be applied to this project.

B. Adopt the Findings for the Tentative Parcel Map 35-35 as contained in the project staff report. Parcels 1-3, totaling 30 acres, and parcel 4, totaling 130.55 acres are a result of clustering, maintaining open space for wildlife movement and avoiding the 40-acre minimum requirement. Parcel 4 will have residential development restricted to 10 acres within an identified 20-acre area. Development shall be sited to minimize visual impact from Scenic Highway 120. The applicant shall record a covenant on the deed for parcel 4, restricting it from further subdivision unless additional density is first granted through a general plan amendment. This shall be noted on the final map.

PROJECT DESCRIPTION

Project Setting

The proposed project is located in southern Adobe Valley west of Benton Hot Springs, and seven miles west of the intersection of U.S. 6 and S.R. 120 at the junction of S.R. 120 and Benton Crossing Road in Mono County, California. The proposed project would divide APN 24-250-02, totaling 160.56 acres, into three clustered lots of 10 acres each. One access is proposed for the three lots from Benton Crossing Road, a County-maintained road. The General Plan designation is Resource Management (RM).

Physical Characteristics of the Property

The parcel is rectangular in shape, and S.R. 120 crosses the northern portion of the parcel at an angle. The section of the parcel crossed by S.R. 120 has been identified as parcel 4. Elevations on the parcel are from approximately 6,440 feet to 6,520 sloping upward toward the south. The primary vegetation on the property is big sagebrush, particularly in the area south of S.R. 120, and tall big sagebrush borders the eastern edge of the parcel. A meadow and a pond are located off the parcel to the north and east, and a residence is under construction east of the parcel and south of the meadow. In addition to S.R. 120, several dirt roads cross the parcel. To the west of S.R. 120, portions of the parcel bordering two of these roads have been burned, either by a wildland fire or a controlled burn. An excavated ditch runs toward the north across a part of the eastern edge of the parcel and east of S.R. 120.

Access

Access to proposed parcels 1 through 3 will be by a common cul-de-sac road improved to county standards from Benton Crossing Road (see Figure 2, Tentative Parcel Map 35-35).

Utilities

Existing utilities are over a mile away and the applicant may propose alternative energy systems to serve the proposed use. All new utility extensions will be installed underground. Utilities will be provided as follows:

Water Supply:	Individual well
Sewage Disposal:	Individual leaching systems
Fire Protection:	California Department of Forestry
Electricity:	*Southern California Edison (underground)
Telephone:	*Verizon (underground)
School:	Eastern Sierra Unified School District

* Or because electrical and telephone services are over a mile away and do not extend to the proposed parcels, the applicant may propose alternative energy systems where the future property owners will be responsible for providing their own telephone systems and alternative energy sources

GENERAL PLAN CONSISTENCY

Compliance with General Plan and Land Use Designation

The project site is designated Resource Management with a 40-area minimum lot size 1. (RM) in the Mono County General Plan Land Use Update. The RM designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities. The RM designation indicates the land may be valuable for uses including but not limited to habitat protection for special-status species, wildlife habitat, visual resources, and cultural resources. The RM designation provides for low-intensity rural uses in a manner that recognizes and maintains the resource values of the parcel. Single-Family Residences are allowed in the RM designation. The General Plan Open Space Policy is to preserve existing open space by requiring clustering. "Objective A, Policy 2, Outside of existing communities, cluster development in order to maximize open space." The proposed project of four clustered lots (three of 10 acres and one of 130.55 acres) would maintain open space for wildlife movement and avoid the 40-acre minimum requirement. Parcel 4 will have residential development restricted to 10 acres within an identified 20-acre area. The project is in compliance with the following General Plan sections:

COUNTYWIDE LAND USE POLICIES

OBJECTIVE A; Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

<u>Action 2.3</u>: Through permit conditions and mitigation measures, require development projects to fund the public services and infrastructure costs of the development. In accordance with state law (Government Code § 53077), such exactions shall not exceed the benefits derived from the project.

<u>Policy 5</u>: Regulate future development in a manner that minimizes visual impacts to the natural environment, to community areas, and to cultural resources and recreational areas.

<u>Policy 7</u>: Maintain or enhance the integrity of critical wildlife habitat in the County by limiting development in those areas and requiring mitigation in conformance with CEQA and this General Plan. Examples of critical wildlife habitat include, but are not limited to: key winter ranges, holding areas, migration routes, and fawning areas for mule deer; habitat for other big game species; leks, and winter and summer range for sage grouse; fisheries and associated habitat; and riparian and wetland habitat.

<u>Policy 10</u>: In order to protect the area's exceptional natural resources, cultural resources, recreational values and quality of life, and to ensure that future development is of the highest quality, development policies and standards shall be viewed as minimum requirements; development should strive to exceed those minimums whenever reasonably feasible. County staff may require project modifications as necessary to implement this policy.

OBJECTIVE C: Provide for the housing needs of all resident income groups, and of part time residents and visitors.

<u>Action 1.2</u>: Residential development outside of existing community areas should be of a low overall density. Higher-density residential development in certain locations may be permitted through clustering and transferring densities.

OBJECTIVE F: Protect open space and agricultural lands from conversion to and encroachment of developed community uses.

<u>Policy 2</u>: Preserve and protect open space in order to protect natural and cultural resources and to provide for a variety of recreational opportunities.

CONSERVATION OPEN SPACE ELEMENT POLICIES

OBJECTIVE A: Preserve existing open space.

Policy 2: Outside of existing communities, cluster development in order to maximize open space.

WILDLIFE MITIGATIONMEASURES CONSERVATION/OPEN SPACE ELEMENT-BIOLOGICAL RESOURCES

OBJECTIVE A: <u>Action 1.2</u>: Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

• Requiring cluster development and/or large acre minimum parcel sizes (e.g., in key deer habitat, at least 20 acres for winter range and migration corridors, and at least 40 acres for critical winter range and critical corridors);

General Plan Chapter 02, General Provisions–Definitions

02.290 Cluster development.

"Cluster development" means the concentration of detached single-family residences onto smaller lots than ordinarily permitted by the base designation (e.g., ER, SFR, etc.), or onto commonly owned lots, while not exceeding the permitted density for the total acreage being considered. This permits optimum use of the land; i.e., responding to site constraints by clustering away from the area of sensitivity, yet not decreasing the allowable density.

ENVIRONMENTAL REVIEW

An Environmental Analysis (EA) based upon the certified Mono County General Plan EIR has been prepared for the project. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 prohibit repetitive environmental analysis in cases where a development project is consistent with a Community Plan or zoning, and an EIR analyzing those effects was certified for that zoning or planning action, unless there are effects that are peculiar to the parcel or there is substantial new information showing that the effects will be more significant than described in the prior EIR. Effects of a project on the environment are not considered to be peculiar if they are mitigated through the application of uniformly applied development policies or standards. The proposed project is consistent with the Mono County General Plan/Benton Hot Springs Area Plan, and, as discussed in detail in the environmental document, there are no effects that are peculiar to the project and which were not addressed in the EIRs certified in conjunction with the adoption of the Mono County General Plan (1993) and the General Plan Land Use Element Update (2000).

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the project's environmental analysis is limited to those significant environmental effects that are:

- 1) Potentially peculiar to the project or the parcel on which the project would be located, and
- 2) Were not analyzed as significant effects in the prior General Plan EIR with which the development project is consistent.

The attached Environmental Analysis for Tentative Parcel Map 35-35 has determined that the impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan. This parcel is no different than other parcels in the surrounding area, and there is nothing unusual about the proposed project itself that would change or in any way affect the severity of the impacts. In other words, the impacts are not peculiar to the parcel or the project. There is no substantial new information indicating that the land use and development impacts of the project will be more severe than described in the prior EIRs, and there are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior EIRs.

A letter received from the California Department of Fish and Game dated August 3, 2006, stated the project is located within the boundaries of the Casa Diablo deer herd winter range, and the area also provides habitat for greater sage grouse and other wildlife.

A biological resources survey, completed by JBR Environmental Consultants, Inc. in January 2007, summarized there is deer use on the property between October and April. Deer were not recorded in the area during the December visit. Some deer may cross the Patel parcel as they move between winter and summer ranges. Impacts to deer could be minimized by avoiding outside construction activities during the migration and winter seasons (October through April). The DFG recommends clustering development on the parcel to minimize the extent of areas subject to regular disturbance. The current proposed development sites would appear to be better situated to minimize impacts to sensitive habitats located near the Patel parcel. Impacts could also be reduced by limiting fencing or requiring wildlife-friendly fencing around the parcels, and by identifying areas (corridors) that would be left undisturbed to allow deer to move across the parcel. There was no evidence to suggest sage grouse inhabit the property at this time. The DFG believes the south Adobe Valley area is used by sage grouse. The current proposal to subdivide the southern edge of the parcel would minimize any potential impacts near this potential sage grouse brood-rearing habitat. For avian species that may nest in the area, the nesting period would be between April and July. Vegetation-clearing activities should occur outside the nesting season between April and late July in accordance with the Migratory Bird Treaty Act.

LDTAC REVIEW

The Land Development Technical Advisory Committee met March 19, 2007, to consider the project application. The LDTAC recommendations have been incorporated into the Conditions of Approval.

FINDINGS

Tentative Map Findings

If it is determined that Tentative Parcel Map 35-35 should be approved, the Planning Commission should make the following findings:

- 1. The proposed tentative parcel map is consistent with the county General Plan because:
 - (a) The division is consistent with the county General Plan Land Use Designation Resource Management (RM) which allows for single-family dwellings, mobile homes used as single-family dwellings and accessory buildings and uses.
- 2. The design or improvements of the proposed tentative parcel map is consistent with the existing General Plan because:
 - (a) Countywide Land Use Policy Objective C; Action 1.2 allows for residential development outside existing community areas of a low overall density and residential development in certain locations may be permitted through <u>clustering</u>."
- 3. The site is physically suitable for the type of development because:
 - (a) Parcels 1-3 contain areas suitable for residential development and are easily accessed from Benton Crossing Road.
- 4. The site is physically suitable for the proposed density of development because:
 - (a) The 160.56-acre parcel is allowed 4 density units for development, and only 3 density development units are proposed at this time. The proposed lots 1 through 3 have a suitable building site for the development of single-family residences.

- 5. The design of the tentative parcel map or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because:
 - (a) The proposed project of four clustered lots (three of 10 acres and one of 130.55 acres) would maintain open space for wildlife movement. Parcel 4 will have residential development restricted to 10 acres within an identified 20-acre area. The 100-foot setbacks from all property lines provide a minimum of 200 feet between structures to allow for wildlife movement on the three 10-acre parcels.
- 6. Neither the design of the subdivision nor type of improvements is likely to cause serious public health problems.
 - (a) Potential impacts related to public health have been analyzed, and conditions have been proposed to reduce potential impacts to a level of insignificance and are required as conditions of project approval.
- 7. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because:
 - (a) There was no evidence presented at the public hearing for this project indicating that the design of the division or any improvements proposed in conjunction with the approval of the division will have a substantial impact or conflict with easements acquired by the public, for access through or use of the property, within the proposed subdivision.
- 8. Determine that the division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right of way or easement.

(a) Potential impacts to public entity or public utility right of way or easement have been analyzed, and conditions have been proposed to reduce potential impacts to a level of insignificance and are required as conditions of project approval.

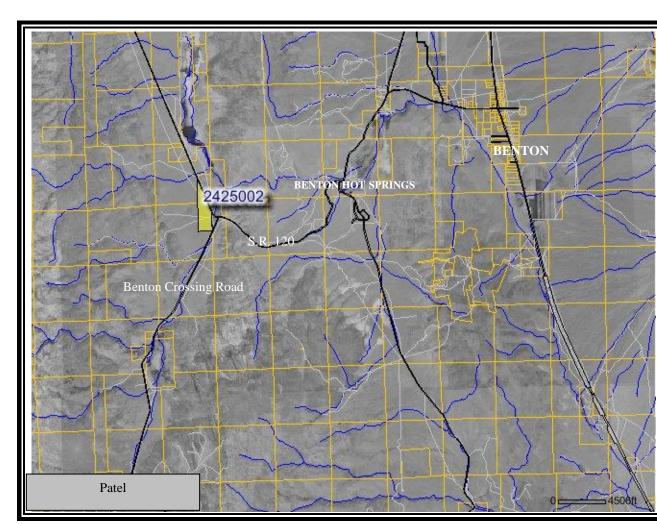


Figure 1: Location Map

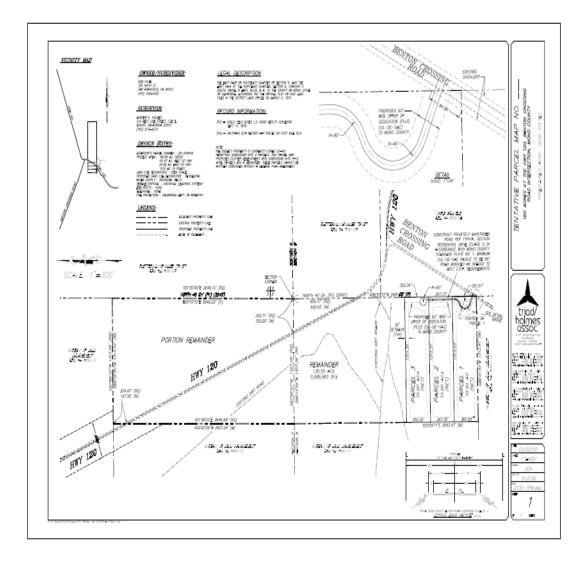


Figure 2: Tentative Parcel Map 35-35

ATTACHMENT 1 MONO COUNTY COMMUNITY DEVELOPMENT Planning Division NOTICE OF TENTATIVE PARCEL MAP APPROVAL

TENTATIVE PARCEL MAP #35-35**APPLICANT:**Patel

ASSESSOR'S PARCEL NUMBER: 24-250-02

PROJECT LOCATION: The proposed project is located west of Benton Hot Springs in Mono County, California. Access to the parcel is via Benton Crossing Road and S.R. 120.

You are hereby notified that the Mono County Planning Commission did on May 10, 2007, hold a public hearing to hear any and all testimony relative to the approval of Tentative Parcel Map <u>35-35</u> 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 39

If the applicant/agent is not satisfied with the decision of the Planning Commission, he may, within fifteen (15) days of effective date of the decision, submit in writing an appeal to: Secretary of the Planning Commission, P.O. Box 347, Mammoth Lakes, CA 93546; or to the Clerk of the Board, P.O. Box 715, Bridgeport, CA 93517.

The appeal shall include: 1) appellant's interest in the subject property; 2) the conditions appealed; and 3) specific reasons why the appellant believes the conditions appealed should be amended or upheld.

DATE OF EXPIRATION: 5.10.2009

DATED: May 10, 2007

cc: X Applicant

X Engineer

X Assessor's Office

X Public Works

X Environmental Health

ATTACHMENT 2 MONO COUNTY COMMUNITY DEVELOPMENT Planning Division

Notice of Determ	mination		
То:	Office of Planning a 1400 Tenth St., Roc Sacramento, CA 95	om 121	For moundar's use only
x	County Clerk Mono County P.O. Box 237 Bridgeport, CA 935	From	For recorder's use only n: CDD/Planning Division Mono County P.O. Box 8 Bridgeport, CA 93517
SUBJECT: Project Title: State Clearingho	Tentative Parcel Ma use #:NA	ap 35-35 / Patel	
Contact Person:	Gwen Plummer	Phone: (760) 924-1802	
Project Location	- Community:	Adobe Valley, west of Bentor	1
Project Location	- County:	Mono County	
Description of P	(three wildlife	of 10 acres and one of 130.56 e movement and avoid the 40-ac	PN 24-250-02) into four clustered lots acres) would maintain open space for re minimum requirement. Parcel 4 wil to 10 acres within an identified 20-acre
This is to advise	that the Mono Count	v Planning Commission (lead age	ncy) has approved the above-

This is to advise that the Mono County Planning Commission (lead agency) has approved the abovedescribed project on May 10, 2007, and has made the following determination regarding the abovedescribed project (selected determination is shown in bold type):

- 1) The project will not have a significant effect on the environment.
- 2) An Addendum to a previously certified Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- 3) Mitigation measures were made a condition of the approval of the project.
- 4) A statement of Overriding Considerations was not adopted for this project.
- 5) Findings were not made pursuant to the provisions of CEQA.
- 6) All of the effects of the project are exempt from further review under Public Resources Code section 21083.3 and all feasible mitigation measures specified in the EIR certified in conjunction with the Mono County General Plan relevant to those effects have been applied to the project. The project is consistent with the County General Plan and Fish and Game fees were paid at the time of the 2000 General Plan update.

This is to certify that the Environmental Analysis, comments and record of project approval are available to the general public at:

Mono County Offices, 74 School Street, Bridgeport, CA 93517

Signature:		Date:	May 10, 2007
Title:	Gwen Plummer, Associate Planner		
Date received f	or filing at OPR:	_	

TENTATIVE PARCEL MAP 35-35/ PATEL 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 be required to meet the requirements of the Mono County General Plan.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. 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 / Ongoing
- 2. The project, as well as future development, shall comply with 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. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. 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 / Ongoing
- 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. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. 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 / Ongoing
- 4. The developer shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. Additionally, future residential construction and development shall require the contractor and/or owner to 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 identifying acceptable site mitigation measures is filed with the Planning Division.
 - a. Generally associated with future development, but may occur any time 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. Construction shall be limited to daylight hours (or per Mono County Code 13.08.290, whichever is more restrictive) in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species.
 - 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 / Property Owner
 - d. Design / Ongoing
- 6. Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noiseattenuation 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 approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 7. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases or under the owner's complete control at all times.
 - 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 / Property Owner
 - d. Design / Ongoing
- 8. During all phases of construction, erosion-control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, filter fencing, or similar materials. Removed topsoil shall be stockpiled and replaced over disturbed areas. Revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or 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 approved 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, property owners shall refrain from clearing native vegetation except as necessary for impending or same-year construction.
 - 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 / Property Owner
 - d. Design / Ongoing
 - e.
- 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 approved 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 and grading activities that clear more than 10,000 square feet, result in cuts greater than 4 feet or fill greater than 3 feet, or involve more

than 200 cubic yards of cut or fill. Construction resulting in the alteration of a drainage course also requires 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 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 construction on any one parcel that cumulatively exceeds 10,000 square feet. If plans are required, plans will be developed by the individual project applicant with review and concurrence by the Mono County Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies.
 - 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, Community Development Department / Building Division, and applicable federal and/or state agencies
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 13 When used, Liquefied Petroleum Gas (LPG) shall be installed according to all applicable codes and Mono County Code 15.04.056.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. 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 / Ongoing

Development Mitigation Measures

14. The developer shall inform future owners and developers of project mitigation measures as a means of reducing or eliminating development impacts to less-than-significant levels. These minimum development standards shall be set forth on the parcel map, but may also be included in project CC&Rs (if developed) or deed restrictions.

A. Construction activities shall take place only during daylight hours or per Mono County Code 13.08.290, whichever is more restrictive.

B. Noise levels shall be in conformity with Mono County Noise Standards. Construction equipment shall be adequately muffled.

C. Homeowners' dogs shall be restrained by leashes or contained within fenced areas or yards.

D. Dogs belonging to construction workers shall be prohibited in the project area during construction or be under the owner's complete control at all times.

E. Vegetation removal should be limited to disturbance necessary for construction of residences, accessory buildings, driveways, walkways, corrals, and landscaping.

F. Homeowners shall provide erosion control measures for disturbed areas during and following construction. Topsoil shall be stockpiled at the construction site and redistributed over disturbed areas as soon as practical following completion of construction.

G. Control of dust during any construction and/or land-clearing activities shall be required using watering, mulching, or other erosion-control methods as necessary.

H. Homeowners shall aim; shield and direct lighting downward to reduce glare.

I. Future development projects shall comply with the Visual Resources requirements of the Mono County General Plan, Conservation and Open Space Element.

- a. Must be satisfied prior to approval of the parcel map. Requires monitoring over a period of time; usually linked to future development.
- b. Department of Public Works and Community Development Department / Planning Division
- c. Applicant
- d. Design / Ongoing

- 15 A minimum 100-foot horizontal setback shall be provided from any livestock facility (corrals, etc.) and animal or fowl enclosure to any well.
 - 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 / Property Owner
 - d. Design / Ongoing
- 16 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. Horses and other grazing animals shall be penned or tethered.
 - a. Requires monitoring over a period of time; usually linked to future development.
 - b. Community Development Department / Planning Division
 - c. Applicant / Property Owner
 - d. Ongoing
- 17 Future residential development should not dominate the natural environment and should complement existing rural character. The siting of a project and the scale, design, color and building materials for structures and fences shall harmonize with existing development in the area, the surrounding natural environment, and on-site topography. The following design guidelines are encouraged for all development:
 - A. Building areas for each lot shall be selected to reflect sensitivity to on-site topography and potential visual obstructions.
 - B. Roofing materials shall be non-reflective and shall be in a natural color and/or muted tones (e.g., tan, brown, dark green, or similar colors).
 - C. Bright colors or reflective materials shall not be used for any component of any structure.
 - D. Siding materials shall have a natural appearance compatible with the surrounding environment. The use of indigenous rock shall be encouraged.
 - E. Siding materials shall be stained, painted or otherwise finished in muted earth tones in order to blend into the surrounding environment.
 - F. Colors and materials for fences shall be muted and shall blend with the surrounding natural environment.
 - a. Requires monitoring over a period of time. Associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
 - 18. 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 devices must be designed to confine light 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 or adjacent property.
 - 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 / Property Owner
 - d. Design / Ongoing
 - 19. Landscaping shall be used to minimize potential visual impacts resulting from development. The following landscaping guidelines shall apply to all development:
 - A. Landscaping shall be used to minimize or reduce potential visual impacts resulting from development.
 - B. The following elements shall be shielded using landscaping: well facilities, trash receptacles, propane tanks, and out-building structures. Well-site facilities, trash receptacles and propane tanks may also be shielded with fencing and/or berms.
 - C. Drought-resistant landscaping (planting, soil preparation and low water use irrigation systems, etc.) shall be required. Drip irrigation systems shall be encouraged.
 - D. Use of native, indigenous species shall be encouraged.
 - E. The use of larger planting stock is encouraged to accelerate the process of visual screening.
 - F. Young plants shall be protected from deer and rodents until they are established (e.g., a 5-foot wire fence or vexar tubing has been found to work well to protect seedlings from deer).

- 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

Final Map Conditions

- 20. The developer may extend all applicable utilities (electricity, telephone, propane, cable TV, etc.) to the property line of each parcel, or because electrical and telephone services do not extend to the proposed parcels, the applicant may propose alternative energy systems where the future property owners will be responsible for providing their own telephone systems and alternative energy sources. Costs associated with acquiring those alternative energy sources will be the responsibility of future homeowners. All new on-site utility extensions shall be installed underground
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 21. The developer shall provide necessary easements for existing and proposed utility service within the subdivision. All existing easements shall be shown on the Final Map.
 - a. Must be satisfied prior to recording of Final Map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 22. 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 recording of Final Map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 23. Installation of individual sewage disposal systems will be required on each parcel at the time of future residential development. Prior to map approval, however, the developer shall submit a soils suitability report, prepared by a civil engineer licensed in the state of California, supporting the suitability of soils for installation of individual sewage disposal systems. At a minimum, the report shall contain two percolation test results and one soil profile results for each new parcel to be created or alternate testing as approved by Mono County Environmental Health. The report shall document, to the satisfaction of Mono County Environmental Health, that the soil structure meets or exceeds applicable state and county standards for siting and installation of individual sewage disposal systems.
 - a. Must be satisfied prior to approval of the parcel map.
 - b. Mono County Environmental Health
 - c. Applicant
 - d. Design
- 24. The developer shall submit a plot plan, acceptable to Mono County Environmental Health, identifying designated areas for individual sewage disposal systems on each parcel. The plot plan shall be prepared by a civil engineer licensed in the state of California. The plot plan shall identify both the primary sewage disposal area and an area for future sewage disposal, described as a replacement area, equal to 100% of the primary sewage disposal area, should the primary system fail. The siting of individual sewage disposal systems shall comply with the Lahontan Regional Water Quality Control Board's (RWQCB) criteria contained in the Water Quality Control Plan for the Lahontan region. Leach fields and septic tanks shall be sited a minimum of 100 feet from any domestic well and a minimum of 50 feet from any drainage course. Alternative systems, if proposed, shall be reviewed and approved by Mono County Environmental Health and shall conform to RWQCB requirements.

- a. Must be satisfied prior to approval of the parcel map.
- b. Mono County Environmental Health
- c. Applicant
- d. Design
- 25. Water shall be provided by individual wells on each lot at the time of future residential development. Water well construction shall conform to California Well Standards Bulletin 74-90 and water well permit requirements, as established in conformance with applicable provisions of the Mono County Code. Well permits shall be obtained from Mono County Environmental Health prior to any on-site water development.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Mono County Environmental Health
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 26. An encroachment permit shall be obtained from Mono County for the access encroachment onto Benton Crossing Road.
 - a. Must be satisfied prior to recording of Final Map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 27. The subdivider shall construct improved roads within the subdivision in accordance with County Standards for a typical section for a residential drive Class III (Plate No. 3 Typical Section Residential Drive Mono County Road Improvement Standards) with two 9 foot travel ways. Engineered plans for road improvements shall be submitted to the Department of Public Works for review and approval. All costs for road improvements, testing, inspections, and any related reports, plans and specifications shall be the responsibility of the subdivider. Roads constructed in the subdivision may be privately owned and maintained. The subdivider shall make an offer of dedication to Mono County for the road and establish a maintenance entity pursuant to California Civil Code Section 845, which shall subsequently enter into agreements with individual lot owners for the routine repair, upkeep, and maintenance of subdivision roads and drainage facilities. A drainage plan shall be provided to Public Works addressing the design and analysis of drainage facilities (i.e., retention basins, drainage courses).
 - a. Must be satisfied prior to recording of Final Map or bonded for.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 29. 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 recording of Final Map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 30. All exposed soil surfaces along the road shall be stabilized within one year of the Final Map or within seven months after completion of the various roads. All exposed surfaces shall be stabilized prior to the onset of winter weather if such work is to be completed the following year.
 - a. Must be made part of the Grading/Road construction plans for the project.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 31. 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. To avoid impacts to

nesting birds, vegetation-clearing activities should be conducted between April and July. If clearing occurs outside that avian nesting season it must be done in accordance with the Migratory Bird Treaty Act.

- e. 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.
- f. Department of Public Works
- g. Applicant/Property Owner
- h. Design/Ongoing
- 32. Construction material (rock, debris, etc.) that is not utilized for road fill material shall be removed to a designated dump site or other approved site.
 - a. Must be made part of the grading/road construction plans for the project.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 33. Parcels 1 through 4 shall be a minimum lot size of 10 acres each, and provide a minimum 50-foot setback for buildings and accessory buildings from all property lines.
 - a. Must be satisfied prior to recording of Final Map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 34. As it is the intention of Mono County to encourage the protection of wildlife habitat, two acres of the 10acre parcels 1 through 3 may be developed for residential use. The remaining eight acres shall remain as open space, with no structures permitted. A notation shall be made on the parcel map stating such.
 - a. Must be satisfied prior to approval of the parcel map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
- 35. The property has been identified by the Mono County MEA, Figure 20, Deer Herd Use Areas as being in a dispersed deer herd use area. The lot sizes provide for wildlife movement through the area.
- **50-foot setbacks from all property lines are required** and will allow a 100-foot buffer between structures to help minimize impact to wildlife. Future residential development shall use fence designs that allow movement of wildlife through the site. (No tall, solid fences; e.g., brick walls, wrought iron, woven wire or chain link fences. Barbed wire fences should be eliminated and, according to USFS guidelines, wire fences should consist of three single-strand wires placed 20", 30" and 42" from the ground with the bottom wire a smooth strand).
- Impacts to deer could be minimized by avoiding outside construction activities during the migration and winter seasons (mid October through April). If clearing is done between March 1 and April 15, project conditions direct **that** *noise levels during construction must be kept to a minimum by equipping all on-site equipment with noise attenuation devices and by compliance with all requirements of the County's Noise Ordinance (Mono County Code, Chapter 10.16).*
- In addition, the Department of Fish and Game advises that should land clearing activities occur during the avian nesting season, (April–July) *clearing should be done in accordance with the Migratory Bird Treaty Act, in order to avoid impacts to nesting birds.*
- The parcel map shall include a note stating the above.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 36. The four clustered lots (three of 10 acres and one of 130.55 acres) would maintain open space for wildlife movement and avoid the 40-acre minimum requirement.
 - a. Requires monitoring over a period of time; usually linked to future development.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 37. Parcel 4 will restrict lot disturbance to 10 acres adjacent to parcel 3 within an identified 20-acre area. Development shall be sited to minimize visual impact from Scenic Highway 120. The applicant shall record a covenant on the deed for parcel 4, restricting it from further subdivision unless additional density is first granted through a general plan amendment. This shall be noted on the final map.
 - a. Must be satisfied prior to recording of Final Map. This information must be made part of the information given to buyers.
 - b. Community Development Department / Department of Public Works
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 38. The applicant shall comply with the CDF's State Responsibility Area Fire Safe Regulations, Public Resources Code Section 4290, Title 14 of the California Code of Regulations (CCR) and roofing requirements as specified in Government Code Sections 51178.5 and 51189 and Health and Safety Code Sections 13108.5 and 13132.7. The regulations establish basic wildland fire protection standards in the State Responsibility Areas of Mono County for emergency access; signing and building numbering; private water supply reserves for fire use; roof covering standards; and vegetation modification. Any vegetative modification shall be conducted in a manner that retains valuable habitat vegetation removal. Grading should be avoided except as necessary for lot development purposes.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit.
 - b. Department of Public Works, Community Development Department/Planning Division and Director of CDF
 - c. Applicant
 - d. Design
- 39. 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. Map Conditions of Approval and Mitigation Measure items numbered 20 through 39 shall be reiterated on an additional map sheet of the Parcel Map. They maybe included in recorded project CC&Rs or Deed Restrictions.
 - a. Must be satisfied prior to recording of Final Map. This information must be made part of the information given to buyers.
 - b. Department of Public Works and Community Development Department/Planning Division
 - c. Applicant
 - d. Design

Mono County Community Development Department

PO Box 347 Mammoth Lakes, CA 93546 760-924-1800, fax 924-1801 www.monocounty.ca.gov PO Box 8 Bridgeport, CA 93517 760-932-5420, fax 932-5431 www.monocounty.ca.gov

sJune 9, 2016

To: Planning Commission

From: Nick Criss, Compliance Officer Courtney Weiche, Associate Planner Scott Burns, Director

Re: Transient Rental Workshop

Recommendation

Conduct workshop and direct staff to present recommended revisions to Chapters 25 and 26 to the Board of Supervisors for further direction.

Discussion

At the May 12, 2016, Planning Commission meeting, a revised Chapter 25 was presented and discussed based on recommendations from the March workshop. The Commission directed additional modifications to the chapter and requested to see a final draft of Chapter 25 prior to making a recommendation to the Board of Supervisors. Changes incorporated include clarifying the intent, removing the section on multiple parcel applications, and minor refinements. A revised Chapter 25 is attached.

Please contact Nick Criss at 760-924-1826 or Scott Burns at 760-924-1807 with questions concerning the workshop.

Attachments

- Chapter 25 & 26
- Chapter 25 draft changes

DEVELOPMENT STANDARDS

Chapter 25 - Transient Rental Overlay District (TROD)

Sections:

25.010	Intent.
25.020	Establishment of district.
25.030	Uses permitted.
25.040	Uses permitted subject to Director Review.
25.050	Uses permitted subject to Use Permit.
25.060	District requirements
25.070	Additional requirements.

25.010 Intent.

The Transient Rental Overlay District (TROD) is intended to provide additional tourismbased economic opportunities and homeowner economic stability by allowing a transient rental district to be overlaid on properties within residential neighborhoods exhibiting support for allowing transient rentals. The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a Transient Rental Overlay District (TROD).

25.020 Establishment of district.

The transient rental district may be overlaid on any residential neighborhood, parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. In addition to the requirements of this chapter, initiation and application of a TROD shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments).

25.030 Uses permitted.

The following uses shall be permitted in the TROD, plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

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

25.040 Uses permitted subject to Director Review.

All uses permitted subject to Director Review in the underlying land use designation with which the TROD is combined shall be permitted, subject to Director Review approval.

25.050 Uses permitted subject to Use Permit.

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

25.060 District requirements.

A. Overlay district area and overlay district formation noticing process:

A TROD may be applied to one or more existing legal parcels, provided that at least one parcel within the district is developed with a single-family or multifamily residence.

Applicants are strongly encouraged to propose districts made up from three or more parcels and to communicate with all adjacent property owners before submitting an application.

Applications for transient overlay districts consisting of one or two parcels or at the discretion of the planning director if greater than two parcels will require an overlay district formation noticing process prior to public hearing. Notice shall be provided to all property owners adjacent to the proposed transient overlay district and include a 20-day period for noticed property owners to request inclusion in the district.

B. Overlay District shape:

New TRODs consisting of more than one parcel and district additions shall be contiguous, compact and orderly in shape as determined by the Planning Commission. Factors used to determine compact and orderly district shape include but are not limited to:

- 1. Street-frontage sharing;
- 2. Adjoining yards; and
- 3. Existing neighborhood separation characteristics such as
 - a. Subdivision boundaries
 - b. Major roads
 - c. Natural features
 - d. Large undeveloped parcels
 - e. Commercial or civic land use

25.070 Additional requirements.

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

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

DEVELOPMENT STANDARDS

Chapter 26 - Transient Rental Standards & Enforcement

Sections:

26.010	Purpose and Findings.
26.020	Vacation Home Rental Permit.
26.030	Application and Issuance of a Vacation Rental Permit.
26.040	Standards and Requirements.
26.050	Rental Agreement and Owner Responsibility.
26.060	Compliance with Transient Occupancy Tax Requirements
26.070	Enforcement.
26.080	Existing and Otherwise Permitted Rentals.
26.090	Unauthorized Rentals Prohibited.

26.010 Purpose and Findings.

- A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

26.020 Vacation Home Rental Permit.

Any person who rents a residential structure that is not a condominium (hereinafter "rental unit" or "property") within an area of the county designated as a transient overlay district on a transient basis shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district without a valid vacation home rental permit is a violation of this chapter.

26.030 Application and Issuance of a Vacation Home Rental Permit.

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- A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.
- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:
 - 1. The rental unit must be located within an area of the county designated as a transient overlay district;
 - 2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
 - 3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager;
 - 4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
 - 5. A Mono County business license must be obtained and must remain active during all times that the property is used as a transient rental;
 - 6. Any required fees must be paid in full; and
 - 7. A Mono County Transient Occupancy Certificate must be obtained from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met.

26.040 Standards and Requirements.

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and

emergency responders during emergency operations. These standards include without limitation:

- 1. The address of the rental unit must be clearly visible;
- 2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
- 3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
- 4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
- 5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
- 1. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
- 7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
- 8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.
- 9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
- 10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is

greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;

- 11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
- 12. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;
- 13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
- 14. There shall be at least one screened window per bedroom to allow for proper ventilation;
- 15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;
- 16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
- 17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
- 18. Exits shall be kept free from storage items, debris or any impediments at all times;
- 19. No tree limbs are allowed within 10 feet of any chimney or flue openings;
- 20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
- 21. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.
- B. Sign and Notification Requirements.
 - Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ¹/₂ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage

standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:

- a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
- b. The maximum number of occupants permitted to stay in the unit; and
- c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
- 2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
 - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
 - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
 - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
 - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
 - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.
- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
- D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There

shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.

- E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
- F. Snow Removal. Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

26.050 Rental Agreement and Owner Responsibility.

A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

B. Owner Responsibility.

1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.

- 2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.
- 3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this chapter.
- 4. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to County upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
- 5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
- 6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

26.060 Compliance with Transient Occupancy Tax Requirements.

Each owner shall be responsible for obtaining a transient occupancy registration certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

26.070 Enforcement.

A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use

requirements in any other land use designation of the county shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing.

- B. An inspection and/or audit of each unit subject to this chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.
- C. Transient rentals may not be conducted if there are any code violations, stopwork orders, or other violation of law or regulation outstanding on the property.
- D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.
 - 1. The County shall provide the property owner with a notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.
 - 2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
 - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
 - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
 - 3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
 - 4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.

- 5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
- 6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.
- E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:
 - 1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;
 - 2. The hearing shall be in accordance with the procedures set forth in section D above; and
 - 3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.
- F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

26.090 Unauthorized Rentals Prohibited.

The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

DISCUSSION DRAFT

DEVELOPMENT STANDARDS

CHAPTER 25 - TRANSIENT RENTALS OVERLAY

Sections:

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

25.010 Intent.

Recognize the demand for diverse lodging options for visitors and allow transient rentals to be <u>established</u> within residential areas that <u>do not</u> exhibit <u>any reasonable opposition by neighbors who may be directly affected</u>. <u>neighbor support for allowing transient rentals that can demonstrate</u> <u>adequate year round access</u>.

25.020 Establishment of Type I Vacation Rental: Owner-Occupied

Type I vacation rentals are owner-occupied or associated with an owneroccupied principal residence. This includes rental of an entire dwelling unit or if only part of the unit, include at a minimum a sleeping room (with shared full bathroom), is limited to a single party of individuals, and the owner is present during the rental. The transient rental use may be permitted on any residential parcel and having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit<u>approval and meet either of the following</u> requirements:

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

Type II vacation rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The transient rental use may be overlaid on any residential parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH where neighbor support within <u>5</u>300ft of the subject parcel can be demonstrated and that has adequate year round access.

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

25.040 Notice requirements.

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

25.0<u>5</u>30 Uses permitted.

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

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

25.04060 Uses permitted subject to director review.

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

25.050070 Uses permitted subject to use permit.

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

25.060 Multiple parcel application.

Multiple parcels can submit as a single application when the parcels are contiguous, compact and orderly in shape as determined by the Planning Commission. Factors used to determine compact and orderly district shape include but are not limited to:

1.Street-frontage sharing

2. Adjoining yards

3. Existing neighborhood separation characteristics such as

a. Subdivision boundaries

b. Major roads

c. Natural features

d. Large undeveloped parcels

e. Commercial or civic land use

25.070080 Additional requirements.

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

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