

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
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PO Box 8  
Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## AGENDA

August 17, 2017 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / boards & commissions / planning commission](http://www.monocounty.ca.gov/boards%20&%20commissions/planning%20commission). For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

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*\*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 June 15, 2017 (*no July meeting*) – **p. 1**

**4. BYLAW AMENDMENT ON REMOTE MEETING ATTENDANCE** (*see red text on pages 2-3*) – **p. 7**

**5. PUBLIC HEARING**

**10:15 A.M.**

**CONDITIONAL USE PERMIT 17-011/Day** for use of a home for short-term rental with owners living on site (type I). The property is located at 193 Willow Brook Road in Crowley Lake. This parcel (APN 060-210-062) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed. *Staff: Gerry Le Francois & Michael Draper – p. 10*

**10:40 A.M.**

**CONDITIONAL USE PERMIT 17-012/Conti** for use of a home for a short-term rental with the owners living on site (type 1). The property is located at 154 Hilton Creek Drive in Crowley Lake. This parcel (APN 060-180-018) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed. *Staff: Michael Draper – p. 17*

**6. WORKSHOPS**

**A. HOUSING NEEDS ASSESSMENT.** *BBC Research/Jen Garner – p. 24*

**B. CANNABIS REGULATIONS.** *Staff: Michael Draper – p. 51*

**C. LOCAL HAZARD MITIGATION PLAN.** *Staff: Wendy Sugimura*

**7. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**8. INFORMATIONAL:** No items

***More on back...***

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DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

**9. ADJOURN** to September 21, 2017

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

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

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

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

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## DRAFT MINUTES

June 15, 2017

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

**STAFF:** Scott Burns, director; Gerry Le Francois, principal planner; Paul McFarland, assistant planner; Justin Nalder, intern; Christy Milovich, assistant county counsel; Nate Greenberg, IT director; Jeff Walters & Peter Chapman, public works; CD Ritter, commission secretary

**GUESTS:** Hap Hazard, Ron Day, Glenn Inouye, Donna Simensen, Sandy Powell, Michael Paiva, Raul Alcazar, Isabel & John Connolly

1. **CALL TO ORDER:** Acting Chair Chris Lizza called the meeting to order at 10:13 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. **PUBLIC COMMENT:** No items

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of April 20, 2017 (*no May meeting*) as amended: Item 5, last line: Milovich clarified "may" **is not** a "shall." (*Pipersky/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

### 4. PUBLIC HEARING

**A. INTERPRETATION USE PERMIT 17-005/Simensen** for use of a home for a short-term rental (type I) with the owners living on site on an adjacent property. The properties are located at 332 and 342 Kinsley Street in Bridgeport. These parcels (APNs 008-132-027 & -017) have a land use designation of Multi-Family Residential Low (MFR-L). A Planning Commission Interpretation will be required to issue the proposed use permit. A CEQA exemption is proposed.

Gerry Le Francois reviewed the proposal by PowerPoint. He emphasized owner on same parcel, didn't anticipate this happening. "Similar use" category. Planning Commission, not staff, has discretion. No barriers between properties, good view of driveway. Use Permit runs with owner, not land, in this case. If ownership changes, goes away.

--- Scott Bush arrived at 10:17 am ---

Lizza saw two issues. Bush recalled bylaws on less than full commission when PC is final decision maker. Option to allow applicant to request continuance, as PC is final decision maker on interpretation and use permit. Applicant indicated proceed with four commissioners.

Le Francois noted when Ch. 25 was crafted, type I would work with merged parcels. Creates circumstances if sell property, or rental no longer viable in Bridgeport. Applicants asked for workaround. If merged, would be use permit only.

If split lot later? *No CEQA exemptions for splitting property, so negative declaration or other if try to re-divide property.*

**OPEN PUBLIC HEARING:** Donna Simensen, co-owner, talked to neighbors and community, who were supportive. Wants Bridgeport to thrive, keep privacy.

--- Scott Bush clarified he was present as planning commissioner, not sheriff in uniform. ---

Live here now? *Yes, know the community.*

Long-term tenant before? *No.*

Bought properties at same time? *Brother wanted to keep it in family.*

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Chris I. Lizza

Why did you buy? *Little house only 842 sf. Loved history behind both houses. Family visited, saw sign on Main Street about vacation rentals.* **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Bush questioned size of houses. *6,000 sf and 842 sf.* If want to do rental, lots this size OK. Problematic to merge lots.

Lizza noted provision says entire dwelling unit for owner. Intended same parcel. Don't need type II.

Bush suggested including total lot size in future. Owners are close by. Not revisit again on small lots.

Lagomarsini thought lot size insignificant. How close homeowner is to rental house is important. Owner supervises guests. If two separate parcels, could be adjacent, maybe visual or audio control of rental house, easy access (shared driveway). Owner control is issue.

Language OK as exists? Lagomarsini thought technically did not fit for two separate parcels.

Pipersky reminded Mono Supervisors adopted Ch. 25. It's their words.

Milovich quoted from previous PC discussions. Type I "associated" is ambiguous. Interpretation today would apply countywide.

Pipersky spoke with one BOS member. Reason talked about Type I was to avoid homeowner monetizing property. If allow countywide, could buy house next door and rent, keep out of hand of working people. Maybe not issue in Bridgeport, but mistake to allow two parcels with one rented nightly, taken off market for renting monthly. Mistake to move forward. If look at case by case, maybe go forward. Intent is to not allow people to monetize private homes in Mono except monthly rentals.

Lizza noted mother-in-law on same parcel OK. Does "associated with" mean on same parcel?

Pipersky countered it was not intent of Type I rentals.

Scott Burns stated could issue use permit, could do merger, not totally shut it down. Narrow precedence. Substandard lots, shared driveway, in middle of town. Not speculating, purchased adjacent properties. Find this would apply countywide.

Lizza thought not allow separate parcels, but similar uses findings. First issue is Ch. 25 permits on adjacent, separate parcels.

Bush wanted to tailor finding to specific topographical limitations so not just open up. If detrimental to public welfare, businesses limited in scope.

Lagomarsini noted shared driveway, could look into each other's windows.

Bush thought they did not buy house next door to rent. Way to limit it?

Milovich stated any tailoring of interpretation would not apply legally. Interpretation would apply countywide, become part of General Plan amendment.

Lizza thought wording intended to apply to this case, "associated with."

Milovich indicated Stacey Simon said tailoring just for this situation is attractive, but not legally sound.

Why not go into type II if can't tailor? How different? Milovich reminded of moratorium on type II.

Bush saw it as a good project, looking for way not to make next project problematic.

Could county counsel write best legalese to fit scenario? Milovich did not know answer. As independent body, Planning Commission needs to make decision on its own.

If room for interpretation, why make decision? If new proposal came up, not automatically granted.

Milovich reminded that use permits are discretionary.

If similar deal arose, would PC look at it? Milovich stated if interpret type I as different parcels adjacent, apply same interpretation.

If do it today, do it next week?

Lizza saw interpretation flexibility. Only means can but not have to consider separate parcel.

Lagomarsini suggested specific findings on interpretation.

Bush noted it has to do with size, proximity today. Next case may be quite different.

Lizza thought findings lock into those reasons, so case by case then.

--- Lizza passed gavel to Vice-Chair Bush ---

Milovich suggested PC could implement cleanup language in type I definition. Bush reminded that Mono Supervisors came up with wording.

**MOTION:** Approve Interpretation of Similar Use. In this instance, properties fall under Ch. 25 short-term rental type I. (*Lizza/Lagomarsini. Ayes: 3. No: Pipersky. Absent: Roberts.*)

**DISCUSSION:** Pipersky thought opened up Mono to speculation on nightly rentals in residential areas. BOS meant all on same parcel, so she would not vote for this.

***MOTION:*** Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 17-005 subject to findings and conditions contained in staff report. (*Lizza/Pipersky. Ayes: 3. No: Pipersky. Absent: Roberts.*)

**B. CONDITIONAL USE PERMIT 17-004/Connolly** for use of a home for a short-term rental with the owners living on site (type I). The property is located at 326 Juniper Drive in Crowley Lake. This parcel (APN 060-120-005) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed.

Gerry Le Francois described rental on Juniper Drive. Building is existing nonconforming use along creek. 274 sf cabin, private road. Owner-occupied principal residence on same parcel. Subject to use permit that runs with owner, not the land. Changed one condition 6 if approved: Potable water provided for domestic purposes. Comment letter on parking. Cond 4, unnecessary vehicles screened from surrounding properties.

Already renting, so why this permit? *Mono now has short-term rentals, so Connollys applied.*

**OPEN PUBLIC HEARING:** Isabel Connolly, co-owner, wanted nightly rentals. Open for family and friends, but Airbnb kind of approved. Rented short-term and long term (greater impact with two cars, overflow parking). Generally one car. People with boat next week will park at marina to address Ms. Qualls' concern.

Summer cabin or year-round? *Fishing cabin originally.*

John Connolly stated long-term rentals worked OK, some liked, and some did not. At 275 sf, is small for full-time living. Insulation in winter is problematic. Monthly rental, but not in winter.

David Bemis sees rental house, but never knows if it's occupied or not. Fully supported permit.

John Connolly noted living there 13 years, volunteering a lot, will return for skatepark hearing. People might not like extra trailers/boats. Wanted to be in harmony with neighbors. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Pipersky saw this as a perfect type I rental, meeting intent of BOS, on property. Bush indicated this is what he envisioned for type I. Lizza mentioned workforce housing, but a little too small. Bush noted it's substandard for workforce housing. Lagomarsini saw parking as a concern, but owners are trying to work it out. Vacation rental.

***MOTION:*** Find that project qualifies as Categorical Exemption under CEQA guideline 15301 and fine Notice of Exemption; approve CUP 17-004 subject to findings and conditions in staff report; and add Condition 6 to provide potable water for occupants (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

**C. CONDITIONAL USE PERMIT 17-010/Paiva.** Construction of a new 2,300-square foot retail space, sign and landscaping plan for a Western arts and crafts gallery. The two-acre vacant property is located adjacent to Toiyabe Motel and Walker Flea Market on US 395 in Walker (APN 002-332-009). Land use designation is Mixed Use (MU) and Estate Residential (ER). A CEQA exemption is proposed.

Gerry Le Francois reviewed Walker parcel across from river. Currently vacant. Want 2,300 sf retail building. Mixed Use designation would allow residence in future. Signs comply. Sign 17' not 12'. Minimum 12 spaces. All parking paved, but compacted gravel meets intent of semipermeable surface. Double Eagle has gravel parking. Exception to today's standards. Maybe clean language up to avoid exceptions. Maintain trees next to property. Dark Sky Regulations technically not apply to Walker, but apply standards here.

Earlier interpretation bound by it? *Two standards. Gravel totally permeable. Paving costly.*

Require variance? *No.*

**OPEN PUBLIC HEARING:** Sandy Hough said proposal makes practical sense, benefit community, make destination eventually. Broad community support. Represent 16 Western artists that preserve spirit of Old West. Seasonal six-month business. Maybe offer workshops that benefit motels.

Caltrans vetoed circular driveway. Align with Walker Burger. Caltrans wants no gravel on 395. Pave encroachment 25'. Need vision left and right. Majority of businesses go from asphalt to dirt. Bush noted diagonally on/off creates washboard effect.

Paiva indicated more than adequate parking in front, in back also. **CLOSE PUBLIC HEARING:**

Lizza thought nice infill in Walker. Bush saw sophistication/culture for Walker.

Le Francois added finding 4B: transit stop at Walker Country Store, so OK.

***MOTION:*** Find that project qualifies as Categorical Exemption under CEQA guideline 15303(c) and file Notice of Exemption; make required findings in staff report; and approve Use Permit 17-010 subject to Conditions of Approval. (*Lizza/Pipersky. Ayes: 4. Absent: Roberts.*)

**D. CONDITIONAL USE PERMIT 17-006/Race Communications – Mono City/South of Chalfant & VARIANCE 17-001/Race Communications – Mono City Connector over US 395.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Mono City and the community of White Mountain Estates located south of Chalfant. The project entails placement of new overhead strand and fiber on existing utility poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A Variance is required to permit installation of new overhead strand crossing US 395 on existing poles within a Scenic A CEQA exemption is proposed.

Paul McFarland noted different project conditions for the four Race applications. Unresolved issue last meeting on Domaille? Race's Raul Alcazar resolved matter.

Project summary by PowerPoint. Line over US 395, need variance. Single word change p. 1, graph 3: Public rights of way, not County. Not require entire new CEQA exemption. All of Mono City on overhead existing poles. Load-test existing poles of SCE or Frontier. Space rental. Thirty poles failed load test. Temporary poles will be directly adjacent to existing poles. Owner must remove failed poles, replace with permanent, pull temporary poles. Benefits public health/safety. White Mountain Estates is all underground.

Variance is required in scenic corridor. Not pristine as intended, but not significantly diminish scenic character, already has wind socks, etc. Natural intersection. Undergrounding will require encroachment permits. Comment letters from Mono City. New condition#4 to notify occupants of communities of new line installation. Race will walk through communities, verbally speak or leave hang tag.

Bush heard rumblings of long time with no internet in Walker due to other communities. McFarland noted Race purchased existing broadband in Bridgeport and Lee Vining.

Alcazar cited abandoned infrastructure from former carriers, no service. Took down old, put up new. Escape broadband. Minimize disruption when cable removed for fiber replacement, maybe two months. New service will be better than downtown San Francisco. Not affect wireless, only if Escape Broadband.

Lagomarsini mentioned new streets at White Mountain Estates. Bob Stark is in contact with Race. Chalfant Loop Road person? McFarland would pass along to Race.

Why communities grouped the way they were? *How apps were received.*

**OPEN PUBLIC HEARING:** Ron Day spoke of extensive RPAC outreach, majority wanted lines on existing poles, not underground. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** None

***MOTION:*** Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file Notice of Exemption; make required findings in project staff report; approve Use Permit 17-006 subject to Conditions of Approval; and approve Variance 17-001. (*Lagomarsini/Lizza. Ayes: 4. Absent: Roberts.*)

**E. CONDITIONAL USE PERMIT 17-008/Race Communications – Sunny Slopes, Aspen Springs and Tom's Place.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Sunny Slopes, Aspen Springs and Tom's Place. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted fiber along existing utility poles. All new overhead at Aspen Springs. Fobes 40 included.

Do 150 properties include Pine Glade? *USFS land, so not included. Would require NEPA.*

McFarland noted overhead drops only upon request.

**OPEN PUBLIC HEARING:** Ron Day repeated positive comments. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** None

**MOTION:** Find that project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 & 15304, and instruct staff to file Notice of Exemption; make required findings contained in project staff report; and approve Use Permit 17-008 subject to Conditions of Approval (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

--- Break: 12:15-12:30 pm ---

**F. CONDITIONAL USE PERMIT 17-009/Race Communications – Swall Meadows, Paradise, Benton, Benton Hot Springs.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Swall Meadows, Paradise & Benton. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A new backhaul line installed on existing poles following a portion of Lower Rock Creek Road is also proposed. A CEQA exemption is proposed.

Paul McFarland noted some on Paiute land in Benton. Questions from Swall on svc to properties, forwarded on to Race, who responded. Some homeowners in Paradise need to meet at Race???

**OPEN PUBLIC HEARING:** Glenn Inouye agreed on face-to-face meeting. Formerly outside communication loop. Race agreed to communicate. Water lines very shallow. Trenching or existing conduit at Lower Swall? Always use existing if possible. *New trenching, micro-trenching.*

Inouye had concern going under rock. If trenching, how go under driveways, limit access? *Alcazar would go over maps, work with CSDs (Community Services Districts) in joint effort. Prefer underground if possible, via existing conduits. By default, put in trenching plan, then consult on site. Try to accommodate, but get out of way ASAP. If willing to spend time with Race, will go over concerns.*

Hap Hazard issued disclaimer that since leaving BOS, still has communications/relationship with Race. D-395 approval involved Tribe under different process. Race will service almost all property available in Mono County. Effort to get service to all who want it. As supervisor, received more Internet service requests than anything else, including paramedics and taxes.

Ron Day worked with Hazard on getting D-395 in. Communities in south really want this to happen, either overhead or underground. **CLOSE PUBLIC HEARING**

**MOTION:** Find that project qualified as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-009 subject to Conditions of Approval. (*Lagomarsini/Pipersky. Ayes: 4. Absent: Roberts.*)

--- Bush departed at 12:46 pm, passed gavel to Pipersky ---

**G. CONDITIONAL USE PERMIT 17-007/Race Communications – Walker & Bridgeport.** Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Walker and Bridgeport. The project entails placement of new overhead strand and fiber on existing utility poles, removal and replacement of existing strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted remove/replace infrastructure from previous companies. No public comment.

**OPEN PUBLIC HEARING:** Ron Day endorsed this project.

Raul Alcazar saw unfortunate downtime, but outcome will justify it. Time is of essence to get on board. Bridgeport served at Paradise Shores along reservoir? *Not that far north.*

Alcazar described it as part of acquisition, but take on as 100% issue. **CLOSE PUBLIC HEARING.**

**MOTION:** Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-007 subject to Conditions of Approval (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

**H. CONDITIONAL USE PERMIT 15-004/Crowley Lake Skatepark.** Planning Commission review and approval of final design for skatepark (Condition 8 requires Planning Commission's approval of final design). Project is located adjacent to the community center at 58 Pearson Road, Crowley Lake. Project was approved with a prior Negative Declaration.

Peter Chapman cited a condition to return to PC for design final approval. Distributed handouts. Since 2015, Public Works entered into contractor contract. Adding 10 parking spaces, ADA sidewalk, and restroom. 15' elevation drop on property. Skatepark lower than parking lot (depressed into hillside). Two community workshops were held for local youth and parents.

Barriers across from parking lot? *Remove material from site with small rocks, sporadically put them between sidewalk and actual skatepark. Tiered levels so water won't wash dirt into skatepark. No culvert, no border. All water collected in underground system would feed dry well.*

Danger of falling? *Upper half pipe about 3'. Border maintains height, so not a cliff.*

Seating area? *Maximize actual skatepark in small footprint. Maybe seating, picnic tables by creek near delineated wetlands.*

**OPEN PUBLIC HEARING:** Kim McCarthy, CSA-1, noted space by bathrooms for picnic tables, umbrellas. Completion by November, so not much use this year. Address issue next year.

Ron Day favored skatepark for kids. Not much available for them now.

John Connolly cited extensive design work. Community asset, nice park. **CLOSE PUBLIC HEARING.**

RPAC approve by vote? *Ron Day indicated it was discussed at meetings, not directly at RPAC. No direct vote. Lost RPAC planner Courtney Weiche, not specifically brought up, but community generally behind it.*

Chapman stated contractor held well-attended workshops.

**MOTION:** Review proposed Skatepark design developed through community workshops led by contractor and approve final skatepark design with no changes (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

**6. WORKSHOP:** No items

## **7. REPORTS**

**A. WENDY SUGIMURA: 1) June Lake Area Plan:** Six days of workshops, 20 neighborhood meetings, good feedback on non-contentious format. Policy development stage now, much harder, emotions running a bit higher, but getting through so far. CAC will look at draft policy Aug. 2, then to PC. **2) Cannabis:** Ban in whole or in part, adopt state regulations, develop local regulations. Michael Draper developed nice initial framework. Strategy: Look at how existing regulations accommodate, then adjust up or down, but not more permissive than State. BOS presentation, direction reaffirmed. Framework out to RPACs. Changing statewide regulatory landscape. Residents investing in use when no regulations exist. Heads up to BOS based on public safety, General Plan, community character, people spending money not knowing if could result in profit. If adopt local regulations, must be by Dec. 31, before enacting Proposition 64.

**B. COMMISSIONERS:** No items

**8. INFORMATIONAL:** No items

**9. ADJOURN** at 1:11 pm to July 20, 2017

*Prepared by CD Ritter, PC secretary*



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

### ARTICLE I

#### SECTION 1. OFFICERS

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

#### SECTION 2. POWERS & DUTIES OF OFFICERS

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

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### **SECTION 3. MEMBERS OF THE COMMISSION**

- A. The Planning Commission shall consist of five members and shall be organized and exercise powers as prescribed by the California Government Code and by ordinance of the County of Mono.
- B. Terms of the Commission
1. The terms of office are as follows:
 

<u>DISTRICT</u>	<u>FOUR-YEAR TERM EXPIRES</u>
# 1	March 1, 2015, 2019, 2023, 2027
# 2	March 1, 2017, 2021, 2025, 2029
# 3	March 1, 2017, 2021, 2025, 2029
# 4	March 1, 2017, 2021, 2025, 2029
# 5	March 1, 2015, 2019, 2023, 2027
  2. Commissioners *may serve in excess of a period of 12 years per Board of Supervisors ordinance ORD07-01, adopted Feb. 13, 2007.*
  3. Members of the Planning Commission may be removed by a majority of the Board of Supervisors for the following reasons:
    - a. Failure to meet the following attendance requirements: A Commissioner shall not have three consecutive unexcused absences from regular meetings, nor may a Commissioner miss five or more regular meetings in any 12-month period;
    - b. Acting inappropriately, in the sole discretion of the Board, in matters regarding conflict of interest or personal bias;
    - c. Failure to carry out Commissioner duties over a period of time due to a frequent inability to vote caused by repeated conflict-of-interest issue;
    - d. Failure to carry out the duties of Commissioner by repeatedly abstaining on matters when there are no apparent conflict-of-interest or bias issues; and
    - e. Any other cause not enumerated herein which, in the opinion of a majority of the Board, reflects the Commissioner's failure to carry out the duties of the Commission, or which brings discredit to the County of Mono.

## **ARTICLE II**

### **MEETINGS**

#### **SECTION 1. REGULAR MEETINGS**

The regular meetings of the Commission shall be held on the third Thursday of every month, commencing at 10:00 a.m. All meetings shall be duly noticed. Unless otherwise provided, meetings shall be held in the Board of Supervisors chambers, Courthouse, Bridgeport, California, and teleconferenced to the Town/County Conference Room in Mammoth Lakes. Although Commission preference is for all Commissioners to convene in a single location, if inclement weather necessitates, Commissioners may attend and participate at the noticed

**teleconference site.** The Commission may, on a majority vote of its members, or with the approval of the Chair upon consultation with the Community Development Director, cancel any regular meeting.

## **SECTION 2. SPECIAL MEETINGS**

A special meeting may be called at any time by the Chair, and the Chair shall call a special meeting at the written request of three members of the Commission. Notice of each special meeting shall be given by delivering personally, or by email, a written notice thereof to each Commissioner, and to each newspaper of general circulation, radio, or television station requesting notice in writing. Such notice must be delivered personally or by email at least 24 hours before the time of such meeting. Such written notice may be dispensed with as to any Commissioner who at or prior to the time the meeting convenes, files with the Secretary a written waiver of notice. Such written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes. **Special meetings occasionally convene in Mammoth Lakes to accommodate proposals of interest to South County applicants and residents. In such cases, the teleconference site typically is the Board of Supervisors chambers, Courthouse, Bridgeport,**

## **SECTION 3. ADJOURNED MEETINGS**

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

## **SECTION 4. WORKSHOPS**

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

## **SECTION 5. QUORUM**

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

## **SECTION 6. RESOLUTIONS & MOTIONS**

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

# Mono County Community Development Department

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August 17, 2017

**To:** Mono County Planning Commission  
**From:** Michael Draper, Analyst  
**Subject:** Conditional Use Permit 17-011/Day Type I Short-Term Rental

## RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 17-011 subject to the findings and conditions contained in this staff report.

## BACKGROUND

This proposal, CUP 17-011/Day, is located at 193 Willow Brook Road, Crowley Lake, and has a land use designation of Estate Residential (ER). Adjacent properties to the north, east and south are Commercial and Commercial/Specific Plan, and the property to the west is also ER. To the north, a small Single-Family Residential parcel is directly adjacent.

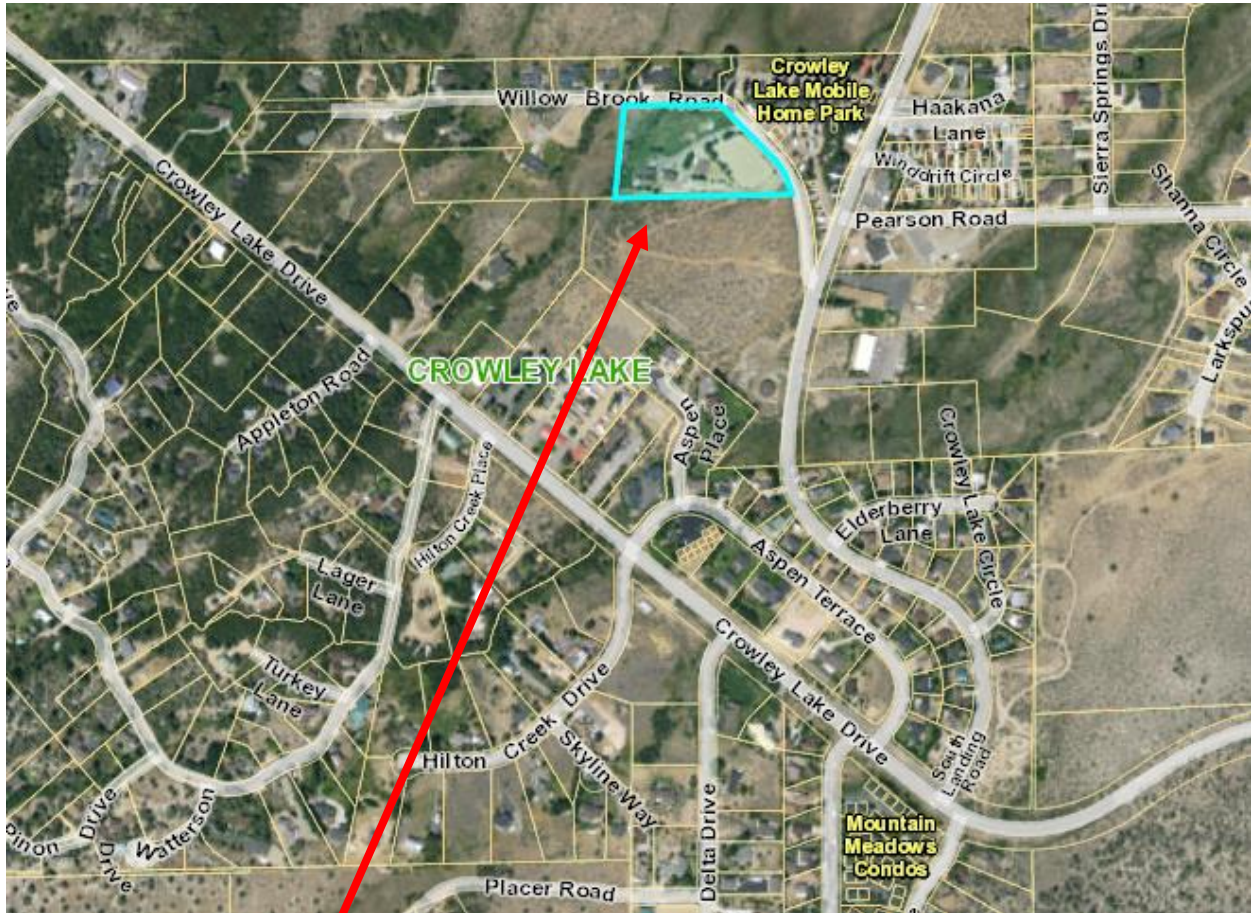
The property has a main house and a 1,040-square foot, two-bedroom, one-bathroom accessory dwelling unit located above the detached garage. The parcel (APN 060-210-062) is approximately 3.2 acres in size (see site plan). The applicant is a full-time resident of the main house, and is proposing to rent the accessory dwelling unit on a short-term basis.

Chapter 25 of the Mono County General Plan established Type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. The use permit for this rental runs with the owner and not the land, and terminates upon a change of ownership.

Also, the Type 1 use is subject to a number of restrictions and requirements as contained in Ch. 26 of the Land Use Element.



Site Plan: CUP 17-011/Day Type I Short-Term Rental



Project site: 193 Willow Brook Rd.  
APN: 060-201-062

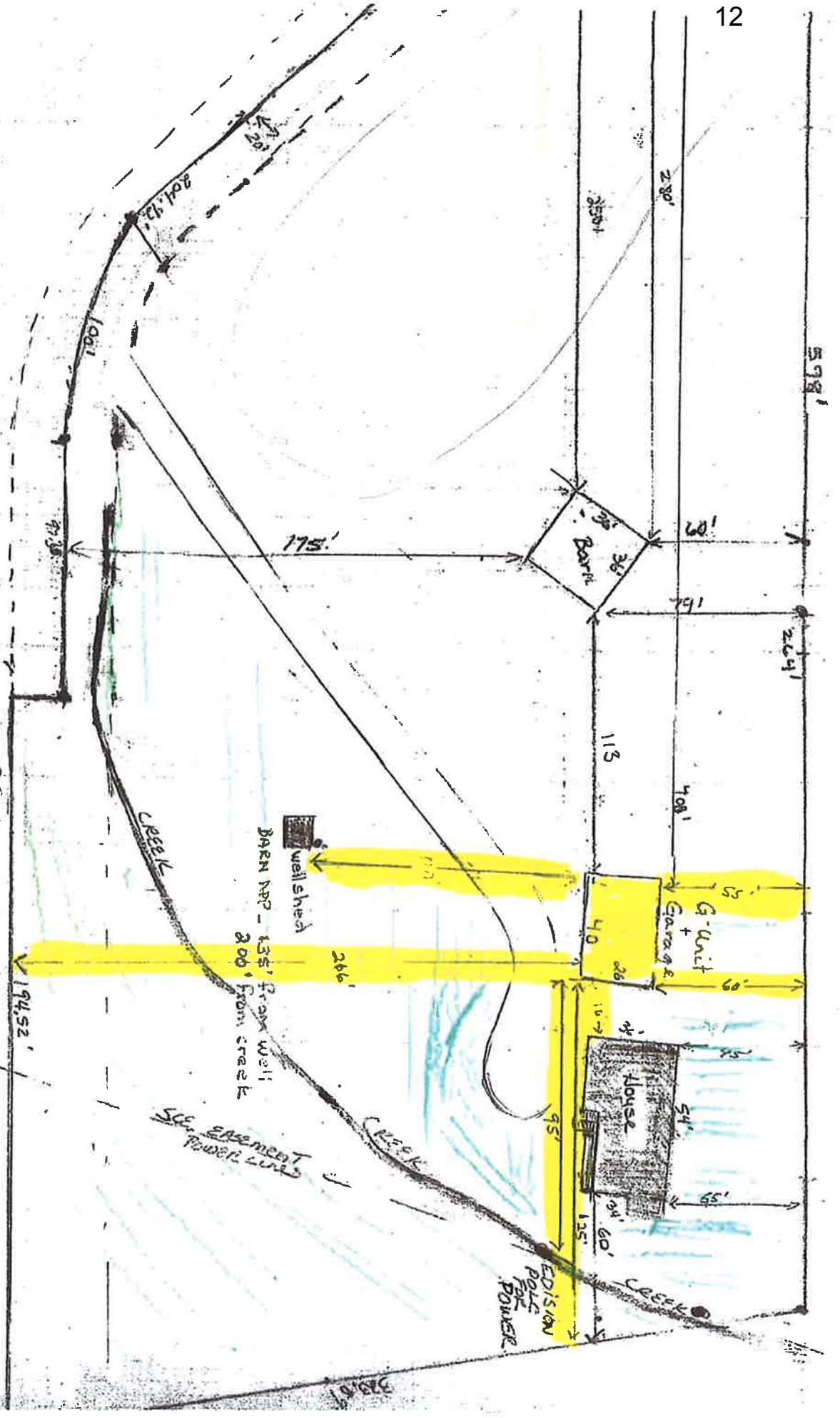


Primary unit and parking

Rental unit and parking



DAY PROPERTY - PLOT PLAN  
 193 Willow Brook Rd Crowley Lake  
 AP 60-201-62  
 Ron and Kai Day



EDISON FILE  
 proposed Granary Unit + Garage



- Natural
- Lawn & Landscaping
- Pastures
- Arena-Barn
- Proposed Granary's Garage

## **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE**

The LDTAC met May 23, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing.

## **COMMENTS RECEIVED**

A notice was mailed to all property owners within 500 feet, at least 30 days in advance of the public hearing. A comment has been received asking to prevent increased traffic through the Crowley Lake Mobile- Home Park, east of the site.

## **GENERAL PLAN CONSISTENCY**

The project is consistent with the intent of Chapter 25, Short-Term Rental Type I. In recognition of the demand by visitors for diverse lodging options, this chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

The project is required to comply with Chapter 26, Transient Rental Standards and Enforcement. 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 designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

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

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

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

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

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

## **CEQA COMPLIANCE**

**Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption.**

Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; and
- conversion of a single-family residence to office use.

Single-family homes that are rented on a transient basis (as a Type I rental) will still be used as single-family homes and in a manner not substantially different from how they would be used if occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use, which is also exempt under this section.

## USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Project provides the necessary parking of one space for the Type I rental; and
  - b) The 1,040-sq. ft. rental is an existing structure.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The property is accessed by Willow Brook Road, a private road, and use of property for a Type I rental is not expected to generate a significant increase in traffic over other outright permitted uses such as a long-term rental. Traffic will be routed to Willow Brook Road by South Landing Road, a County road.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - a) The proposed Type I short-term rental of an existing 1,040-sq. ft. unit is not expected to cause significant environmental impacts; and
  - b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a) The proposed Type I short-term rental is required to comply with Chapters 25 and 26 of the General Plan.
  - b) The property complies with policies of the Long Valley Area Plan.



**MONO COUNTY**  
**Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** CUP 17-011 **APPLICANTS:** Ron and Kai Day

**ASSESSOR PARCEL NUMBER:** 060-210-062

**PROJECT TITLE:** Type I Short-Term Rental/Day

**PROJECT LOCATION:** The project is located at 193 Willow Brook Road, Crowley Lake

On August 17, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-011/ Day, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

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

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

**DATE OF DECISION/USE PERMIT APPROVAL:** August 17, 2017

**EFFECTIVE DATE USE PERMIT** August 31, 2017

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

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

**MONO COUNTY PLANNING COMMISSION**

**DATED:** August 17, 2017

\_\_\_\_\_

- cc:  Applicant
- Public Works
- Building
- Compliance
- \_\_\_\_\_

**CONDITIONS OF APPROVAL**  
**Use Permit 17-011/Day**

- 1) The owner/applicant shall require short-term renters to access the property using South Landing Road to Willow Brook Road.
- 2) The rental unit shall obtain a Certificate of Occupancy prior to any use as such.
- 3) The project shall comply with provisions of Chapter 25, Short-Term Rental.
- 4) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
- 5) Property shall be maintained in a neat and orderly manner. Any unnecessary vehicles should be stored and screened from nearby properties.
- 6) Project shall comply with all Mono County Building Division requirements.
- 7) Project shall comply with Environmental Health requirements including providing a bacterial water sample from the on-site water well to ensure occupants using this Type I Short- Term Rental shall be provided with potable drinking water.
- 8) Applicant shall obtain a “will-serve” permit from the Long Valley Fire Protection District, if required.
- 9) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# Mono County Community Development Department

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August 17, 2017

**To:** Mono County Planning Commission  
**From:** Michael Draper, Analyst  
**Subject:** Conditional Use Permit 17-012/Conti Type I Short-Term Rental

## RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 17-012 subject to the findings and conditions contained in this staff report

## BACKGROUND

This proposal, CUP 17-012/Conti, is located at 154 Hilton Creek Drive, Crowley Lake, on a County-maintained road, and has a land use designation of Single-Family Residential (SFR). All adjacent surrounding parcels are also designated SFR. The property has a 3,000-square foot main house and an attached garage with a 1,000-square foot accessory dwelling unit on the second story. The owner proposes to rent the accessory dwelling unit above the garage as a Type I short-term rental. The unit is separate from the main house and contains one bedroom, one bathroom, a full kitchen and living space, and has a private, lockable entrance accessed by a flight of stairs. Shared amenities are limited to enjoyment of the backyard. The parcel (APN 060-180-018) is approximately one acre in size (see site plan). The applicant is a full-time resident of the main house. The main house currently has an open permit for interior remodeling. In order for the rental to maintain Type I status, the owner must be present during the rental period and thus, the main residence must be habitable.

Chapter 25 of the Mono County General established Type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit. Rental is limited to a single party of individuals (maximum of four people), and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. The use permit for this rental runs with the owner and not the land, and terminates upon a change of ownership.

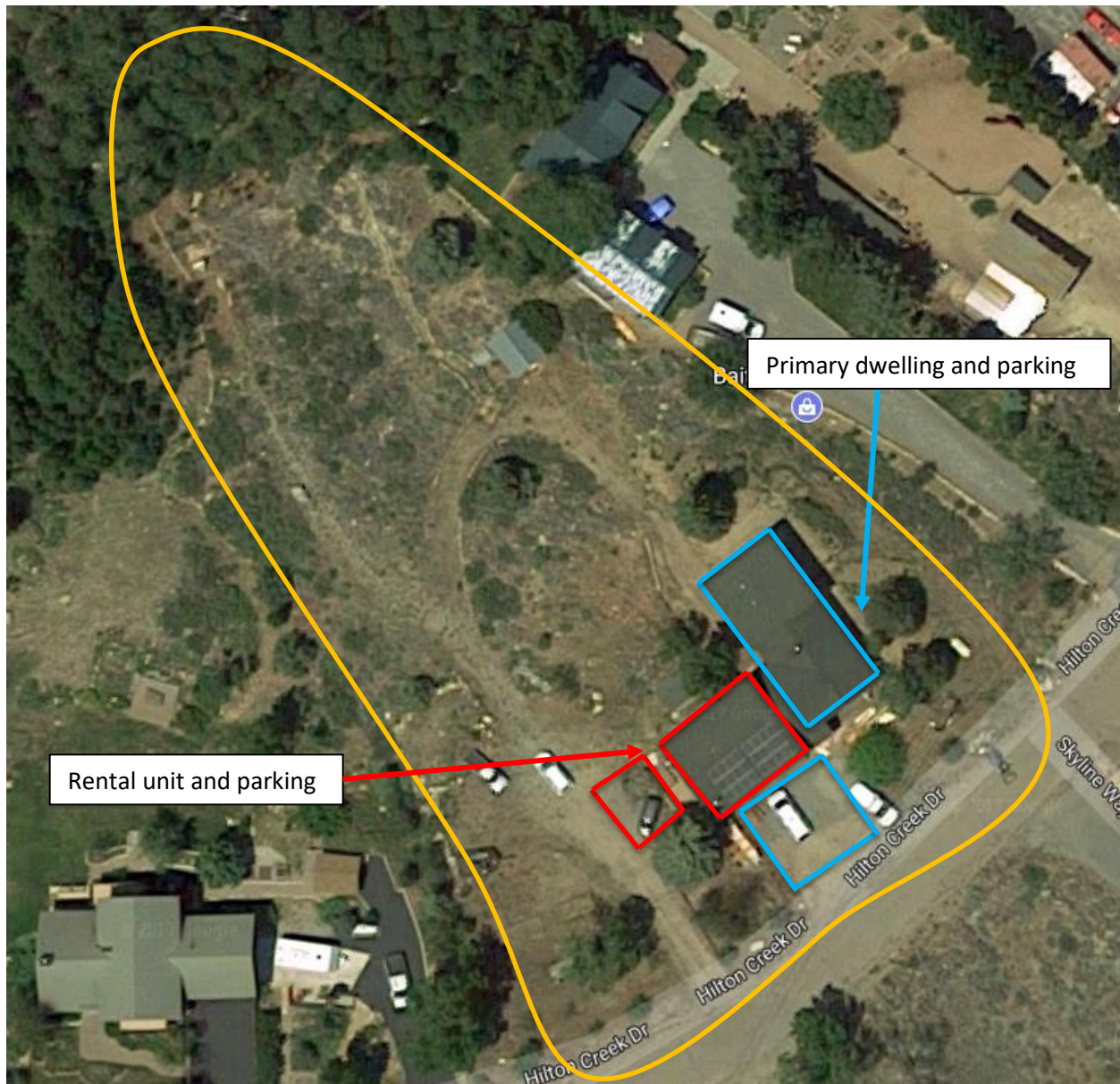
The Type I use is also subject to a number of restrictions and requirements as contained in Ch. 26 of the Land Use Element.

Site Plan: CUP 17-011/Conti Type I Short-Term Rental



Project location: 154 Hilton Creek Dr.  
APN: 060-180-018





#### **LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE**

The LDTAC met June 5, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing and recommended applicable conditions.

#### **COMMENTS RECEIVED**

Notice of the project was mailed to properties within a 500 foot radius 30 days prior to this meeting.

#### **GENERAL PLAN CONSISTENCY**

The project is consistent with the intent of Chapter 25, Short-Term Rental Type I. This chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

The project is required to comply with Chapter 26, Transient Rental Standards and Enforcement. 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.

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

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

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

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

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

### **CEQA COMPLIANCE**

**Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption.**

Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances,
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences, and
- conversion of a single-family residence to office use.

Single-family homes rented on a transient basis (as a Type I rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use, which is also exempt under this section.

### **USE PERMIT FINDINGS**

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Project provides two parking spaces for the Type I rental; and
  - b) The rental is an existing structure.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

- a) The property is accessed by Hilton Creek Drive, a County-maintained road, and use of property for a Type I rental is not expected to generate a significant increase in traffic over an outright permitted use such as a long-term rental.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
    - a) The proposed Type I short-term rental of an existing unit is not expected to cause significant environmental impacts because it is within an existing structure and additional occupancy will be limited; and
    - b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
    - a) The proposed Type I short-term rental is required to comply with Chapters 25 and 26 of the General Plan.
    - b) The Property complies with policies of the Long Valley Area Plan.

**MONO COUNTY**  
**Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** CUP 17-012 **APPLICANTS:** Joseph Conti

**ASSESSOR PARCEL NUMBER:** 060-180-018

**PROJECT TITLE:** Type I Short-Term Rental/Conti

**PROJECT LOCATION:** The project is located at 154 Hilton Creek Drive, Crowley Lake

On August 17, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-012/ Conti, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

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

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

**DATE OF DECISION/USE PERMIT APPROVAL:** August 17, 2017

**EFFECTIVE DATE USE PERMIT** August 31, 2017

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

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

**MONO COUNTY PLANNING COMMISSION**

**DATED:** August 17, 2017

\_\_\_\_\_

- cc: X Applicant
- \_\_\_\_\_ X Public Works
- \_\_\_\_\_ X Building
- \_\_\_\_\_ X Compliance
- \_\_\_\_\_



**CONDITIONS OF APPROVAL**  
**Use Permit 17-012/Conti**

- 1) The primary dwelling unit shall obtain a Certificate of Occupancy prior to using the secondary dwelling unit above the garage as a rental.
- 2) The property owner shall comply with all Public Works Department requires including but not limited to an encroachment permit.
- 3) Project shall comply with Environmental Health requirements including providing a bacterial water sample from the on-site water well to ensure occupants using this Type I Short- Term Rental shall be provided with potable drinking water.
- 4) The project shall comply with provisions of Chapter 25, Short-Term Rental.
- 5) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
- 6) Property shall be maintained in a neat and orderly manner. Any unnecessary vehicles should be stored and screened from nearby properties.
- 7) Project shall comply with all Mono County Building Division requirements.
- 8) Applicant shall obtain a “will-serve” permit from the Long Valley Fire Protection District, if required.
- 9) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.



# HOUSING NEEDS ASSESSMENT

## MONO COUNTY

August 15, 2017

### Presented by

Jen Garner, *Senior Consultant*  
1999 Broadway, Suite 2200  
Denver, Colorado 80202  
(303) 321-2547  
jgarner@bbcresearch.com

**BBC**  
RESEARCH &  
CONSULTING

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# AGENDA

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Study methodology

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Preliminary research findings

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Policy options

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# TOPICS

- How difficult is it for permanent residents and workers to find housing in the county?
- Do housing challenges limit employers' ability to retain and recruit workers?
- What are the economic impacts of housing challenges?
- What policy options are available to address housing needs?

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# METHODOLOGY

- Employer survey
- Permanent resident survey
- In-commuter survey
- Seasonal resident survey
- Affordability analysis

Study complements town housing survey

Note: Survey was extended through spring months in order to get greater participation from residents and businesses whose communities and operations are closed during the winter.

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## EMPLOYER SURVEY

Purpose: To understand how housing challenges affect employment and employers' support for housing policies and programs

Methodology and response:

- Available online
- Marketed to employers by Mono County staff
- 41 employers responded

## EMPLOYER SURVEY

### ➤ Primary Industries Represented by Employer Survey

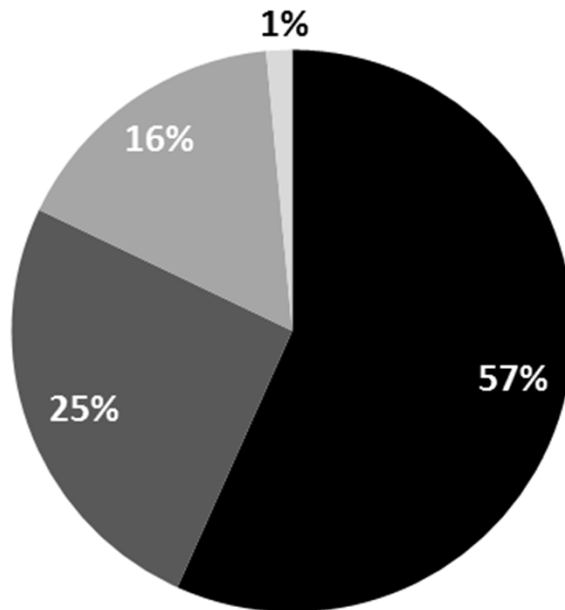
	No. of Responses
Housekeeping	14
Tourism	9
Government/Education	8
Retail/food	4
Ski industry	5
Nonprofit	4

### ➤ Most Common Location of Operations, Employer Survey

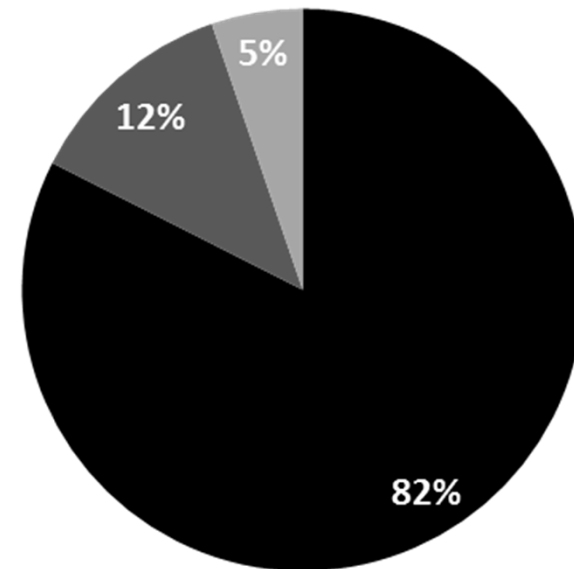
	No. of Responses
Mammoth Lakes	32
Lee Vining	7
June Lake	7
Bridgeport	6

## EMPLOYER SURVEY

➤ How difficult is it for your employees to find a place to rent?



➤ How difficult is it for your employees to find a place to buy?

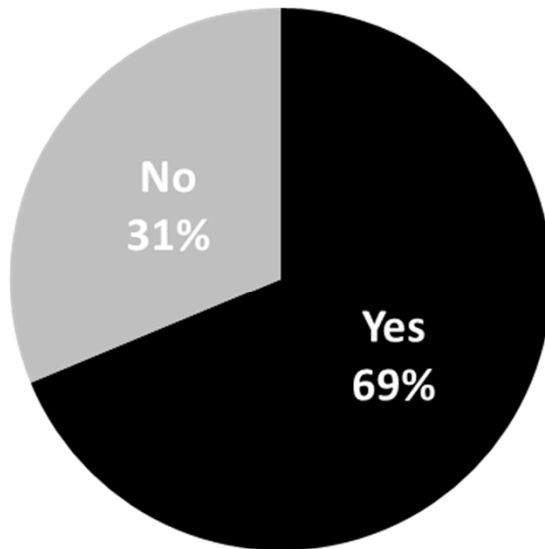


“ ‘Impossible’ is closer to the fact rather than ‘Very Difficult’ ”

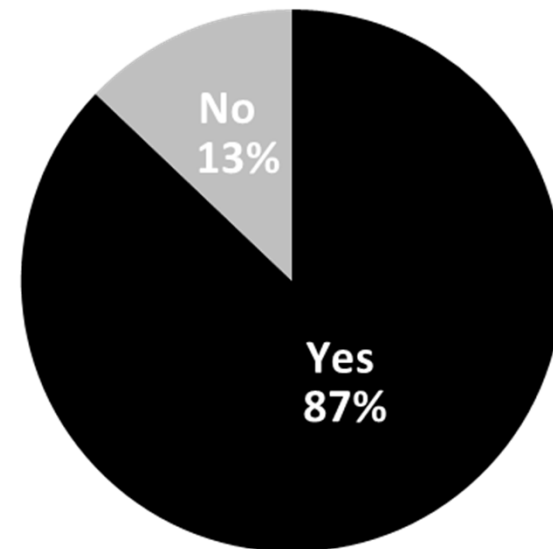


## EMPLOYER SURVEY

➤ In the past two years, have you had trouble retaining employees due to housing conditions in Mono County?

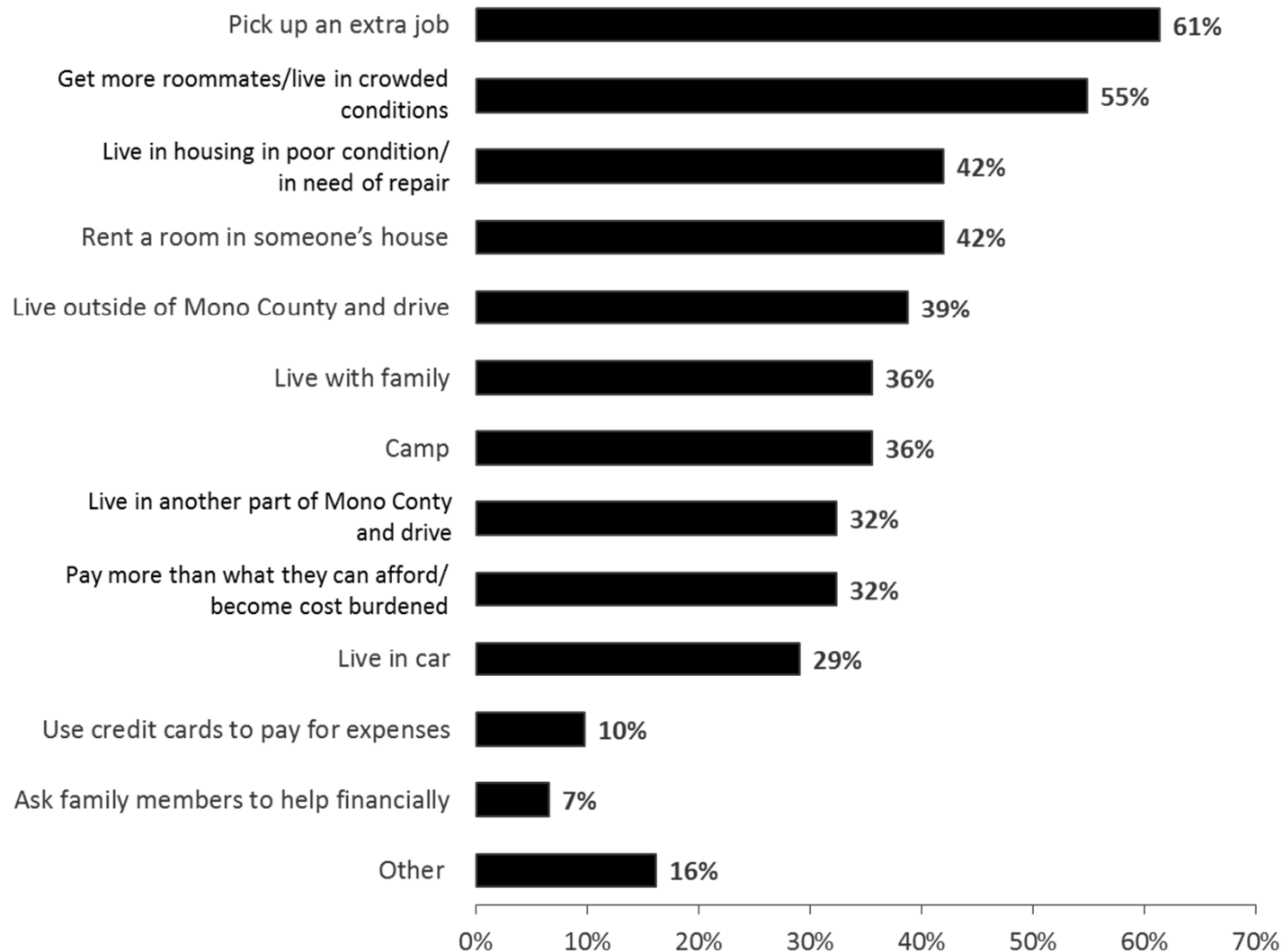


➤ In the past two years, have you had trouble recruiting employees due to housing conditions in Mono County?



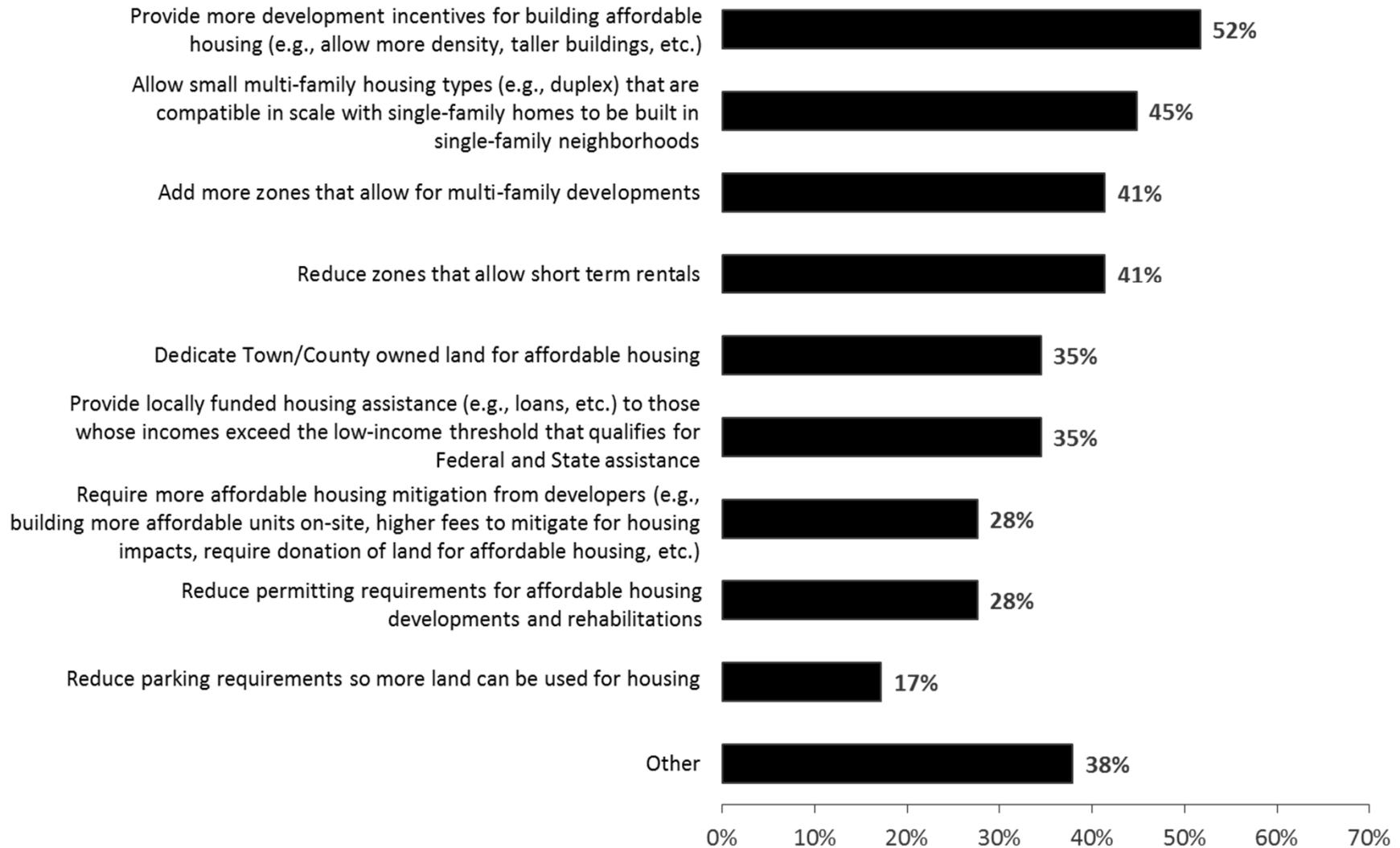
# EMPLOYER SURVEY

➤ What are the most common ways your employees adjust when they cannot find housing to meet their affordability needs and/or preferences?



# EMPLOYER SURVEY

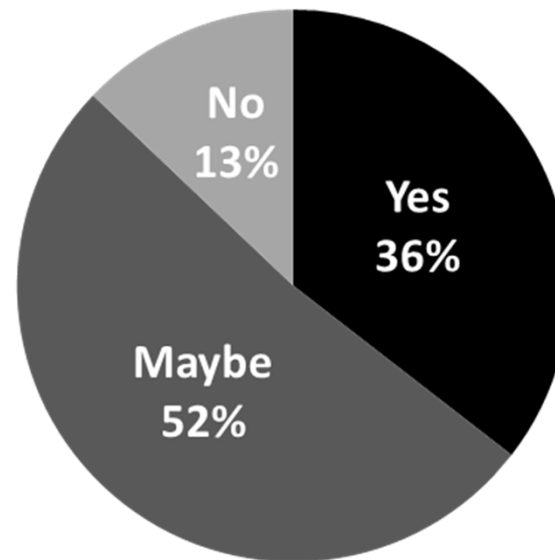
➤ Are there any Town or County policies you would change to increase housing affordability and availability?



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## EMPLOYER SURVEY

- Would you be interested in contributing to finding solutions for workforce housing challenges in Mono County?



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## EMPLOYER ESTIMATE OF EMPLOYMENT GROWTH

Twenty of the 41 employer respondents expect their workforce to grow in the next 5 years

Estimate of need:

- 64 new FTEs year around,
- 70 new PTEs year around,
- 84 new FTEs during peak season,
- 76 new PTEs during peak season

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## RESIDENT SURVEY

Purpose: To collect data on housing costs, housing affordability challenges, and greatest housing needs

Methodology and response:

- February 2017 telephone survey targeted to low income areas and low income residents
- March-May 2017 Online survey targeted to Mono County residents
- Available in English and Spanish
- 868 online survey respondents, 301 telephone survey

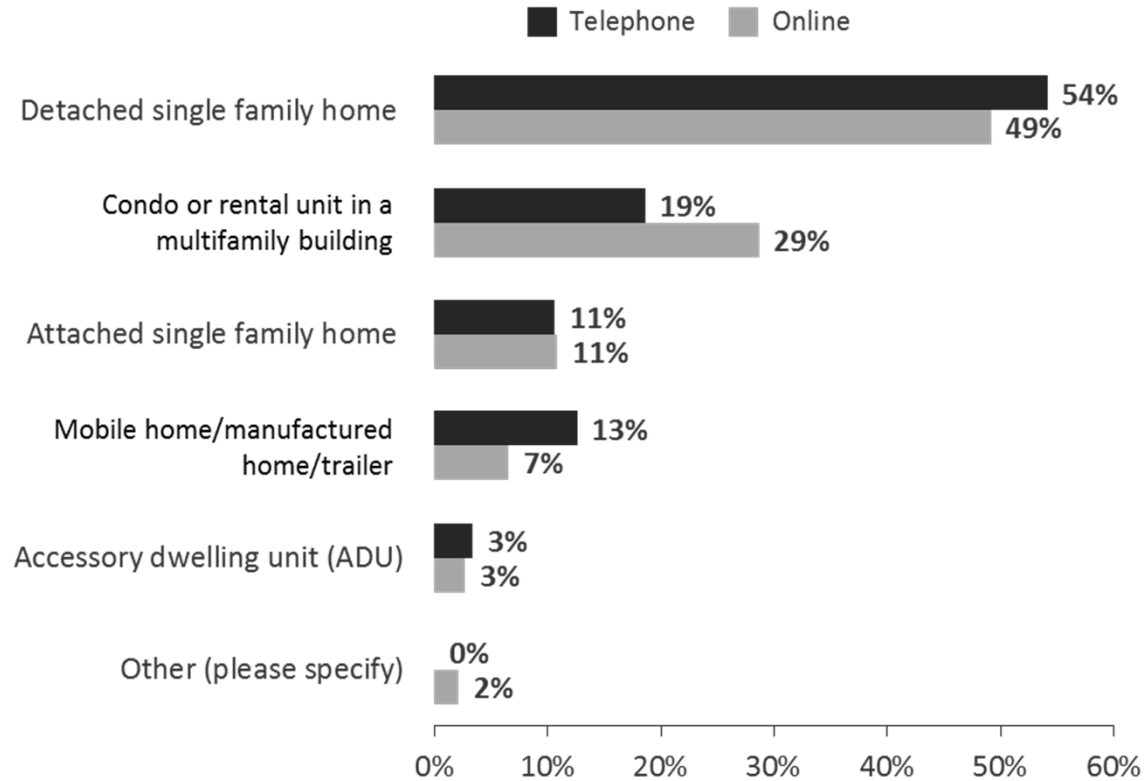
## RESIDENT SURVEY

➤ Where do resident survey respondents live in Mono County?

Place of Residence	Online survey	Telephone survey
Mammoth Lakes	66%	55%
Crowley	8%	2%
June Lake	7%	7%
Bridgeport	6%	0.3%
Walker	2%	5%
Sunny Slopes	2%	0.3%
Lee Vining	2%	1%
Swall Meadows	2%	-
Coleville	1%	8%
Chalfant Valley	1%	5%
Benton	1%	3%
Other Mono County	2%	13%

# RESIDENT SURVEY

➤ What type of housing do you currently live in?



4% of online and 6% of telephone respondents live in **employer-provided** housing.

4% of online and 10% of telephone respondents live in **affordable (subsidized)** housing.

51% of online and 70% of telephone respondents are **homeowners**.

***About half of respondents live in single family homes.***



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## RESIDENT SURVEY

➤ Who lives in subsidized and employer housing?

### Compared to other Mono County residents:

- Residents living in **employer-provided** housing are:
  - More likely to be single or living with roommates
  - As likely to have children
  - More likely to live alone *or* to live in households of five or more
- Residents living in **subsidized housing** are:
  - More likely to be living with a partner and children
  - More likely to have children
  - More likely to live in households of three or four members

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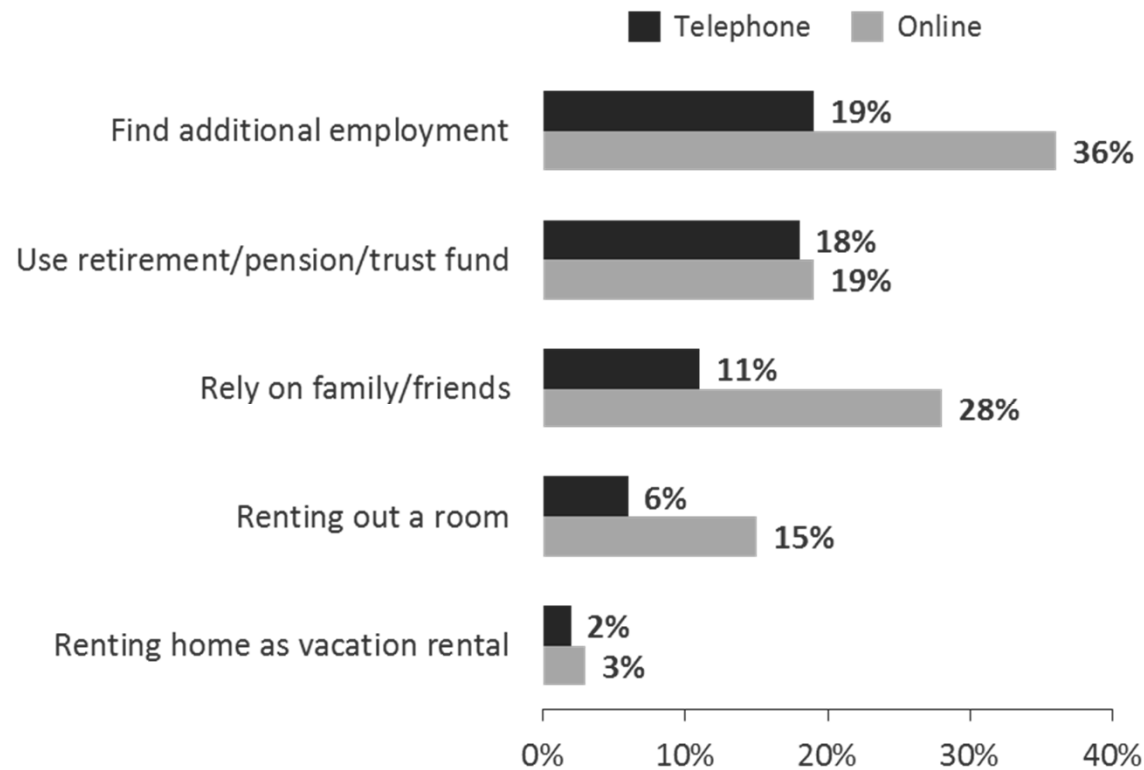
# RESIDENT SURVEY

## Housing preferences and displacement:

- Permanent residents place high value on ownership (unusual for resort area)
- Cost of housing is top consideration across resident types
- In the past three years between 13% (telephone) and 29% (online) of renters have had to move out of a Mono County unit when they did not want to move due to. Top reasons include:
  - Owner selling the unit
  - Damage to unit/unit became unlivable
  - Rent increased more than I could pay
  - Personal reasons

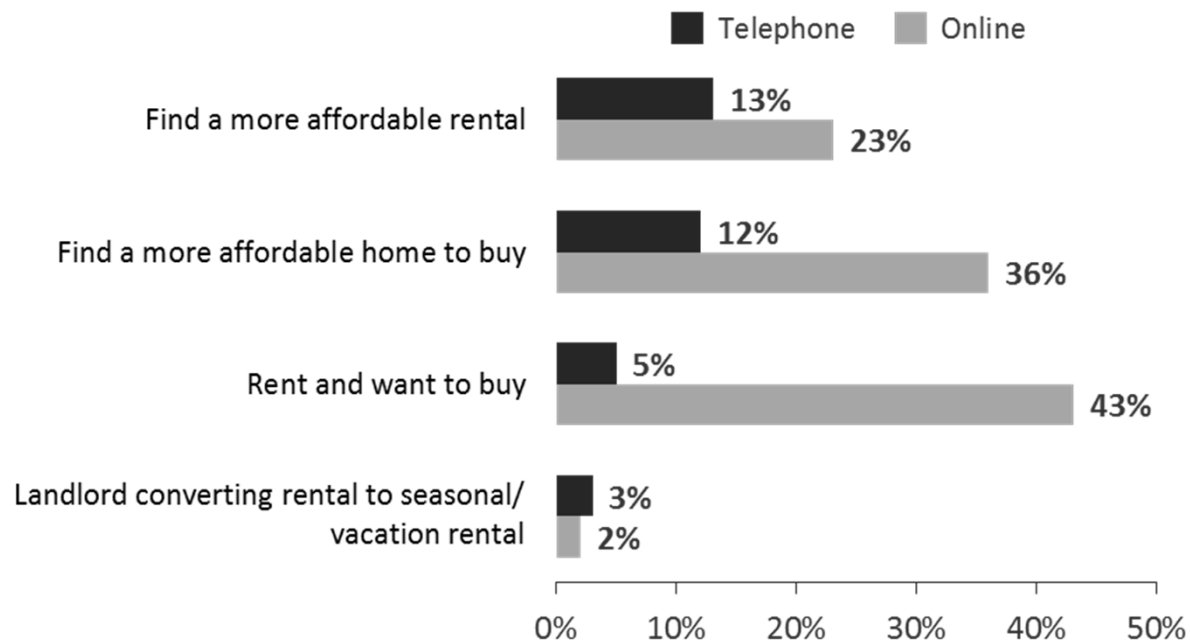
# RESIDENT SURVEY

## ➤ Other strategies to afford housing:



## RESIDENT SURVEY

**Plan to move in the next five years—25% phone, 32% online.** Primary reasons residents plan to move (note, online could choose up to three responses, phone only their top reason):

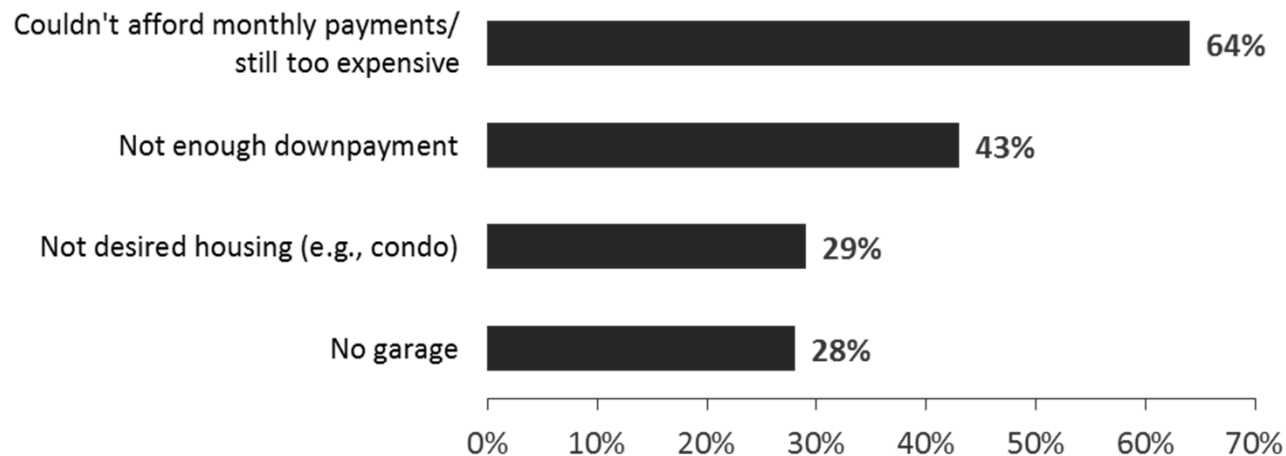


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# RESIDENT SURVEY

## Interest in assisted ownership:

- Among renters, 1/3 would be very interested in buying an affordable home in Mono County with a deed restriction (no difference between phone and online)
- One in five renters who responded to the online survey have looked into affordable ownership in the past. Top reasons why they did not buy:



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## RECAP

- How difficult is it for permanent residents and workers to find housing in the county? Very difficult. Too few units available to rent or buy and those that are available are too expensive.
- Do housing challenges limit employers' ability to retain and recruit workers? Yes: 69% of employers say housing challenges limit their ability to retain workers; 87% say housing challenges inhibit their ability to recruit workers

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## RECAP

- What are the economic impacts of housing challenges? Limited housing could inhibit economic growth and the ability of employers to retain and recruit workers.
- What policy options are available to address housing needs? For discussion, next slide

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## POLICY OPTIONS

Could more housing be created through...

- Acquisition of homes that may come for sale in the next 5 years?
- Incentivizing property owners to convert short term rentals into long term rentals?
- Incentivizing homeowners to build ADUs for long term affordable rentals?

Could more housing be created through leveraging state funding?

- NOFA issued in September. Pairing downpayment assistance with new development and leveraging land donations for new construction



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## POLICY OPTIONS

How can the county work with employers? Top policy options supported by employers:

- Development incentives for building (60%)
- Allow small multi-family housing types (e.g., duplex) that are compatible in scale with single-family homes to be built in single-family neighborhood (48%)
- Add more zones that allow for multi-family developments (48%)

Employers want to help find solutions for workforce housing. About 10% would contribute financially to support affordable housing. Two in five would join a task force. 70% would come to a meeting or receive email updates.

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## NEXT STEPS

In the process of evaluating survey findings against policies and programs that have been successful in peer communities to determine the most feasible, effective, and successful options for Mono County.

Will take into account recommendations from Mammoth Lakes Community Housing Action Plan, released July 2017

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## QUESTIONS FOR THE COUNTY TO CONSIDER

1. What is the appetite and capacity to donate land to support affordable housing development?
2. What is the county's appetite for acquiring seasonal units when they are for sale and deed-restricting them for affordable use?
3. What is the county's appetite for encouraging ADU development?
4. How can the county convince employers to participate in housing creation and preservation?

# QUESTIONS AND DISCUSSION

# Mono County Community Development Department

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

## Planning Division

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

Date: August 17, 2017

To: Mono County Planning Commission

From: Michael Draper, CDD Analyst  
Wendy Sugimura, CDD Senior Analyst

Re: Workshop – Draft Cannabis Land Use Regulation

### RECOMMENDATION

Receive staff presentation and conduct workshop; provide any desired direction to staff.

### FISCAL IMPACT

No impact associated with workshop.

### BACKGROUND

In November 2016, the voters of California passed Proposition 64 legalizing adult use of marijuana and cannabis for purposes other than medical uses. Statewide, the measure passed with a 56.4% approval rating, and in Mono County the measure passed with a 61.6% approval rating. Every precinct in Mono County approved the measure, although the margin was low in Bridgeport and Tri-Valley.

With the passage of Prop 64, local jurisdictions in the state essentially have three options: 1) Allow the State to regulate activities, 2) Ban activities in whole or in part, or 3) Draft local regulations for cannabis activities.

At the June 13, 2017, Board of Supervisors meeting, the direction to develop local regulations was reaffirmed, and the Board provided input on a potential land use framework. A second round of community input was initiated for the new framework concept, which complements the first round of community outreach on education and identification of public concerns, questions and comments. Both community outreach rounds were presented at the following Regional Planning Advisory Committees (RPACs): Antelope Valley, Bridgeport Valley, Mono Basin, June Lake Citizens Advisory Committee (CAC), Long Valley/Swall Meadows/Paradise, and Tri-Valley (Benton/Hammil Valley/Chalfant). The multi-departmental County Joint Committee also reviewed the presentation, along with an audience of “industry” members.

The intent is to pursue a rational planning process that prioritizes public health and safety, and consistency with the General Plan Vision, community character, and related public input. Challenges that complicate the regulatory development process include rapidly changing state laws, the emotional nature of the topic, varying opinions across the county, and private investments prior to established rules.

### DISCUSSION

The regulatory discussion includes two parts: personal cultivation and commercial cannabis uses. At the RPACs, the specifics of personal cultivation and state regulations were discussed, and public input was sought on regulation of personal cultivation. While some responded positively, the general consensus was that personal cultivation at a private residence should not be regulated by the County.

For commercial activities, a “consistency” analysis was conducted to develop a land use framework as a regulatory starting point. The consistency analysis evaluated potential cannabis activities, as defined by the State licensing program, for similarity to currently permitted uses in each Land Use Designation (LUD) in the Mono County General Plan. From this baseline scenario, LUD definitions and regulations can be modified to address specific issues, or increase or decrease requirements (although regulations may not be relaxed beyond State standards). For instance, the LUD “Commercial” allows for retail trade, professional services, personal services, etc. Therefore, a cannabis retail business appears to be similar to and consistent with these commercial uses rather than, for example, a residential LUD where the primary use is single-family dwellings and other similar uses.

Cannabis business types analyzed included 1) cultivation, 2) retail sales, 3) manufacturing, and 4) testing laboratories, and is based on the State licensing program. Internal discussions regarding distribution and deliveries have also occurred. LUDs for the business types can be seen in the attached presentation, page 15.

Due to the nature of these business types and the evolving State legislative landscape, a Use Permit is proposed for the approval of any cannabis commercial business. This requirement would allow for site-specific conditions to be addressed based on each project proposed, an in-depth analysis of the project, and regulatory responsiveness as lessons are learned.

One of the topics of discussion at each community meeting was the State required commercial cannabis business buffer of 600’ from any school providing instruction in kindergarten or any grades 1 through 12, day care center or youth center in existence at the time the license is issued. The majority of community groups supported expanding that buffer to 1,000’ and including parks, community centers, and places of worship. The phrasing “places attractive to children” or “places where children gather” has been brought up, but staff believe this would be burdensome to interpret and therefore not to include the phrasing.

Below is a compilation of comments received at each community meeting on the land use framework:

#### June Lake CAC 7/5/17

- What is the Board’s view?
- Has the County completed an economic analysis on the industry?
- How will outdoor cultivation affect the environment? Specific concerns about water pollution were raised.
- Set a maximum area for cultivation
- June will have a preschool, please take that into account.
- Require a waste disposal plan
- Tax should cover the County’s costs
- Require annual renewal of local licenses
- Consider visual effect of operations
- Do not allow personal cultivation outdoors in June Lake
- Ban pesticides and fertilizers during cultivation and have an organic certification

#### Bridgeport RPAC (7/11/17)

- No specific comments or concerns, buffer around schools (and potentially additional facilities) appears to be sufficient

#### Mono Basin RPAC (7/12/17)

- Allow personal outdoor cultivation
  - Require screening and security

- Allow manufacturing in Commercial designations for creating edible products, similar to a commercial kitchen

#### Tri-Valley Community Meeting (7/16/17)

- Concerned with waste water from personal and commercial cultivation leeching into wells – need to limit pesticides used
- Require sustainability plan
- Where will seasonal employees live? The industry may increase demand for housing that is already limited.
- CBD oil and extracts can be manufactured without using volatile solvents – no need to allow for volatiles.
- Desire to maintain a good community image – need to consider how we are seen based on the actions we take.

#### Long Valley Community Meeting (7/26/17)

- Concern with personal grows in apartments due to shared ventilation.
- Ban growing in rental properties that have shared centralized air units.
- The County needs to define Nuisance more strictly.
- Mono County should not be a marijuana Mecca.
- Create an ordinance that is manageable and enforceable with strong definitions.
- Straw Poll: 17 people total
  - Regulate personal grows: in favor = 7, opposed = 6, undecided = 1
  - Ban outdoor personal grows: 6
  - Expand buffer (add more facility types): 15
  - Expand buffer (distance to 1,000): 13
  - Expand buffer (distance to 2,000): 5
  - Create buffer corridors: 3

#### Antelope Valley RPAC 8/3/17

##### *Personal Cultivation:*

- Allow it outdoors, don't regulate further
- How do you regulate/enforce it?
- Wait until there's a problem, and then go after it
- There are currently houses growing and won't be able to bring them in for permits, so regulating would create problems where there weren't any before

##### *Commercial Uses:*

- How will distribution be handled?
- Only applicable LUD in the Antelope Valley is Mixed Use. Is this sufficient, or are more/different LUDs needed?

##### *Commercial Manufacturing:*

- The LUDs for commercial manufacturing don't apply in the Antelope Valley except for Agricultural. Need a mechanism to allow more broadly in the Antelope Valley.
- One person suggested allowing commercial manufacturing in residential - others disagreed. Some discussion about whether state law and/or fire standards would prohibit.
- Discussion about the definition of "manufacturing," does it qualify as a "cottage" industry that could be a home-based business? Is there a type of commercial manufacturing that fits with residential?

##### *Commercial Testing*

- Same LUD issue – these LUDs don't apply to the Antelope Valley. Need to provide for this use.
- Testing facility is necessary for regional success - make land uses broad to ensure we can have one somewhere in the Eastern Sierra.

#### *Cultivation*

- One person suggested allowing cultivation in residential
- Concern about lighting from greenhouses at night, Humboldt County cited as an example
- Suggestion that indoor cultivation should be allowed in any land use designation (or expanded LUDs) - if it's indoors, why do we care what LUD it's in?
- Suggestion that RR be an allowable LUD - or set a minimum size RR (20 acres) where it could be allowed with big buffer (setbacks) that would prevent impacts to neighbors
- A comment that odors are significant so be careful, even with indoor grows and buffers
- Some folks have strong opinions that requirements of the dark sky regulations should apply to all lighting – greenhouses, security lighting, etc.
- Setbacks: allow for variation based on configuration of the parcel and land, have consistent setbacks (don't increase if parcel size increases), preference for less than 200 feet
- Concern about kids: have setbacks with good security requirements
- Be careful about creating problems with the regulations
- One person against outdoor cultivation

#### *Buffers*

- Some supportive of expanding facilities (4 of ~15), consensus seems to be keep at 600 ft

#### *Use Permit*

- Skeptical about a requirement for a use permit - why is it needed, burden on applicant, burden on County
- Use permit requirement will make people miss out on 2018 growing season
- If meet requirements (e.g., via checklist), then allow, don't worry about site-specific issues
- Streamline with a checklist, plus if other permits are needed (building permit, etc.) then it takes too long
- Individual who is against outdoor commercial cultivation says there has to be a public comment process

#### *Other*

- Allow in LUDs of interest (e.g., RR) so people don't have to change their LUDs – individuals should not need to be responsible for this land use change.

### **NEXT STEPS**

Lastly, CDD has outlined the following timeframes for the County to complete cannabis regulation development by the target date of Dec. 31, 2017. Additional considerations include when the State will accept applications and issue licenses (issuance targeted for January 2, 2018), and the County's taxation measure. The current understanding of State licensing is that local approval is not needed prior to an application submittal. Instead, the State will contact the local jurisdiction when processing an application for approvals and the jurisdiction has 60 days to respond.

#### Timeframe:

- **August 17:** Planning Commission Workshop – land use framework
- **Sept. 19:** Board of Supervisors Workshop – regulatory menu/options
- **Sept. 21:** Planning Commission Workshop – regulatory menu/options
- **Oct. 19:** Planning Commission Recommendation - public hearing on proposed regulations
- **Nov. 14:** Board of Supervisors Public Hearing (Resolution Adoption for General Plan Amendment)
- **Nov. 21:** Board of Supervisors Public Hearing for extension of moratorium (which would expire Dec. 2 if no action is taken)



For questions on this staff report, please contact Michael Draper (760.924.1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)).

**ATTACHMENTS**

- Community Development PowerPoint presentation

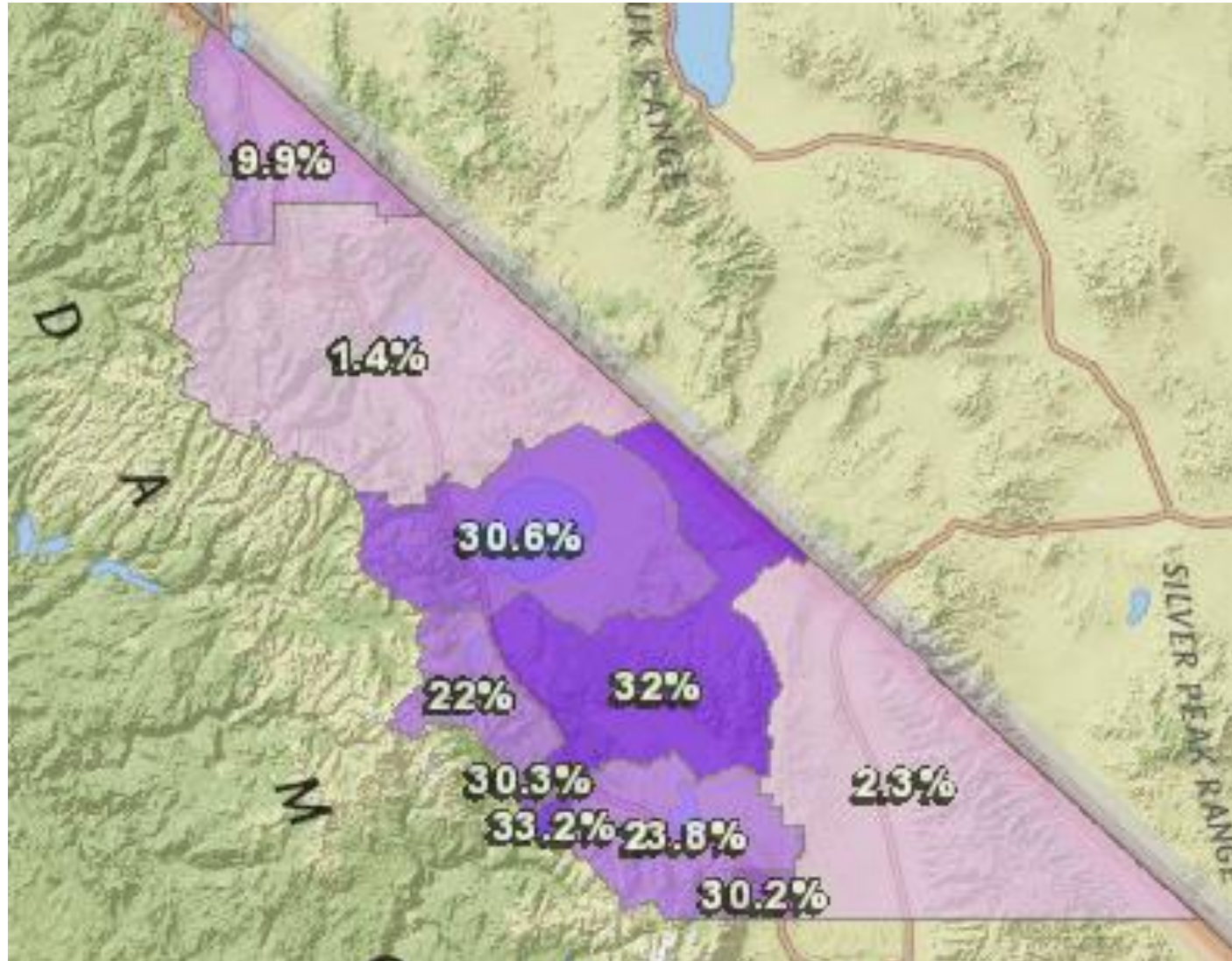
# Cannabis Land Use Regulation

## DRAFT

August 17, 2017

Plan Commission

# Background



## California

YES: 56.4%

NO: 43.6%

## Mono County

YES: 3,303 61.6%

NO: 2,061 38.4%

# Options

## **A. State Regulates**

- Allow activities subject to State regulations.

## **B. Ban**

- In whole or in part

## **C. Draft County Regulations**

- Direction from March Board meeting
- Types of cannabis activities
- Locations & development standards
- If desired, regulate personal cultivation

# Planning Process

**Goal:** Develop & adopt land use policies/regulatory standards for cannabis by Dec. 31.

## **Challenges:**

- Rapidly changing landscape of state laws
- Unknown impacts across multiple departments = collaboration challenge
- Emotional response to issue, outreach
- Speculation

## **The County's regulatory framework is not yet established.**

- Commercial cannabis activities are currently illegal.
- Individuals investing in future uses do so at their own risk with no guarantees.

## **Rationale Planning Process:**

- Public health & safety
- Consistency with General Plan Vision, community character, and related public input

# Regulating Land Uses

## Personal Cultivation

- Regulate?

## Commercial Operations

- Option 1 – Fit within existing designations
- Option 2 – Add more regulation
- Option 3 – Less regulation
- Use Permit

# Personal Cultivation

## Adult Use State Regulations:

- No person shall sell cannabis without proper state licensing
- Within residences and permanent accessory structures
- 6 plants maximum
- Single private residence or upon the grounds of that private residence
- Locked space, not visible by normal unaided vision from a public place
- May give away not more than 28.5 grams

## Medical State Regulations:

- Prop. 215 (1996)
- SB 420
- Medical Marijuana Regulation and Safety Act (MCRSA)

# Personal Cultivation: Regulate?

## **Potential issues that may be addressed:**

- Indoors vs. outdoors: one or the other
- Location
- Ventilation/odor
- Security features
- Maximum area
- Screening/visuals
- Setbacks
- Many details are addressed by building codes



# Commercial (A/M -Type)

Retail

Manufacturing

Distribution

Test

Cultivation

# Commercial Retailer

## Potential Land Use Designations:

- Commercial
- Service Commercial
- Industrial & Industrial Park
- Agriculture (as an accessory to main use)
- Mixed-Use

- The parcel must be located 600' from any school
- Hours of operation 6am – 9pm
- Must meet Security Plan requirements
- Cannot prevent delivery on public roads– can only be conducted by licensed retailer or microbusiness

# Commercial Manufacturing

*To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.*

- Level 1 Type 6 license: *nonvolatile solvents, or no solvents.*
- Level 2 Type 7 license: *products using volatile solvents.*
- State operational requirements

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# Commercial Distribution

*The procurement, sale, and transport of cannabis and cannabis products between licensees.*

- License type 11
- The transportation of cannabis and cannabis products shall only be conducted by persons holding a distributors license
- Store cannabis batches on the premises during testing
- Conduct a quality assurance review to ensure compliance with labeling and packing requirements
- Minimum security and transportation safety requirements

## **Potential Land Use Designations:**

- Agriculture
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# Commercial Testing (Type 8)

*A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products*

- Security protocols
- Control access
- Security alarm system required
- Storage area with Commercial-grade lock
  - Test samples
  - Waste containing cannabis
- May not hold any other licenses

## **Potential Land Use Designations:**

- Commercial
- Industrial and Industrial Park

# Commercial Cultivation (Type 1-5)

No Adult-use Type 5 prior to Jan.1, 2023.

## **Potential Land Use Designations:**

- Agriculture
- Industrial and Industrial Park

# Defining “Agriculture”

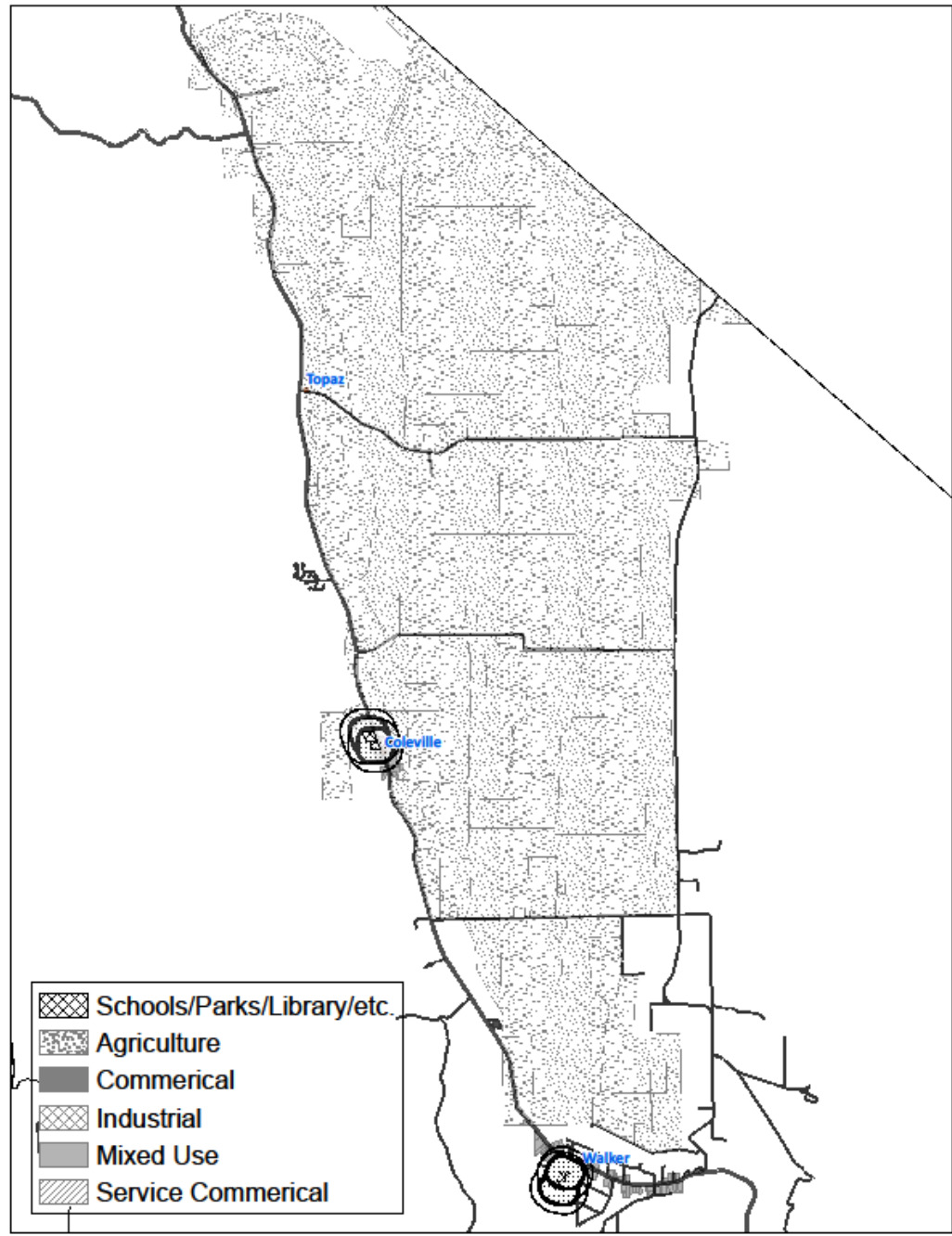
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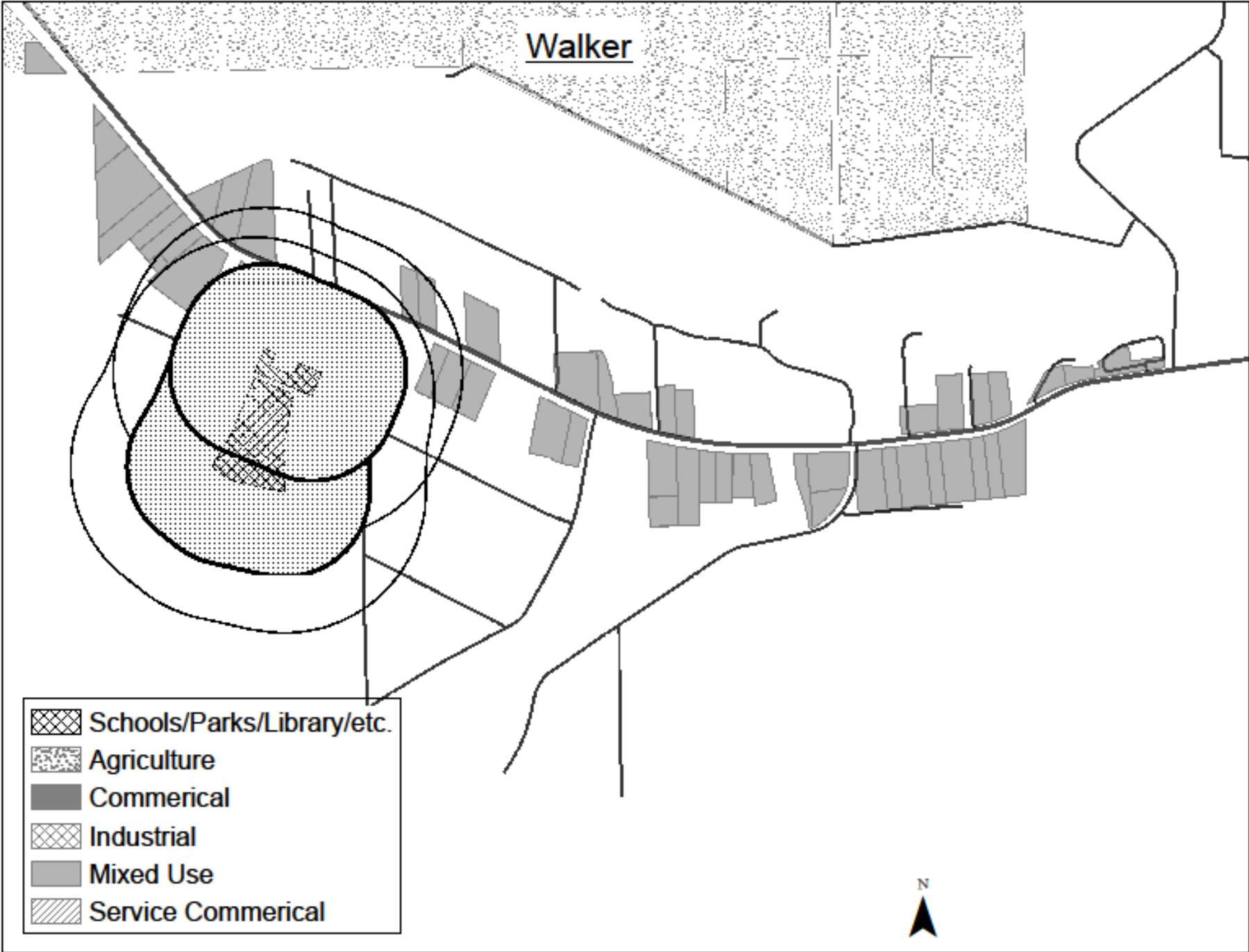


# Commercial Cultivation: Possible Regulations

- Setbacks from property lines & expanded list of facilities
- Security
- Visuals/screening
- Odors/ventilation
- Lighting
- Environmental Management Plan

	Cultivation	Manufacturing	Testing	Retail	Distribution
	Type 1-5	Type 6 & 7	Type 8	Type 10	Type 11
Agriculture (AG)	X	X*		X*	X*
Commercial (C)			X	X	
Commerical Lodging (CL)					
Commerical Lodging Moderate (CL-M)					
Commerical Lodging High (CL-H)					
Estate Residential (ER)					
Idustrial (I)	X	X	X	X	
Industrial Park (IP)	X	X	X	X	
Mixed Use (MU)				X	
Multi-Family Residential Low (MFR-L)					
Multi-Family Residential Moderatle (MFR-M)					
Multi-Family Residential High (MFR-H)					
Natural Habitat Protection (NHP)					
Open Space (OS)					
Public and Quasi-public Facilities (PF)					
Resource Extraction (RE)					
Resource Management (RM)					
Rural Mobile Home (RMH)					
Rural Residential (RR)					
Rural Resort (RU)					
Scenic Area Agriculture (SAA)					
Single-Family Residential (SFR)					
Service Commercial (SC)		X		X	X
Specific Plan (SP)					
*INCIDENTAL USE ACCESSORY TO MAIN USE					







# Use Permit

- Discretionary permit approved by the Planning Commission
- Allows for public comment
- Provides flexibility through conditions
- Required to meet “findings”
- Environmental review required
- \$495 deposit + bill hourly for staff time

# Building Permit

- Different activities will trigger different occupancy classifications & different code requirements

## General Requirements:

- Site Plan & architectural details
- Structural engineering
- Mechanical plans, including electrical, plumbing, irrigation
- HVAC & Ventilation
- Waste disposal
- Other project dependent health & safety features: CO2 & sulfur sensors, fire sprinklers

# Land Use Questions

1. Do we regulate personal cultivation (medical and/or adult use)?
2. Do we continue to develop regulations for commercial cannabis?
3. If we are to continue....
  - Should we apply current land use designation definitions to cannabis industry types?
  - Should we add additional requirements for cannabis industry types applicable to specific land-uses?

[Mdraper@mono.ca.gov](mailto:Mdraper@mono.ca.gov) #760-924-1805

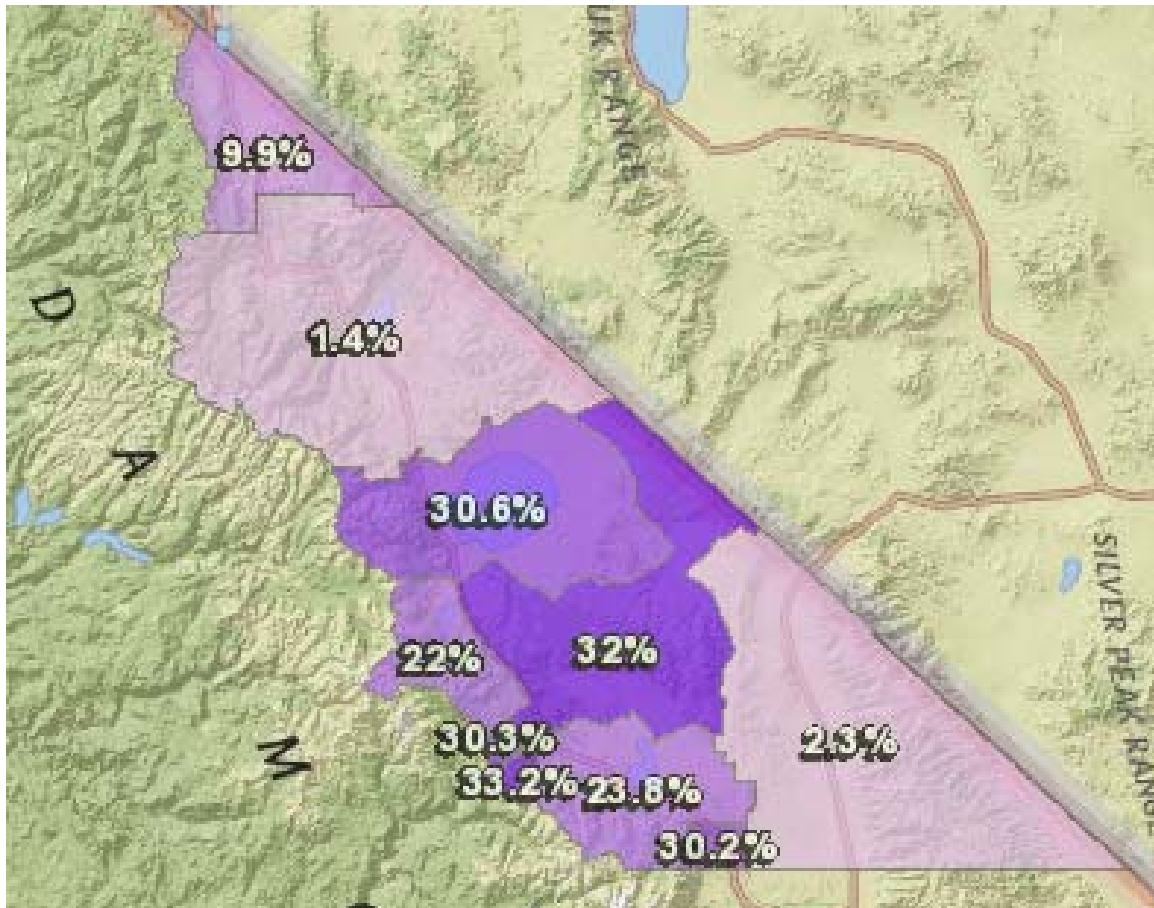


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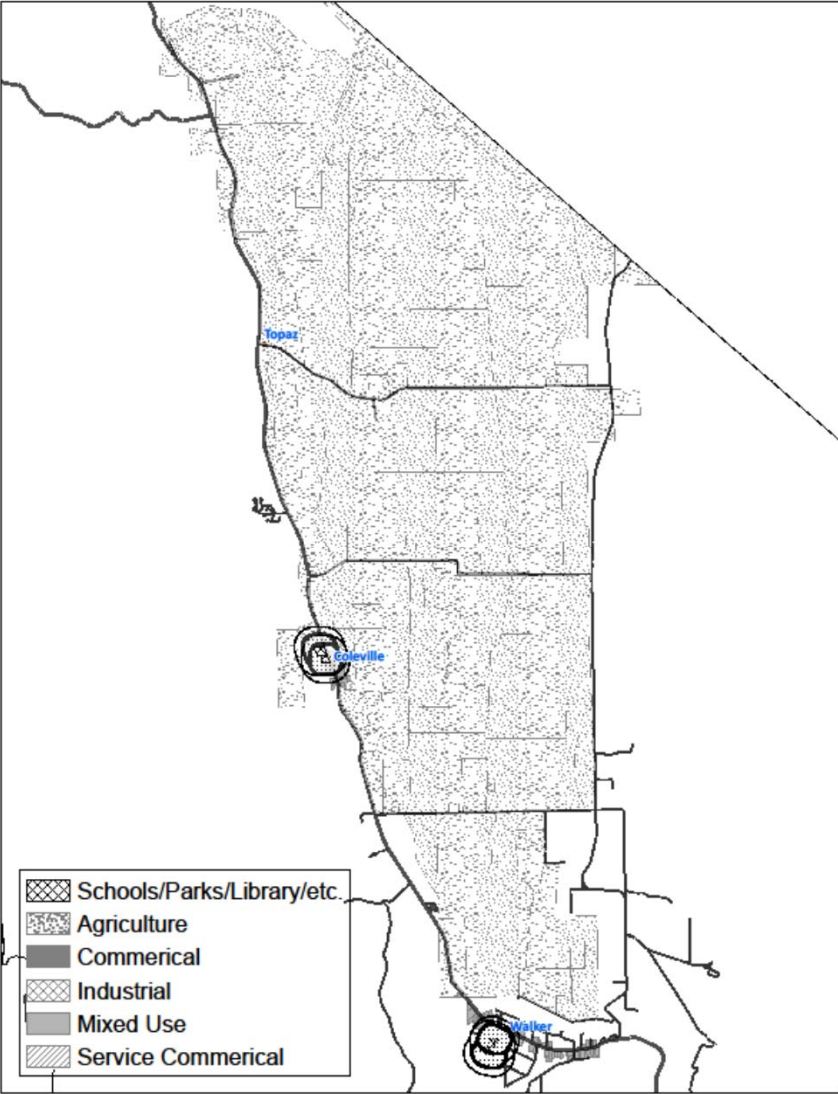
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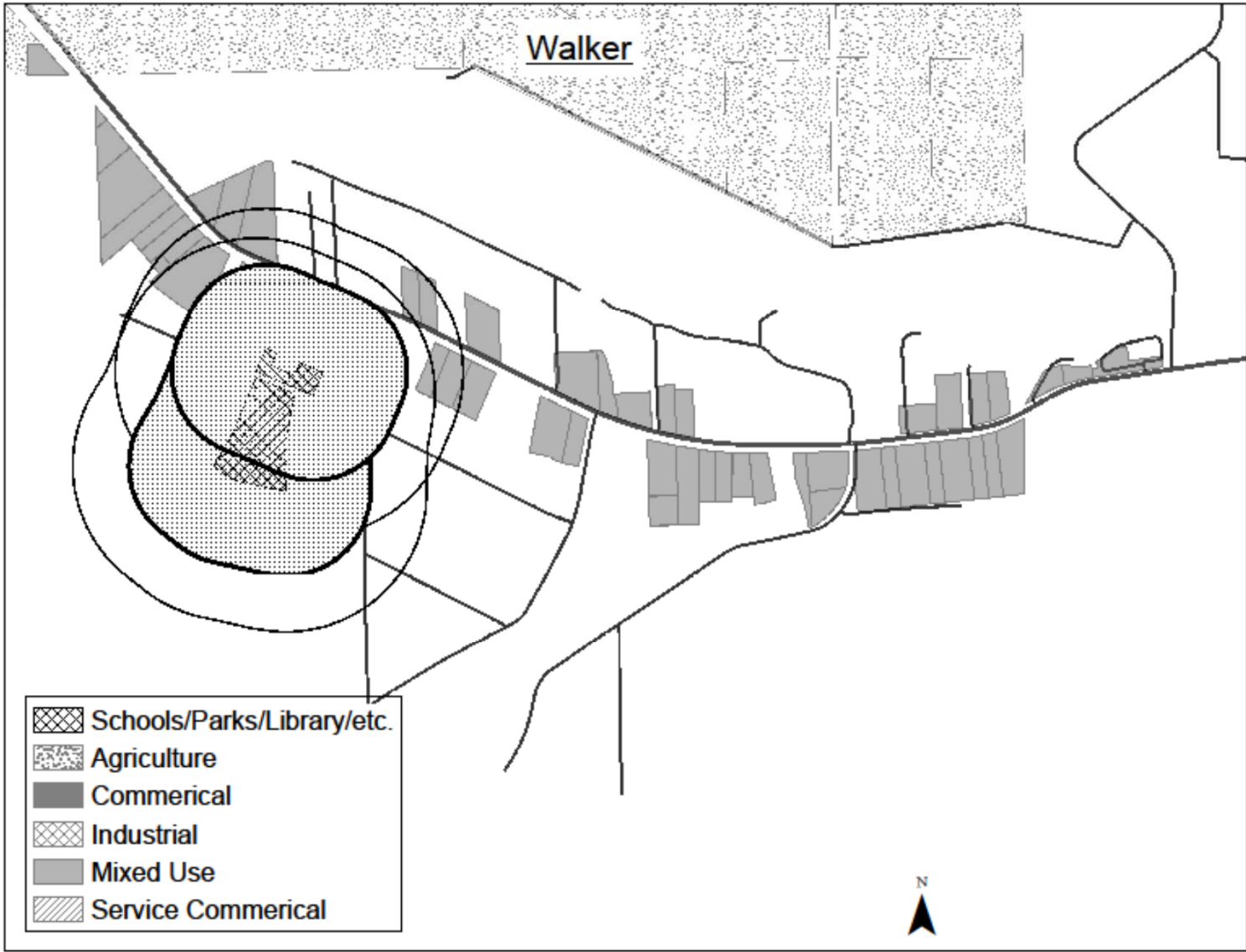
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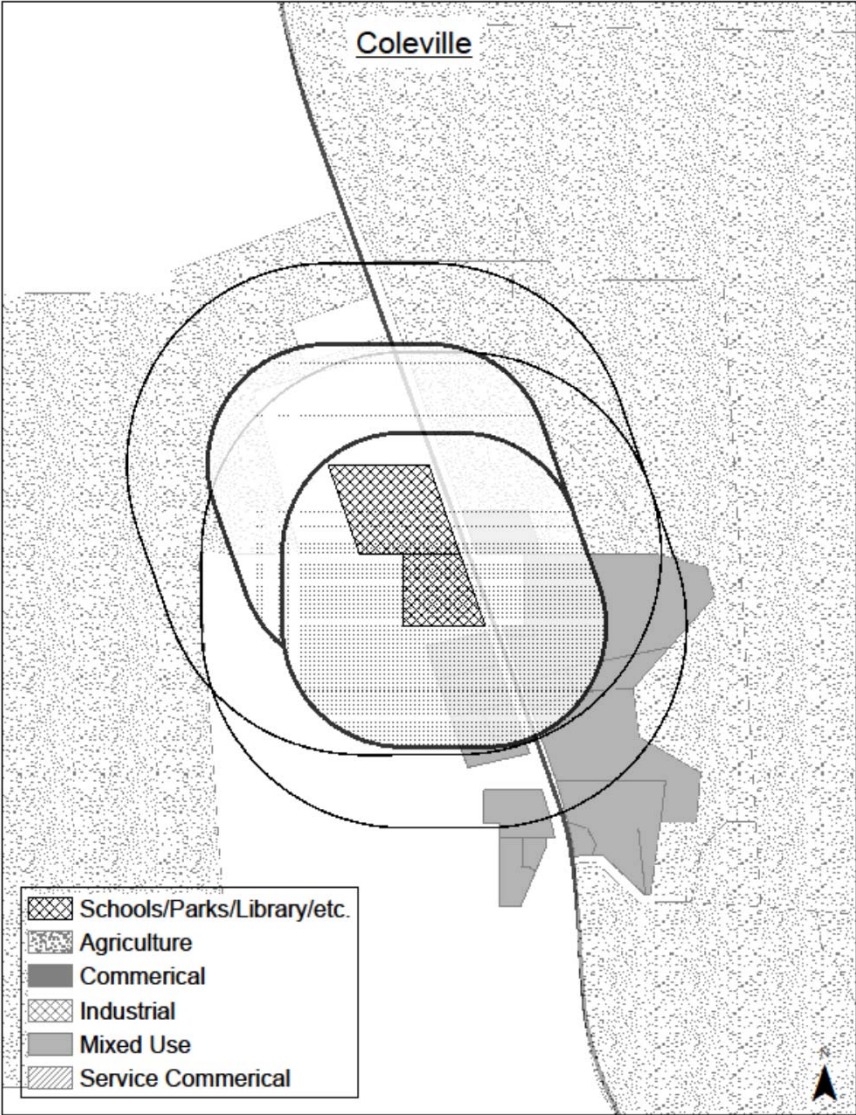
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2. Do we continue to develop regulations for commercial cannabis?
3. If we are to continue....
  - Should we apply current land use designation definitions to cannabis industry types?
  - Should we add additional requirements for cannabis industry types applicable to specific land-uses?

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