

MONO COUNTY PLANNING COMMISSION

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AGENDA

February 15, 2018 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. MEETING MINUTES: Review and adopt minutes of January 18, 2018 – *p. 1*

4. ELECTION OF CHAIR & VICE-CHAIR

5. PUBLIC HEARINGS: No items

6. WORKSHOP

A. TWO-PERMIT SYSTEM FOR APPROVALS SPECIFIC TO THE PROPERTY OWNER *Staff: Wendy Sugimura – p. 4*

B. CANNABIS: DRAFT GENERAL PLAN LANGUAGE *Staff: Michael Draper – p. 5*

C. SHORT-TERM RENTALS: DRAFT GENERAL PLAN LANGUAGE FOR COUNTYWIDE AND JUNE LAKE AREA PLAN POLICIES *Staff: Wendy Sugimura – p. 13*

7. REPORTS

A. DIRECTOR

B. COMMISSIONERS

8. INFORMATIONAL: Eric Edgerton comment letter – *p. 32*

9. ADJOURN to March 15, 2018

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

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

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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Commissioners may participate from a teleconference location. 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

January 18, 2018

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

STAFF: Gerry Le Francois, principal planner (videoconference); Wendy Sugimura & Michael Draper, analysts; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS: CAO Leslie Chapman, Sheriff Ingrid Braun, Charlie Brown

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:07 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 December 21, 2017, as submitted (*Bush/Pipersky. Ayes: 4. Absent: Lagomarsini.*)

4. PUBLIC HEARINGS: None

5. WORKSHOPS

A. CANNABIS REGULATIONS – An overview of application requirements and restrictions established by State departments followed by options the County may take to meet specific concerns as discussed at previous meetings.

Wendy Sugimura introduced the topic with statewide news. Revocation of Cole memo created drama, but difficult to ascertain effects. Layer of guidance removed, but action in other form is unknown., Sense of more uncertainty. Calaveras County banned cannabis on 3-2 vote after fluctuation on issue.

C and MU: What are "off-hours"? Address odors generally on nuisance level. Main Street policies: Attractive, maintained storefronts. Non-public uses off Main Streets. Activity on Main Street frontages. Offices different from vibrant, active storefronts, not drive traffic. Not all uses have same amount of activity. Hustle, bustle on Main Street. State cannabis regulations involve security features. Go with #4: Allow subject to discretionary retail permit process and encourage retail uses.

Michael Draper noted State is allowing temporary licenses, taking applications for annual licenses. State setting license fee and taxes. Mono wants to avoid duplication. Lahontan has its own regulations. Temp license allows business to operate while in application process. BOS not want temporary program. State looking for local approval, CEQA compliance, security bond of \$5,000 for 20 or more employees. Communities hiring more staff or consultants to deal with number of permits issued.

Inyo differentiate between large and small permits? 500' separation between businesses, as with Town. Return to CAC where concentration and number could be significant, Bridgeport same. Lots of interest in cultivation. Concern with number, concentration, Mono staff capacity. Cost passed on to operator. Had inquiries, but unknown actuality.

Calaveras influence Mono market? Some components in County code or General Plan. Tribal consultation period, three months for GPA. If keep all in house, could process 10.

Bush asked if PC wants to limit number of permits for cultivation for any given reason.

Lizza thought limiting number is contrary to encouraging small entrepreneurs. Issue should not be staff capacity.

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Bush asked if BOS is doing it because it has to. Sugimura described BOS as more conservative on issue than PC.

CAO Leslie Chapman felt strongly. Limit is temporary, new industry, want to control. BOS nervous about Calaveras and others that have stumbled. Don't know enforcement, illegal monitoring. Discussion around State on market capacity. Easier it's made, the more ag industry is displaced. Maybe 50% not in business in few years. Not know how industry is going to mature. More of control thing, more than can handle.

BOS talk of saturation of land? Until open up permitting process, don't know who's out there, how serious, viable business plan. Unanswered till start permitting process.

Roberts saw 10 as measured approach, but Lizza thought 10 is very small number for county size of Mono.

Setbacks: Draper cited Butte County setbacks. Ag 50' front, rear, side. 300' for 20 acres or greater (from consultant) or adjacent to habitable structure owned by someone else. Outdoor grows not allowed on half-acre parcels.

Christy Milovich cited enforcement issue if under age 21 on property.

Setbacks due to nature of product? Yes. Draper noted valuable at small amounts.

Why need 300' unless have houses? Sugimura described setbacks as additional buffers to protect adjacent parcels.

Charlie Brown wanted to consider shapes of properties, like long, narrow in Antelope Valley.

Sugimura noted 300' from inhabited structures under separate ownership (odor control), from public rights of way, adjacent parcel not in ag use. Standard setbacks otherwise. Bush thought setbacks should not be punitive.

Draper mentioned visual screening: Fences < 7' high permitted but not required. Sugimura noted Mono typically does not have fencing. Growers might do as part of operation. Consider visual impact on viewshed.

Odor: Draper required odor mitigation plan or indicate why not needed.

Security plan: Required, subject to approval by law enforcement and code compliance. Include dark sky regulations. State leaves out security for cultivators. Background checks.

Sheriff Ingrid Braun wanted background checks on all employees. Illegal for minors to possess, traffic on black market. Not onerous to LiveScan (fingerprint-based).

With authority of sheriff? Braun can't prohibit but recommend disqualify. Could prohibit a license. Sheriff could recommend disqualification of employees based on their record.

Security plan across all industry types?

B. SHORT-TERM RENTALS & JUNE LAKE AREA PLAN UPDATE: Wendy Sugimura will delete redlines, return for final review. Type II defined in JLAP (June Lake Area Plan), moratorium expires Feb. 25.

Does Ch. 25 prohibit ads for illegal activity? If have commercial use, cannot advertise illegal activity. JLAP info: None changed from last meeting. Four pages condensed to one, items moved elsewhere. PC changed Clark Tract to year-round I and II, subject to discretionary permits. Upper Clark: Type I only, summer only (April 16 - Oct. 31), cap 3% including two STRs already approved. Make sure maps are incorporated. New Type II prohibited. Road conditions moved to Ch. 26. Rodeo Grounds to be explored for STR if Specific Plan is ever enacted. STR specific to owner, not property. Safety, infrastructures, small parcels with emergency access, HOA opposition are reasons for denial. Enforcement largely unchanged. Consider providing... Hotline for complaints, illegal rentals. Annual renewal: Cost to property owner, staff time at \$99/hr. Something to trigger it, not just blanket, no cost. Complaint? PC general consensus was not necessary. Subject to business license and TOT certificate. If violations ensue, annual renewal can be initiated. Lizza preferred only if violation. Penalty phase could be annual evaluation. Landline phones for emergency calls. Lizza: Places off grid, no electrical or phone. People renting remote experience. PC approves UP under Ch. 25. Ability to call for emergency services is required.

Roberts thought shut down due to dirt road could be used by any opponent. Puts PC at disadvantage. Sugimura indicated discretionary. Places onus on opposition to demonstrate roads are safety hazard. What if emergency vehicles can't access? Roberts thought these things should be considered.

Bush: Before approval is granted, not just reasons to deny.

Emergency services, utility and fire districts sign off? Sugimura indicated not for STR. She also reminded that Mono has no jurisdictional authority to require property owners to do anything. Bush noted owner could sell, bump up price. Make it follow owner, not house. Not permanent thing.

Type II feedback? Moratorium extension regardless of details discussion? *Yes*. Way to lift moratorium? *If moratorium expires, could apply for TROD. GPA still has overlay district.*

Lizza thought June Lake holds up [impedes] PC, so just do moratorium at June Lake. Sugimura noted Type II not JL specific, but countywide concern drove moratorium. Sugimura will let CAC know what's going on.

Roberts recalled PC/BOS meeting; Johnston thought rentals handled better with Use Permit. Once granted, it's done.

6. REPORTS

A. DIRECTOR: Director Scott Burns retired Dec. 31, still available. Sugimura is interim director, will fly position later. Two vacant positions: analyst, permit tech. Recruiting challenges, so application period extended when not have good applicant pools... Next couple months very busy. Package GPA for April: STR, cannabis, housing mitigation ordinance, RTP/Circulation Element. PC recommendation in March. Public hearing at BOS in April till decision... LHMP (Local Hazard Mitigation Plan) draft from consultants next month, RPAC tour, to PC, which will impact Safety Element. Another GPA for Safety element... North County water lease at Walker Lake, consultant on board... Scenic byway project wrapping up, ag grant. Housing policies after needs assessment, housing mitigation to address workforce housing. Housing Element update 2019.

B. COMMISSIONERS: Former planner bought hotdog cart, couldn't be happier. Bush was longtime manager at Chevy, moved to mountains, kept adding stuff to his life. Lizza's schedule overwhelming.

7. INFORMATIONAL: No items

8. ADJOURN at 1:35 pm to February 15, 2018

Prepared by CD Ritter, PC secretary

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February 15, 2018

To: Mono County Planning Commission

From: Wendy Sugimura, Interim Director

RE: WORKSHOP: Two-Permit System for Approvals Specific to the Property Owner

BACKGROUND

At the time Chapter 25 was adopted in March 2017, a change was made at the Board of Supervisors public hearing to specify that the approval for Type I rentals is specific to the owner. Discussion with the June Lake community about short-term rentals resulted in a desire for approvals to be specific to the owner for Type II rentals as well. In addition, the general practice for cannabis activities is to provide approvals specific to the owner.

DISCUSSION

Use Permit applications are not the appropriate vehicle for authorizing a use specific to an owner. A use permit focuses on the activity itself – as a use of property – without regard to who is conducting it or their specific business plan, while a separate operating permit/license, more similar in concept to a business license, would focus on the operator of the business and aspects of their specific business operation. The operating permit/license regulatory requirements would supplement and complement the criteria used to evaluate land use compatibility. In addition, because it is not a land use approval, a separate body should evaluate the operating permit/license and consider approval.

“Title 5 – Business Licenses and Regulations” of the Mono County Code (https://library.municode.com/ca/mono_county/codes/code_of_ordinances?nodeId=TIT5BULIRE) contains several activities that require specific operational permits or licenses, including cardrooms, bingo games, special events, outdoor festivals, and adult-oriented businesses.

For short-term rentals, the draft General Plan language in today’s workshop proposes moving Chapter 26 to a new chapter in Title 5 of the Mono County Code to serve as the implementation tool (and authorizing mechanism) for short-term rental operations. The Vacation Home Rental (VHR) Permit required by Chapter 26 would then be approved by the Board of Supervisors and would not be transferrable if the property sells or otherwise transfers ownership. Similarly, a cannabis permit would be titled “Cannabis Activity Permit” and would be a second separate chapter in Title 5.

To the extent possible, the land use permit and the operation permit would be processed concurrently under a single California Environmental Quality Act (CEQA) document. If a property did change ownership, the land use approval would remain with the property but the Vacation Home Rental (VHR) Permit or Cannabis Activity Permit would terminate. Therefore, a new owner who wanted to continue the use would not need a new permit for land use compatibility but would need to submit operational details that would be considered under a new VHR or Cannabis Activity Permit.

Chapter 13 Cannabis Activities

13.01 Purpose

13.02 Authority

13.03 Definitions

Unless otherwise specified below, the definitions found in Mono County Code Chapter 5.60 shall apply to this Chapter.

13.04 Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.

Except as specifically authorized in this Chapter, commercial Cannabis Activities which include, but are not limited to, cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation, or cannabis or cannabis product are expressly prohibited in the County of Mono without obtaining a permit. For the purposes of this Section, "Cannabis Activity" does not include the activities defined in Section 11362.1 and Section 11362.2 of the California Health & Safety Code related to personal use and cultivation.

13.05 Compliance with Laws

Owners and permittees ensure that all Cannabis Activity operates in compliance with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state or local law with respect to the operation of a Cannabis Activity.

13.06 Permits Required

- A. Prior to operation of a Cannabis Activity the following shall be obtained through an application process with the Mono County Community Development Department (other permits or licenses from other departments may apply):
 1. Conditional Use Permit (pursuant to Chapter 32 – Use Permit);
 2. Cannabis Activity Permit per Mono County Code 5.60 for each State-licensed cannabis activity to take place; and
 3. Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04.

13.07 Application Requirements

All applications for a Use Permit for a commercial Cannabis Activity shall be filed with the Community Development Department on the specified form and in the manner prescribed by the director of the Community Development Department, or his or her designee. In all cases the application shall contain, without limitation, the following documentation:

- A. Notarized, written authorization from all persons and entities having a right, title or interest in the property or premises on which the commercial Cannabis Activity is located consenting to the application and the operation of the proposed commercial Cannabis Activity on the subject property or premises;
- B. The name and address of all owners and permittees associated with the proposed commercial Cannabis Activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial Cannabis Activity;
- C. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial Cannabis Activity(ies) being requested;

- D. Documentation, plans, or specifications demonstrating compliance with the general standards and requirements of this Chapter, and any additional applicable requirements for specific Cannabis Activities found in all applicable State and local laws and regulations. The applicant shall submit his/her completed State license application;
- E. A completed Cannabis Activity Permit application; and
- F. All required application materials shall be prepared by the permittee and submitted at the time of application with the required fee. Incomplete applications shall be returned or rejected.

13.08 General Standards and Requirements

Cannabis Activities shall comply with all General Plan policies and regulations, in addition to Chapter 13. The following general standards and requirements apply to all Cannabis Activities permitted in the county:

- A. Cannabis and cannabis products shall be transported only by and between permitted and licensed commercial cannabis operations;
- B. The permittee shall be responsible for ensuring that all commercial Cannabis Activities at the site operate in good standing with permits and licenses required by Mono County Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial Cannabis Activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the modification or revocation of the Use Permit;
- C. Cannabis Activities shall be located only in the land use designation specified in the General Plan Land Use Element, Chapter 4 – Land Use Designations, as a land use subject to Use Permit and Cannabis Activity Permit:
 - 1. In addition to the land use permit, a supplemental application for a Cannabis Activity Permit and Business License must be approved prior to beginning operation; and
 - 2. Commercial Cannabis Activities are prohibited under the Home Occupation and Expanded Home Occupation provisions of Chapter 4, Section 04.290.
- D. Site Control. All Cannabis Activity, regardless of whether the activity is deemed commercial, shall meet the following site control standards:
 - 1. No Cannabis Activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities; and
 - 2. PLACEHOLDER – proximity buffers; list Crowley Lake buffer corridor prohibition
- E. Setbacks.
 - 1. Cannabis Retailers shall not be located within six-hundred (600) feet of any facilities of the following (in existence at the time the application is accepted): schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers and licensed child care facilities. An additional corridor of exclusion applies in Crowley Lake on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.
 - 2. All Cannabis Activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks. Additional setback requirements per Cannabis Activity type shall be set forth in specific sections of this Chapter.

- F. Security Measures. Permittee shall provide a Security Plan for review and approval by the Mono County Sheriff's Office. The security plan shall be reviewed and inspected as deemed necessary by the Sheriff's Department. Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). The Security Plan shall include security measures to deter and prevent entrance by unauthorized persons into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products, and shall include, but shall not be limited to, the following:
1. Preventing individuals from remaining on the premises if they are not engaging in an activity directly related to the permitted operations;
 2. Establish limited access areas accessible only to authorized Cannabis Activity personnel by equipping areas with electronic identification badge scanners or other personnel-specific access measures;
 3. Cannabis and cannabis products shall be stored in a secured and locked location to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale, where applicable;
 4. Weapons and firearms at Cannabis operation sites are prohibited;
 5. Cannabis products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance;
 6. Background checks by the Mono County Sheriff's Office are required for business owner, property owner, and managers, and LiveScan is required for all other employees, with the authority of the Sheriff to disqualify employees based on their record.
 7. Security System requirements:
 - a. A Security Plan shall demonstrate the safety of persons and protection of the premises from theft;
 - b. Alarm system. All buildings shall include a professionally installed and maintained alarm system, monitored by an alarm company or private security company. The alarm system shall monitor all perimeter entry points and windows. Alarm system sensors shall be installed to detect entry and exit from all secure areas;
 - c. Security cameras. The premises of every commercial Cannabis activity shall have installed 24-hour infrared security surveillance cameras to monitor activity occurring within 20 feet of all entrances and exits to and from the premises; all interior spaces within the Cannabis Activity which are open and accessible to the public; all interior spaces where cannabis or cannabis product, cash, or currency, is being stored for any period of time on a regular basis; and all interior spaces and exterior transport/parking areas where diversion of cannabis could reasonably occur in a manner sufficient to clearly observe facial features and to obtain a clear view of vehicle license plates. [Security cameras may be motion-sensor activated and shall not be pointed at or record activity on surrounding parcels.] Surveillance video shall be kept for a minimum of 30 days;
 - d. Locking Doors. All points of ingress and egress to a cannabis business shall be secured with commercial-grade, non-residential door locks or window locks. All structures used for Cannabis Activity shall have locking doors to prevent free access;
 - e. Alarm system panic buttons shall be installed in all permitted premises; and

- f. Perimeter lighting systems (e.g., motion-sensor lighting) shall be installed and may include alarms to ensure the safety of persons and to protect the premises from theft.

G. Odor Control.

1. An Odor Mitigation Plan is required to demonstrate that odors generated by the Cannabis Activity shall not unreasonably impact adjacent properties and uses.
2. An applicant may request an exemption from the Odor Mitigation Plan requirement upon the provision of sufficient evidence to the Planning Commission during the Conditional Use Permit public hearing. Any grant of such waiver is subject to a finding by the Planning Commission that odors generated by the Cannabis Activity shall not impact adjacent or nearby properties and uses.
3. All indoor, greenhouse and mixed-light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor-control filtration and ventilation system(s) to control odors, humidity and mold.
4. The Odor Mitigation Plan shall include devices and/or techniques incorporated into the facility or premise to mitigate the off-site detection of cannabis odors. Cannabis business shall provide a sufficient odor-absorbing ventilation and exhaust system so that cannabis odors are mitigated outside of the facility; on adjacent property or public right of way; on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public; or within any other unit located inside the same building as a Cannabis Activity.
5. In no case shall untreated air be vented outside of any building used to conduct a Cannabis Activity.
6. Odor-masking systems that add chemicals to the air are prohibited.
7. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Cannabis Activity Permit.

H. Signage and Notices.

1. A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.
2. No Misleading Names. A non-medicinal Cannabis Retailer may not use in its name any words or phrases implying health or therapeutic benefits, including but not limited to "health," "wellness" or "clinic."
3. Display County Use Permit, and Activity Permit and business license and State license? A copy of each Cannabis Activity permit issued by the County pursuant to this Chapter shall be posted on the premises of each Cannabis Activity in a location readily accessible to the public where the documentation may be examined.
4. No Cannabis Activity shall advertise by having a person or device holding a sign and advertising the activity to passersby, whether such person is on the premises of the Cannabis Activity or elsewhere, including by not limited to, the public right of way.
5. No banners, flags, billboards or other prohibited signs may be used at any time.

I. Visual Screening/Fencing.

1. No markers, indicators, signs, postings or evidence indicating cannabis is being cultivated on the site shall be visible from the public right of way.
2. All cannabis, cannabis products and cannabis accessories shall be screened from view from a public right of way.
3. Fencing around the premises shall include a lockable gate that is locked at all times when the permittee is not in the immediate area.

4. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
 5. A Visual Screening Plan is required to demonstrate the visual compatibility of linear features, including, but not limited to, fencing, with the surrounding landscapes and views. A Visual Screening Plan shall be submitted with the application and be compatible with:
 - i. General Plan Land Use Element Conservation/Open Space Element 05-02 Issues/Opportunities/Constraints, Visual Resources and 05-03 Policies, Visual Resources;
 - ii. General Plan Land Use Element 02-06 Land Development Regulations, Chapter 4.160 Fences, Screening and Landscaping;
 - iii. General Plan Appendices, 09-03 Mono County General Design Guidelines, Chapter 2, Site Planning & Landscape; and
 - iv. Landscaping species shall be consistent with those identified in General Plan Appendices 09-03, Mono County General Design Guidelines, "Plants."
 6. The Visual Screening Plan may be contained within the Security Plan.
- J. Lighting.
1. A Lighting Plan demonstrating compliance with the following:
 2. All Cannabis Activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or premise location.
 - a. Design specifications and/or cut sheets for all proposed exterior and interior lighting shall be detailed in the Lighting Plan.
 - b. Cannabis Activities located north of Mountain Gate Park shall adhere to Land Use Element Chapter 23 – Dark Sky Regulations.
 - c. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure and detailed within the Lighting Plan.
 - d. Light shielding, window covering, and any other light mitigation measure shall be utilized from dusk until dawn.
- K. Parking.
1. A Parking Plan, depicting availability and requirements for parking. The Plan shall demonstrate the provision of adequate off-street parking for all employees and allow for loading and unloading.
 2. The Parking Plan shall comply with General Plan Land Development, Chapter 6. Parking.
- L. Noise.
1. The use of generators is prohibited, except as short-term, temporary, emergency back-up systems.
 2. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16
 3. General Plan Noise Element shall apply to all Cannabis Activity.
- M. Inventory and Tracking. Cannabis operators shall operate at all times in a manner to prevent diversion of cannabis and shall be in compliance with any track-and-trace program established by the state.
- N. Fire Protection. All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.
1. Cannabis Activities shall comply with General Plan Land Development Regulations, Chapter 22, Fire Safe Regulations; PRC 4290 and 4291; and the current California Building Code.

2. Fire Prevention Plan. The permittee shall prepare, submit, and implement a Fire Prevention Plan for construction and ongoing operations and obtain a Will-Serve letter from the local fire protection district. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire-break maintenance around all structures.
 3. All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.
- O. Water Conservation. Water conservation measures, water capture systems, or grey water systems shall be incorporated in cannabis cultivation activities, in compliance with the Resource Efficiency Plan policies, in order to minimize use of water where feasible.

13.09 Cannabis Cultivation

In addition to the above, a Cultivator permit is subject to the following additional requirements:

A. Setbacks

1. Outdoor cultivation areas and all associated structures located on or around the premises shall meet all applicable setback requirements set forth in the Land Use Designation Chapter 02-04.
 2. Outdoor cultivation areas shall be set back three-hundred (300) feet from 1) existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space; 2) the property line of any neighboring parcel under a different land use designation; 3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and 4) any public and formally identified multi-modal pathway.
ALTERNATIVE: If the premise is one-half (0.5) of an acre in size or less, each detached structure shall meet minimum land use designation setbacks; greater than 0.5 acre but less than 5 acres, each detached structure or outdoor area shall be set back at least 50' from all boundaries; premises equal to or greater than 5 acres but less than 10 acres, 75'; 10 acres or greater, 150' from all boundaries. The Planning Commission may waive or reduce the requirement based upon a finding of unusual hardship for that parcel, or a site plan demonstrating improved security, visual mitigation, or odor mitigation.
 3. All structures used for indoor cultivation and all structures used for drying, curing, grading, trimming or processing shall comply with the setbacks for the land use designation. There shall be no evidence of cannabis cultivation outside the structure (e.g., the use shall comply with the Visual Screening Plan and Sign Plan).
 4. Cultivation within a "hoophouse" or Shade-Cloth Structure shall be deemed outdoor cultivation subject to the requirements of this Code, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.08).
- B. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).
1. Use of pesticides must comply with regulations established by the Inyo/Mono Agriculture Department and California Department of Food and Agriculture.

2. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- C. Dust Control. All cultivation sites shall utilize dust control measures on access roads and all ground-disturbing activities in compliance with the Great Basin Unified Air Protection Control District regulations.
 - D. Waste Disposal. Each permittee must follow all local, state and federal requirements for waste disposal.
 - E. The owner and permittees shall ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.
 - F. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on site unless all necessary permits have been obtained from all appropriate agencies.
 - G. In no case shall a building intended for residential use be used for the commercial cultivation of cannabis.
 - H. In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:
 1. Water conservation measures;
 2. Projected energy demand and proposed renewable energy generation facilities;
 3. Unique identifier, inventory, and quality control procedures; and
 4. A floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the site.

13.10 Cannabis Distribution

In addition to the above, the following information shall be provided with a Use Permit application for a Distributor:

- A. An Operation Plan detailing how, and from where, cannabis and cannabis products will be received, how any storage, distribution, and transportation operations will be secured to prevent theft and trespass, and to whom the product will be distributed;
- B. Quality control inspections and requirements plan;
- C. Truck parking and loading areas;
- D. Storage and handling plans; and
- E. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.

13.11 Cannabis Manufacturing

In addition to the above, the following apply to a Manufacturer:

- A. A Cannabis Manufacturing Facility may manufacture cannabis products only; it may not manufacture products that do not contain cannabis;
- B. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on site unless all necessary permits have been obtained from all appropriate agencies;
- C. Closed to general public. Cannabis manufacturing facilities shall be fully enclosed and closed to the general public; and
- D. Closed loop system. Cannabis manufacturing using solvents must utilize a closed-loop system certified by a qualified engineer and approved by the county Building Official and local Fire District Chief.

13.12 Cannabis Testing Facilities

In addition to the above, the following information shall be provided with the Use Permit application for a Testing Laboratory:

- A. An Operation Plan detailing how cannabis will be received, secured, tested, and destroyed upon completion, and how the Testing Facility will comply with State law;
- B. Certificate of accreditation from an approved accrediting body;
- C. Proposed procedures for record keeping including chain of custody control and certificate issuance; and
- D. Any other information requested by the County.

13.13 Cannabis Retail and Delivery

In addition to the above, Cannabis Retailers shall comply with the following:

- A. Setback
 - 1. Cannabis Retailers shall not locate within five-hundred (500) feet from another Cannabis Retailer and/or Cannabis Microbusiness conducting sales to the general public.
- B. Delivery. All delivery of cannabis and/or cannabis product to the public is prohibited.
- C. On-Site Sales. All sales and dispensing of Cannabis and Cannabis Products shall be conducted in-person on the Premises of the Cannabis Retailer. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer service is prohibited. This section does not prohibit transportation of Cannabis or Cannabis Products on public roads by a state-licensee transporting Cannabis or Cannabis products in compliance with California Business & Professions Code, Division 10.
- D. Cannabis Retailers must operate in a permanently constructed, fixed structure. Cannabis Retailing is not permitted from a vehicle or non-permanent structure.
 - 1. The entrance to an Adult-Use Cannabis Retailer shall have a clearly and legibly posted notice that no person under the age of twenty-one (21) years is permitted to enter upon the premises, unless otherwise permitted by law.
- E. Operational Plan. An Operational Plan shall be required, detailing how operations will comply with State Law.

13.14 Cannabis Microbusiness

- A. A Cannabis Microbusiness that includes cultivation, manufacturing, distribution and/or retail within one state license shall comply with all permit and operating requirements set forth in this Chapter for Cannabis Cultivation, Cannabis Distribution, Cannabis Manufacturing, and Cannabis Retailer and Delivery.
- B. In reviewing an application for a Use Permit the following additional information may be requested:
 - 1. Information on products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes. Cannabis shall be obtained from a licensed cultivator or licensed distributor operating in compliance with all local and state laws;
 - 2. Storage protocol and hazard response plan;
 - 3. Quality control measures; and
 - 4. Any other information requested by the Director or his or her designee.

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Short-Term Rentals General Plan Amendment Workshop

SECTION I: PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS AMENDMENTS

Countywide

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016. The market is dynamic and seasonal, and rentals have become mainstream. No “silver bullet” exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. [\(Also see June Lake Issues, Opportunities and Constraints for more details based on an extensive public engagement effort.\)](#)
17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.
18. Very few legal mechanisms exist that require accountability by online rental platforms, and some of these platforms are lobbying for regulations at the State level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.
19. Differentiating between neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.
20. Local governments like Mono County are challenged to provide cost-effective enforcement, whether rentals are legal or illegal, due to: 1) rental properties spread across many hosting platforms; 2) listings being highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data not easily accessible through the hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting platforms that prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful and should be coordinated across County departments.
21. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.
22. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already-limited housing stock available for workforce housing.

23. Short-term rentals (rentals less than 30 days) in single-family residential areas meet a tourism market need and have the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy. According to census data, Mono County has the second-highest vacation home ownership percentage of counties in the state.

June Lake – Community Development: Land Use

16. In recognition of the complexity, controversy, and sometimes personal nature of the impacts of short-term rentals, Effort is being made to avoid the trap of “yes” vs. “no” in policy and regulatory solutions, which often results in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.
17. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 200 hours of staff time since December 2016. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for funneled into the development of policies and regulations.
18. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.
19. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.

SECTION II: PROPOSED COUNTYWIDE LAND USE ELEMENT POLICY AMENDMENTS:

Objective 1.L. Regulations of short-term rentals in residential neighborhoods are needed to protect residential character and quality of life, as well as capture potential benefits to the extent possible.

Policy 1.L.1. Approvals of Type I and Type II short-term rental approvals-operations are shall be specific to issued to the property owner and non-transferrable do not run with the land. Sale or transfer of the property, or the property no longer meets the definition of a Type I rental per 25.020, renders the approval to operate the rental null and void.

Action 1.L.1.a. The following permits are required to operate a short-term rental: 1) a Use Permit pursuant to Chapter 25, and 2) a Vacation Home Rental Permit pursuant to Chapter 26. The Vacation Home Rental Permit shall be specific to the property owner and non-transferrable.

Policy 1.L.2. Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

Action 1.L.2.a. Only the property owner may apply for a short-term rental permit, and the owner is the party directly responsible for the management of the unit.

Action 1.L.2.b. Short-term rental permits shall be limited to one per person or entity and one per parcel.

Policy 1.L.3. In addition to reasonable opposition by the neighborhood, short-term rentals applications may be ~~prohibited-denied~~ in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action 1.L.3.a. Short-term rentals applications may be ~~prohibited-denied~~ where one or more of the following safety or infrastructure conditions exist:

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

~~**Action 1.L.3.b.** Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract.~~

Action 1.L.3.c. Opposition by a Homeowner's Association (HOA) Board on a short-term rental application shall be considered and may constitute reasonable neighborhood opposition. The HOA Board should send a Board-approved comment letter on the project to the County prior to the public hearing or testify at the hearing.

Action 1.L.3.d. Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with County transient occupancy tax requirements.

Policy 1.L.4. To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

~~**Action 1.L.4.a.** The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored. (Moved to June Lake policies section.)~~

Action 1.L.4.a. Support an even playing field; e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

Policy 1.L.5. Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

Action 1.L.5.a. Implement an education campaign regarding short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

Action 1.L.5.b. Consider providing for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorney fees recovery.

~~**Action 13.M.7.c.** Consider a “three strikes” mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. Comment: Staff recommends deleting.~~

Action 1.L.5.c. Provide an anonymous reporting hotline for illegal rental activity and complaints.

Action 1.L.5.d. The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues.

Action 1.L.5.e. The County shall, within legal constraints, coordinate information between departments such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

~~**Action 13.M.7.g.** Require permit numbers to be posted in the title of any short-term rental advertisement, including online and any other promotional materials. (Moved to Chapter 26 section.)~~

~~**Action.** Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation. (Moved to Chapter 25.)~~

~~**Action 13.M.7.i.** To support accountability, an annual permit renewal, certifications, fees, and any other requested information shall be required for short-term rental permits as follows:~~

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

SECTION III. PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS

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

Objective 13.M. To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Policy 13.M.1. Short-term rentals are subject to Chapter 25 and 26 of the General Plan Land Use Element, with the following specifications based on the context of individual neighborhoods (see map), which vary in character.

Action 13.M.1.a. Prohibit Type I and Type II rentals in the Williams Tract and Petersen Tract.

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

Action 13.M.1.c. No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.d. In the Clark Tract, Type I ~~and Type II~~ rentals may be permitted ~~year-round on Nevada Street/Silver Meadow,~~ subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies. ~~year-round on Nevada Street/Silver Meadow and summer only~~ In the rest of the Clark Tract, only Type I rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake area plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to with a maximum cap of 8 parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and. ~~New~~ Type II rentals are prohibited. See Chapter 26 for other operational requirements specific to the Clark Tract.

Action 13.M.1.e. In the South 158 neighborhood, new Type II rentals are prohibited. The CAC was evenly split on Type I rentals, and therefore Type I's may be permitted subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.f. Type I and Type II rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake area plan policies. ~~Type II rental approvals are specific to the owner (not the property) in the Leonard Avenue neighborhood.~~

Action 13.M.1.g. The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

SECTION IV. REVISIONS TO LAND USE DESIGNATIONS

Revisions to some Land Use Designations are necessary for internal consistency within the existing Chapter 25. Ideally, these changes would have been made when Chapter 25 was adopted in March 2017.

For Single Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), Multi-Family Residential Low (MFR-L), and Rural Mobile Home (RMH) land use designations, add "Short-term rentals (see Chapter 25)" under "Uses Permitted Subject to Use Permit."

Add a footnote to the SFR short-term rental use that specific June Lake Area Plan policies apply to this use.

SECTION V. EDITS TO EXISTING GENERAL PLAN CHAPTER 25 & 26 (countywide):**DEVELOPMENT STANDARDS****CHAPTER 25 – SHORT-TERM RENTALS**

Sections:

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

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit 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.

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals 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 a Use Permit (see Chapter 32) and a Vacation Home Rental Permit (see Chapter 26), if consistent with applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.¹⁴ Fees for appeal of Type I Use Permit decisions shall be waived. ~~The use Vacation Home Rental Permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. Fees for appeal of Type I Use Permit decisions shall be waived.~~

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term 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 short-term rental use may be established on any parcel (or group of parcels) with a single-family unit, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental (except in June Lake, see below) 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 STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

In June Lake only, Type II short-term rental approvals are subject to a Use Permit (see Chapter 32) and a Vacation Home Rental Permit (see Chapter 26), consistent with applicable Area Plan policies, and shall not require a land use

redesignation. To facilitate clarity, Type II permits in June Lake shall be referenced as "Type II-A." Type II-A rentals must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel. The Vacation Home Rental Permit, consistent with Chapter 26, shall run with the owner and not the land, and shall terminate upon a change of ownership.

25.040 Notice requirements.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius ~~measured drawn~~ from the nearest limits of the project parcel that is subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners or residents, 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 120 days in advance of the hearing by mail, electronic mail, or other noticing means provided by Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have requested noticing.

25.050 Uses permitted.

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

A. All uses permitted in the underlying land use designation.

B. Where the principal use of the subject parcel(s) is single-family residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.

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

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

Any form of advertising for an unpermitted short-term rental unit is prohibited.

Delete footnote 14: ~~The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.~~

DEVELOPMENT STANDARDS

CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT

NOTE: CHAPTER 26 MAY BE CONVERTED TO A SECTION IN THE MONO COUNTY CODE

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) and short-term rentals 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 or short-term rental 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 or in a short-term rental without a valid vacation home rental permit is a violation of this chapter.

26.025 Transfer of Vacation Home Rental Permit Prohibited.

A Vacation Home Rental Permit is issued to the owner of the property where the rental shall be conducted and is not transferrable or otherwise assignable to another party, including a new owner. Sale or transfer of the property renders an existing Vacation Home Rental Permit null and void.

26.030 Application and ~~Procedure Issuance of~~ for a Vacation Home Rental Permit.

- 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 ~~on a property with the appropriate land use approvals 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~~ A 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 may be designated for Type I rentals at the owner's discretion, and shall be required for Type II and Type II-A rentals. The management company or property manager must be duly licensed, including, but not limited to, a California real estate license and certified property manager credentials, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager for Type I rentals. The owner shall immediately notify the Community Development Department of any changes to management contact information;
 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 by the owner 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 Tax Certificate must be obtained by the owner 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.

C. Approval: The Vacation Home Rental Permit is evaluated and approved at a noticed public hearing by the Board of Supervisors.

1. In the case of a new use permit application under Chapter 25, the Vacation Home Rental Permit is processed concurrently, to the degree possible, with the use permit application.

2. If the property changes ownership, the new owner may apply for a new Vacation Home Rental Permit under the land use approval for the property. The new Vacation Home Rental Permit shall be evaluated and considered at a noticed public hearing by the Board of Supervisors.

D. Limitations on Permits: The number of Vacation Home Rental permits issued shall be limited when specified in Area Plans (e.g., June Lake). The Community Development Department shall develop an equitable process to distribute Vacation Home Rental permits within the established caps or limits.

E. Renewal: An annual self-certification of property ownership, management contact information, and continued compliance with Chapter 26 is due concurrently with business license renewal, on a form provided by the Community Development Department, and with the associated fee. If the renewal form and fee are not received by business license renewal deadlines, the Vacation Home Rental permit shall be expired.

F. The Vacation Home Rental permit number shall be posted in the title of any short-term rental advertisements, whether online or in other promotional or advertising materials.

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;

6. 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.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ 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.

f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.

- 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, and the number of vehicles shall not exceed the number of parking spaces. 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.
- G. Other Requirements. In addition to the foregoing sections, the following requirements shall be met:
- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted to be compliant.
 - Owner or property manager must be able to respond within a reasonable timeframe, preferably within an hour.
 - Quiet hours from 10 pm to 7 am, and ~~no~~ outdoor amplified sound is prohibited at all times.
 - ~~Outdoor parties are prohibited, including but not limited to special events, outdoor events, lawn parties, weddings, and similar activities.~~
 - If applicable, the owner shall notify lender of change in use to short-term rental and provide verification to County upon request.
 - For Type I permits, in order to rent a detached and separate unit, the property owner must occupy the other unit ~~on the property~~ consistent with the definition of a Type I rental in 25.020.
 - Landline phone service is required, and owner must disclose the limited service by cell phone carriers.
 - A "hideaway" key or other access is required in the event a guest is locked out.

- ~~For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified.~~
- ~~Post management contact information online. Comment: Staff recommends deleting.~~
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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.

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

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 specific to short-term rentals that covers, but is not limited to, fire and liability, including injury and damage to hosts, guests, and others, 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 ~~tax 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. (NOTE: This whole section needs to be revised to be consistent with approval by the Board of Supervisors.)

- 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/~~short-term~~ 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 tax 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, stop-work 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~~nsed.

A. 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 not 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.

B. Any form of advertising for an unpermitted short-term rental unit is prohibited.

Dear Planning Commissioners,

During the December and January planning commission meetings it was good to hear the constructive conversations on how the County is drafting regulations for cannabis business within Mono County. With Mono County residents voting on proposition 64 in November of 2016 with approval rates higher than the State average. The regulations are long overdue. It is encouraging that the Agricultural Commissioner from Mono County has been active with the Inyo County regulatory roll out. This should help for a smooth implementation here in Mono County.

As you know, the benefits of this newly emerging industry in other states, cities, and counties has been revenue realized from taxation, fines, and fees. The Mono County Department of Finance has recommended a local tax structure to be on the June ballot that will provide beneficial funding to support the regulating of this industry. An additional benefit for Mono County is in job creation.

I have explained the six items under current discussion, and I will be talking directly about outdoor and mixed light cultivation unless otherwise stated:

1. Set Backs
 - a. A setback of 300' from neighboring structures is warranted and will decrease the nuisances associated with cultivation of cannabis.
 - b. With the rural nature of our county, 150' set back from property lines for outdoor cultivation and associated structures would be adequate. This set back will coincide with water boards 150' set back requirements from perineal water courses.
2. Visual Screening
 - a. Fencing should follow current general plan guidelines and be at the discretion of the business owner
3. Odor Mitigation
 - a. A plan should be required as part of the application to the County.
4. Security Plan
 - a. A security plan is required for local authorization. It should be considered confidential and be limited by review and approval from Sherriff Department and other supporting emergency services.
5. Land Analysis
 - a. Agricultural- should include cultivation, nursery, and as an accessory microbusinesses, distribution, retail, testing, and events.
 - b. Commercial-should include manufacturing, testing, retail, distribution, micro business, and events
 - c. Service Commercial-should include manufacturing, testing, retail, distribution, micro business and events
 - d. Mixed Use- should include, manufacturing, testing, retail, distribution, micro business and indoor cultivation, indoor nursery and events.

- e. Industrial and industrial Park all permits offered by State
6. Limiting the amount of Operators
- a. The County should limit the amount of permits offered. The amount of operators permitted should reflect a reasonable county application and permitting fee structure for cost recovery. Operators should have the ability to apply for an unlimited amount of permits from the State to scale operations and diversify to stay competitive.

Planning commission agenda items have included cannabis discussions during the monthly meetings in August, September, October, December, January, and scheduled in the February and March meetings. Over the past six months, County staff has educated the Planning Commission on the complex nature of this industry and the importance to bring this industry out of the shadows and into a regulated and controlled environment. As a proposed cannabis cultivation business we have the challenge to meet the narrow planting dates that Mono County agriculture is faced with. I would ask if at all possible, that the Planning Commissioners make recommendations to the Board of Supervisors during the February meeting. The sooner we have opportunities for businesses to plant crops in the spring, the sooner we create jobs and obtain tax revenue for the County.

Please let me know if you have any questions.

I appreciate your time.

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