

# Attachment 1 - Draft Short-Term Rental Policies and Regulations

## I. ISSUES/OPPORTUNITIES/CONSTRAINTS

This section identifies and analyzes issues, opportunities and constraints that affect the future development potential of the county's unincorporated areas. This section also summarizes the issues, opportunities, and constraints pertaining to land use in each of the Area Plan areas, and for the Bridgeport and Lee Vining Airport Land Use Plans (ALUPs). Many of the environmental constraints governing development are addressed in the Conservation/Open Space Element; this section of the Land Use Element summarizes those concerns in light of their relevance to the development of land use policies. Issues pertaining to the Mammoth Lakes Airport Land Use Plan are discussed in detail in those documents.

### COUNTYWIDE ISSUES/OPPORTUNITIES/CONSTRAINTS

[...]

23. As of the 2020 census, 32.8% of Mono County's housing stock was considered a vacation home (e.g., not a primary residence). Short-term rentals in residential units meet a tourism market need and can provide existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy.

25. Concerns related to the short-term rental study included a sense of urgency around lack of housing, a request for community-specific solutions, and a sense that the proper balance between housing and rental needs must be met.

26. The County conducted an in-depth analysis of the relationship between short-term rentals and housing availability in a 2024 study. Due to small sample size, empirical evidence regarding whether visitor rental permits cause an increase in unit sale prices could not be identified; however, the study did indicate that higher numbers of visitor rental permits do drive up the price of housing, and anecdotal evidence suggests visitor rental permits increase the property value of the visitor rental parcel.

24. Community outreach done as a part of the short-term rental study included focus groups with more than 20 individual stakeholders in the county, as well as a separate survey to a county-wide audience conducted by county staff.

### COUNTYWIDE LAND USE POLICIES

**GOAL 1. Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.**

**Objective 1.D.** Provide for the housing needs of all resident income groups, and of part-time residents and visitors.

**Policy 1.D.7.** The County will explore the potential to partner with an existing program or organization or develop a staff position to help housing development applicants through the development review and permitting process.

**Policy 1.D.8.** The County will research opportunities for an owner-renter matching program and evaluate the success of such programs in similar jurisdictions.

**Policy 1.D.9.** The Mono County Housing Opportunities Manager or other staff may develop one or more incentive program(s) that link the development of affordable housing units with

the approval of a short-term rental permit. The County may adopt one or more pilot programs provided the overall objective focuses on developing workforce housing and the overnight rental permit cap authorized under the County Code is not exceeded in June Lake. The County may adjust and refine the program as needed to reflect market conditions and community considerations.

**Objective 1.M.** Regulations and ongoing monitoring of visitor rentals in all land use designations are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.

**Policy 1.M.1.** Approvals of STR Activity Permits pursuant to Mono County Code Chapter 5.65 shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.

**Action 1.M.1.a.** The permits required to operate a short-term rental include, but are not limited to: 1) a Use Permit pursuant to Chapters 25 and 32 2) an STR Activity Permit pursuant to Mono County Code Chapter 5.65, which shall be specific to the property owner and non-transferrable, 3) a valid business license, 4) a Transient Occupancy Tax (TOT) certificate, and 5) any other applicable regulations or laws.

**Policy 1.M.2.** Short-term rentals in residential units, regardless of land use designation, should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

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

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

**Action 1.M.2.c.** New construction intended for visitor lodging should be constructed to commercial lodging standards in an appropriate land use designation. In other words, constructing a residential unit for the purpose of visitor lodging is viewed unfavorably by the County and circumvents the California Building Code.

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

**Action 1.M.3.a.** Short-term rental applications may be denied where one or more of the following safety or infrastructure conditions exist:

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

**Action 1.M.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.M.3.d.** Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations; however, these rentals are required to comply with County transient occupancy tax requirements.

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

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

**Action 1.M.5.a.** Implement an education campaign regarding short-term rentals, which may include a flier 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.M.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 attorneys’ fees recovery.

**Action 1.M.5.c.** Maintain the anonymous reporting hotline for illegal rental activity and complaints.

**Action 1.M.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.M.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.

**Policy 1.M.6.** Consider how local market conditions and policy regulatory approaches taken in nearby areas affect the balance of rental unit availability and long-term housing.

**Action 1.M.6.a.** Consider amending the definition of “short-term rental” to include residences utilized as timeshares or co-owned vacation homes (i.e., the Pacaso vacation home model).

**Action 1.M.6.b.** Encourage adjacent and nearby jurisdictions such as the Town of Mammoth Lakes, the City of Bishop, and Inyo County to regulate short-term rentals.

## **Mono Basin**

**GOAL 10. Maintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development needs to enhance the quality of life for residents.**

### **Objective 10.B.**

Manage buildout of the Mono City subdivision to retain its rural character.

**Policy 10.B.1.** Limit the buildable area of Mono City to the existing subdivision footprint.

**Action 10.B.1.a.** Coordinate with the BLM to ensure the next update of the Bishop Resource Management Plan reflects the agreement to remove APN 019-110-010 from the BLM disposal list.

**Policy 10.B.2.** Prohibit all types of short-term rentals that may be permitted under Chapter 25 in Mono City.

## **June Lake**

**GOAL 13. That June Lake ultimately develop into a moderately sized, self-contained, year-round community.**

**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.** Visitor rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

**Action 13.M.1.a.** Hosted and Non-Hosted rentals (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below). For areas not listed, both Hosted and Non-Hosted rentals may be considered through the required permitting process.

**Action 13.M.1.b.** Prohibit Hosted and Non-Hosted rentals in the Williams Tract and Petersen Tract.

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

**Action 13.M.1.d.** No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the countywide discretionary permit(s) for short-term rentals.

**Action 13.M.1.e.** In the Clark Tract, Hosted and Non-Hosted rentals may be permitted year-round on Nevada Street and Silver Meadow Lane subject to the discretionary permit(s) for short-term rentals and June Lake Area Plan policies. In the rest of the Clark Tract, only Hosted 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 eight parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and Non-Hosted rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

**Action 13.M.1.f.** In the South 158 neighborhood, Non-Hosted rentals are prohibited. The June Lake Citizens Advisory Committee was evenly split on Hosted rentals, and therefore Hosted rentals may be permitted subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

**Action 13.M.1.g.** Hosted and Non-Hosted rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies. Short-term rental applications are discouraged on parcels accessed from Skyline Drive due to safety/infrastructure conditions referenced in Countywide Action M.1.3.a.

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

### **Long Valley**

**GOAL 23. Maintain the rural residential character of the Long Valley communities (i.e., Long Valley, McGee Creek, Crowley Lake/Hilton Creek, Aspen Springs, and Sunny Slopes) in a manner that provides for commercial uses to serve community needs, and that protects the area's visual, recreational, and natural resources.**

#### **Objective 23.B.**

Maintain, protect and enhance the quality and livability of community areas.

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

**Action 23.B.1.d.** Prohibit Non-Hosted short-term rentals (see Chapter 25) in the Long Valley Planning Area.

### **Wheeler Crest**

**GOAL 24. Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.**

#### **Objective 24.A.**

Prevent incompatible or conflicting uses within the Wheeler Crest community.

**Policy 24.A.3.** Retain the rural residential character of the entire study area.

**Action 24.A.3.f.** Prohibit all types of short-term rentals that may be permitted under Chapter 25 in the Wheeler Crest Planning Area.

### **Paradise**

**GOAL 25. Retain the natural, aesthetic, environmental and lifestyle qualities valued by residents as part of a rural community surrounded by healthy wildlands.**

#### **Objective 25.B.**

Retain a quiet, peaceful and tranquil residential atmosphere within the community.

**Policy 25.B.3.** Prohibit Non-Hosted short-term rentals (see Chapter 25) in the Paradise Planning Area.

**Tri-Valley**

**GOAL 26. Preserve the rural and agricultural character of the Tri-Valley area.**

**Objective 26.A.**

Integrate compatible residential development into the existing community character in Benton.

**Policy 26.A.1.** Allow for the continuation of growth in Benton in a manner that promotes and protects its rural and agricultural character.

**Action 26.A.1.i.** Prohibit Non-Hosted short-term rentals (see Chapter 25) in Benton.

**Objective 26.B.**

Preserve the agricultural character of the Hammil Valley.

**Policy 26.B.1.** Protect agricultural uses from the encroachment of incompatible land uses.

**Action 26.B.1.e.** Prohibit Non-Hosted short-term rentals (see Chapter 25) in Hammil Valley.

**Objective 26.C.**

Integrate additional compatible development into the existing community of Chalfant.

**Policy 26.C.1.** Allow for the continuation of growth in Chalfant in a manner that promotes and protects its rural and agricultural character.

**Action 26.C.1.f.** Prohibit Non-Hosted short-term rentals (see Chapter 25) in Chalfant Valley.

**NOTE: Antelope Valley and Bridgeport have no community-specific STR policies.**

## Commercial (C)

**INTENT: The “C” designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas, including commercial lodging and higher density housing, when found compatible with retail and service functions.**

**The creation of a pleasant and efficient environment for shopping and business is an important function of this district.**

### **PERMITTED USES**

- Any proposed change of use when conducted within an existing conforming, legally developed structure for the following retail and professional uses. Exterior structural alterations or additional parking shall require a Director Review. The following uses are examples of such permitted uses within existing structures:
  - Retail Trade – e.g., food, drug, hardware, limited apparel, liquor stores, limited department stores, dry goods, gift shops, home furnishings, paint, tires, bookstores, bakery, florist, pet supplies, health food stores, sporting goods, etc.
  - Services – e.g., finance, insurance and real estate, banks, title & escrow, real estate developers and builders, investment services, bail bonds, etc.
  - Personal Services – e.g., self-service laundries and dry cleaning, beauty salons, barbers, shoe repair, photographic services, cleaning and laundry, etc.
  - Business Services – e.g., business centers, general advertising, business and management consulting, employment services, etc.
  - Repair Services – e.g., electronics repair, furniture and jewelry repair, repair of anything sold in this district, etc.
  - Professional Services – e.g., physicians, dental and legal services, welfare and charitable services, medical and dental laboratories, etc.
  - Cultural/Religious Activities – e.g., churches, art galleries, museums, etc.
  - Food-service establishments – e.g., restaurants, delis, fast food, bars, etc.
  - Any combination of permitted uses
  - When found compatible with the intent, single-family residential, duplex and triplex, plus accessory structures
  - Small-scale agriculture
  - Transitional and Supportive Housing<sup>5</sup>
  - Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act

### **USES PERMITTED SUBJECT TO DIRECTOR REVIEW** (Director Review Processing, Ch. 31)

- All permitted uses if determined necessary by the Director
- Temporary uses: model homes, mobile-home display units, etc., only if one year or less
- All new construction for the purpose of conducting sales, business or services, including any uses listed above.
- All conversions from a prior use when exterior structural alterations or additional parking are required.
- Accessory buildings and uses.

### **USES PERMITTED SUBJECT TO USE PERMIT** (Use Permit Processing, Ch. 32)

- Household units; if found compatible with the district, apartments, condominiums, etc.
- Lodging – e.g., hotels, motels, time-share, RV parks, campgrounds, glamping, bed-and-breakfast establishments, etc.
- Transportation, communications – e.g., parking lot
- Retail trade – e.g., automotive service stations
- Educational – e.g., nursery and primary schools, private childcare facilities

- Miscellaneous services – e.g., religious activities
- Public – e.g., hospitals; post offices; water treatment plants; collection, sorting and transportation of recyclables; etc.
- Entertainment establishments – e.g., theaters, movies, cocktail lounges, bars, nightclubs, etc.
- Retail establishments – e.g., department stores, etc.
- Professional offices – e.g., medical complex, administrative centers, small animal hospitals and boarding kennels, etc.
- Buildings for conducting services – e.g., financial institutions, health clubs, convention centers, roller skating, bowling, indoor ice-skating, auto rental, fitness centers, etc.
- All of the permitted uses and uses subject to Director Review if determined necessary by the Director.
- Commercial cannabis activities: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code
- Short-term rentals (30 consecutive days or fewer) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan).

**DEVELOPMENT STANDARDS**

**Minimum Lot Area:** 10,000 sf<sup>4</sup>

**Minimum District Area:** 2 acres

**Minimum Lot Dimensions:** Width – 60’  
Depth – 100’

**Maximum Lot Coverage:** 60%, when principal use is a residential use  
70%, all other uses

**Minimum Setbacks:**

**Front:** 10’                      **Rear:** 5’                      **Side:** 0’

See Section 04.120 for other provisions.

**Density:** Residential uses – 15 du/acre  
Hotels, motels, bed-and-breakfast establishments, etc. – 40 units/acre

**Maximum Building Height:** 35’      See Table 04.010 for other provisions.

**Landscaping:** Fences and/or screening shall be required when abutting any residential district. Any use subject to use permit shall be required to either landscape (per approved landscape plan) or leave in natural open space (i.e., ungraded) all areas not covered by impervious surfaces.

**NOTES**

1. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
2. Densities stated are based upon availability of both community water and sewer.
3. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.
4. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.
5. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

**SEE ALSO**

**Land Development Regulations -**

Ch. 04            Development Standards – General

Ch. 06            Development Standards – Parking

Ch. 07            Development Standards – Signs

Table 04.010 Building Heights

## Commercial Lodging, Moderate (CL-M) and High (CL-H)

**INTENT: The “CL-M” designation is intended to provide commercial lodging units for short-term occupation in or near residential uses.**

**The “CL-H” designation is intended to provide short-term commercial lodging units in close proximity to commercial/recreational centers.**

### PERMITTED USES

- Single-family dwelling (manufactured homes are not permitted)
- Duplexes and triplexes
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Transitional and Supportive Housing including Single Room Occupancy facilities<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act

### USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- Short-term lodging complying with California Building Code standards for transient lodging facilities such as hotels, motels, lodges, visitor cabins, and other short-term lodging found to be similar by the Commission that do not exceed 2,500 square feet in floor area.

### USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17), campgrounds and glamping
- Recreational-vehicle parks (see Ch. 17)
- Projects containing four or more units such as condominiums, cooperatives, townhomes, cluster developments, and/or apartments
- Short-term lodging complying with California Building Code standard for transient lodging facilities such as hotels, motels, lodges, visitor cabins and other short-term lodging found to be similar by the Commission that exceed 2,500 square feet in floor area. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Short-term rentals (30 consecutive days or fewer) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan).
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

### DEVELOPMENT STANDARDS

#### Minimum Lot Area:

All uses – 10,000 sf<sup>4</sup>

Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes (mobile homes are not permitted)

<b>Minimum District Area:</b>	3 acres	CL-M
	5 acres	CL-H

If the land use designation and existing uses of abutting properties are compatible, a minimum district area of two acres may be considered.

**Minimum Lot Dimensions:** Width – 60', Depth – 100'

**Maximum Lot Coverage:** 60%

**Minimum Setbacks:**

**Front:** 10'                      **Rear:** 5'                      **Side:** 0'

See Section 04.120 for other provisions.

**Building Density:**

**CL-M**      Hotels, motels, lodges, bed-and-breakfast establishments, rental cabins and other similar uses  
              – 15 du/acre  
              Apartments, multifamily units, condominiums and similar uses – 15 du/acre

**CL-H**      Hotels, motels, lodges, bed-and-breakfast establishments, rental cabins and other similar uses  
              – 40 du/acre  
              Apartments, multifamily units, condominiums and similar uses – 15 du/acre

If density bonuses are granted (see 04.100 Density), in no case shall projects exceed 26 units/acre for residential units and 60 units/acre for commercial lodging units in the CL-H. Units designated as manager/employee housing unit shall not be counted in density calculations.

**Population Density:**

Maximum population density is 37.6 persons/acre for multifamily residential uses.

**Maximum Building Height:** 35'                      See Table 04.010 for other provisions.

**Landscaping:** Projects subject to use permit shall submit a landscape site plan at the time of application.

**NOTES**

1. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
2. Densities stated are based upon availability of both community water and sewer.
3. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" (Ch. 04, Uses not listed as permitted).
4. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.
5. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04                      Development Standards – General
- Ch. 06                      Development Standards – Parking
- Ch. 07                      Development Standards – Signs
- Table 04.010              Building Heights

## Mixed Use (MU)

**INTENT: The “MU” designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; to provide for efficient use of land and increased opportunities for affordable housing; to provide a transition between intensive commercial uses and residential uses; and to be applied to areas with existing mixed-use development.**

**MU transitional areas can limit the size of business establishments and restrict uses incompatible with residential district. Not all areas need contain residential uses. Commercial uses shall conform to strict standards that prohibit obnoxious odors, obtrusive light and glare, and excessive noise.**

### **USES PERMITTED**

- Single-family dwelling
- Manufactured home used as a single-family dwelling.<sup>1c</sup> Mobile homes are excluded from June Lake<sup>gp</sup>
- Duplexes and triplexes
- Accessory buildings and uses<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture
- Transitional and Supportive Housing including Single Room Occupancy facilities<sup>6</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.

### **USES PERMITTED SUBJECT TO DIRECTOR REVIEW** (Director Review Processing, Ch. 31)

- Residential uses – e.g., condominiums, townhomes, commercial lodging, cluster developments, and apartments
- Retail trade – e.g., food, drug, hardware, apparel, arts and crafts, sporting goods, bookstores, bakery, florist
- Social care facilities – e.g., medical and dental offices, welfare and charitable services
- Professional offices – e.g., real estate, financial, insurance, rental and reservation services, legal services
- Business services – e.g., business centers, general advertising, business and management consulting
- Recreational activities – e.g., health clubs, dance studios
- Food service establishments – e.g., restaurants, cafes, delicatessens
- Conversion or expansion of existing operations

### **USES PERMITTED SUBJECT TO USE PERMIT** (Use Permit Processing, Ch. 32)

- All of the above uses subject to Director Review, if determined to be necessary by the Community Development director
- Parking lots and parking structures other than required off-street parking when abutting a commercial district
- Religious and cultural activities – e.g., museums, art galleries, churches
- Small-scale malls, plazas, parks and related pedestrian open space
- Conversion or expansion of existing operations
- Mobile-home parks (see Development Standards – Mobile-home Parks and RV Parks, Ch. 17)<sup>c</sup>
- Recreational-vehicle parks (see Ch. 17), campgrounds and glamping<sup>c</sup>
- Manufactured housing subdivision (see Ch. 18)
- Commercial cannabis activity: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code



- Businesses operating within the zone shall not exceed a sustained or intermittent noise level of 60 dB( $L_{dn}$ /CNEL).
- Projects shall be reviewed for adverse impacts resulting from exterior lighting and signs.
- Uses involving or producing noxious fumes or odors shall not be permitted unless fumes or odors are treated or diffused prior to release from the generating source.
- Operations using and storing noxious chemicals including but not limited to pesticides and herbicides, other than those packaged for resale, large volumes of solvents or flammable liquids, will not be allowed.

### **NOTES**

1. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must: 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16); or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile-home and RV Parks). Mobile homes are excluded from June Lake.
2. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
3. Densities stated are based upon availability of both community water and sewer.
4. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" (Ch. 04, Uses not listed as permitted).
5. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.
6. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

### **SEE ALSO**

#### **Land Development Regulations –**

- Ch. 04            Development Standards – General
- Ch. 06            Development Standards – Parking
- Ch. 07            Development Standards – Signs
- Table 04.010    Building Heights

Land Use Element – Antelope Valley Policies, June Lake Policies, and Long Valley Policies

### **FOOTNOTES**

- c.            Clarification
- rp.          Recommendation from the Regional Planning Advisory Committee
- gp.          General Plan addition

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**Multi-Family Residential, Low (MFR-L), Moderate (MFR-M), High (MFR-H)**

**INTENT: The “MFR-L” designation is intended to provide for low-density multifamily residential development, such as duplexes and triplexes.**

**The “MFR-M” designation is intended to encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities; i.e., hotels, motels.**

**The “MFR-H” designation is intended to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels.**

**PERMITTED USES**

- Single-family dwelling
- Manufactured home used as a single-family dwelling<sup>1</sup> – MFR-L only<sup>C</sup>
- Duplexes and triplexes
- Accessory buildings and uses<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture<sup>2</sup>
- Transitional and Supportive Housing including Single Room Occupancy facilities<sup>6</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.

**USES PERMITTED SUBJECT TO DIRECTOR REVIEW** (Director Review Processing, Ch. 31)

- MFR-L: Model units
- None stated for MFR-M and MFR-H

**USES PERMITTED SUBJECT TO USE PERMIT** (Use Permit Processing, Ch. 32)

**MFR-L, MFR-M and MFR-H**

- Art galleries
- Quasi-public buildings and uses
- Public utility buildings and structures, not including service yards
- Country clubs and golf courses
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Parking lots and parking structures

**MFR-H only**

- Mobile-home parks (see Dev. Standards - Mobile Homes and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Social care facilities and related integrated professional offices
- Parking lots and parking structures when abutting a commercial district
- Hotels, motels, bed-and-breakfast establishments and dorms
- Short-term rentals (30 consecutive days or fewer) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan).
- Manufactured housing subdivision (see Ch. 18)

Short-term rentals (30 consecutive days or fewer) are prohibited in MFR-L and MFR-M. Existing transient rentals in MFR-L and MFR-M land use designations may continue to operate subject to their approvals after the effective date of GPA 25-    , but the rental right does not transfer to a new property owner. Properties sold and/or



In no case shall projects containing density bonuses exceed 26 units/acre. Units designated as manager/ employee housing unit shall not be counted in density calculations.

**MFR-H**

Hotels, motels, bed-and-breakfast establishments, etc. - 40 units/acre

**Population Density:** Maximum population density is 37.6 persons per acre for multifamily dwellings.

**Maximum Building Height:** 35' See Table 04.010 for other provisions.

**Landscaping:** Projects subject to use permit shall submit a landscape site plan at the time of application. A minimum of 5% of the building site shall be landscaped in the MFR-L designation.

**NOTES**

1. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks).
2. Accessory buildings, small-scale agriculture, and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
3. Densities stated are based upon availability of both community water and sewer.
4. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" (Ch. 04, Uses not listed as permitted).
5. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.
6. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

**SEE ALSO**

**Land Development Regulations –**

- Ch. 03 Uses Permitted
- Ch. 04 Development Standards - General
- Ch. 06 Development Standards - Parking
- Ch. 07 Development Standards - Signs
- Table 04.010 Building Heights

**FOOTNOTES**

- c. Clarification

## Natural Habitat Protection (NHP)

**INTENT: The “NHP” designation is intended to protect sensitive environmental habitats by minimizing site disturbance and development. Private lands placed in this district contain valuable wildlife habitat, scenic resources, and/or areas subject to natural hazards. Lands contained in this district are high priorities for land exchanges into public holding or purchases by land conservation organizations.**

### PERMITTED USES

- Single-family dwelling (excluding mobile homes)
- Accessory buildings and uses<sup>1</sup>
- Wildlife preserves, botanical preserves, wetland preservation/banking, and similar uses<sup>c, gp</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act

### USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- None listed.

### USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Construction of an accessory building prior to construction of the main building
- Limited-density residential development such as condominiums, cooperatives, townhouses, and cluster developments, if found to be compatible with the natural habitat area by the Commission
- Commercial lodging uses such as limited-scale hotels, motels, including lodges, bed-and-breakfast establishments, and cabins if found to be compatible with the natural habitat area by the Commission
- Recreation facilities, such as improved bike, cross country skiing, and pedestrian trails, golf courses, tennis courts, stables requiring modification of the natural landscape, if found to be compatible with the natural habitat area by the Commission
- Educational facilities such as a nature or interpretive center focusing on natural site characteristics, if found to be compatible with the natural habitat area by the Commission

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 2 acres

**Minimum District Area:** 5 acres

The Planning Commission may reduce the minimum district area in order to protect sensitive environmental habitats.

**Minimum Lot Dimensions:** None stated

**Maximum Site Disturbance:** 10% maximum lot coverage for all structures, parking and access is 5%. The county General Plan, area plans or specific plans may contain more-restrictive coverage limitations (i.e., see the June Lake Area Plan Natural Habitat Protection District policies). Project site plans shall show the extent of lot coverage and site disturbance.

**Minimum Setbacks:** 30 feet from any property line or road. Variances may be granted where the project is located to minimize impacts to significant natural site features, but shall not be granted to increase development intensity.

**Density:** 1 du/5 acres  
Commercial lodging units, one unit/three acres

**Population Density:** Maximum population density is one person/acre for commercial lodging uses.

**Maximum Building Height:** 24' See Table 04.010 for other provisions

**Additional Requirements:**

- Development projects in the NHP district shall be located in a manner that minimizes visual impacts on surrounding property owners and scenic highways or major thoroughfares. Visual screening may also be used to minimize visual impacts.
- Development projects, where feasible, shall be located away from or outside sensitive wildlife habitat areas.
- Projects in potential wetland areas shall receive 404 permit approvals or other applicable clearance from the Army Corps of Engineers prior to applying for County development permit.
- Other requirements may be required in area or specific plans.

**NOTES**

1. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
2. Large-scale projects may be subject to a specific plan (Ch. 36) in conformance to the General Plan.
3. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.

**SEE ALSO**

**Land Development Regulations –**

- Ch. 03 Uses Permitted
- Ch. 04 Development Standards – General
- Ch. 06 Development Standards – Parking
- Table 04.010 Building Heights

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition

## Rural Resort (RU)

**INTENT: The “RU” designation is intended to provide appropriate sites for outdoor recreation facilities and limited visitor-oriented facilities and services in rural areas of the county. The district is intended to protect the environment and rural character of an area while allowing for compatible development.**

### PERMITTED USES

- Single-family dwelling
- Accessory buildings and uses<sup>1</sup>
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing including Single Room Occupancy facilities<sup>4</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act

### USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- None stated

### USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Construction of an accessory building prior to construction of the main building
- Recreational-vehicle parks (see Dev. Standards – Mobile-home and RV Parks, Ch. 17), campgrounds and glamping
- Short-term lodging complying with California Building Code standards for transient lodging facilities such as hotels, motels, lodges, visitor cabins, and other short-term lodging found to be similar by the Commission.
- Ancillary uses such as limited restaurants, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Short-term rentals (30 consecutive days or fewer) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan).
- Commercial recreational facilities such as cross country ski facilities, equestrian facilities, golf courses and facilities (if developed in conjunction with lodging facilities), marinas and boathouses
- Employee housing, if developed in conjunction with recreational/lodging facilities

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 5 acres

**Minimum Lot Dimensions:** Width – 60’  
Depth – 100’

**Site Disturbance:** 10% (includes a maximum of 5% lot coverage).  
Maximum site disturbance may be increased if the remainder of the parcel is preserved as open space in perpetuity.

**Minimum Setbacks:**

**Front:** 30'                      **Rear:** 30'                      **Side:** 30'

**Building Density:** One du per 5 acres and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units. Lodging facilities may not exceed a maximum intensity of 40 units/acre and a total of 150 units/site. Spaces for recreational vehicles may not exceed a maximum density of 17 spaces/acre. Density for mixed uses on one parcel; e.g., motel units and RV spaces will be calculated at a proportionate rate.

**NOTES**

1. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks).
3. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.
4. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04              Development Standards – General
- Ch. 06              Development Standards – Parking
- Ch. 07              Development Standards – Signs
- Table 04.010      Building Heights

**GENERAL PROVISIONS**  
**CHAPTER 02 – DEFINITIONS**

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**02.010 Context and General terminology.**

The terms and definitions contained in this chapter shall be used to assist in interpreting the provisions of the Land Development Regulations only.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, those in the plural number include the singular; "or" includes "and," and "and" includes "or."

- A. "Commission" means the Planning Commission of Mono County.
- B. "County boundary" means the boundary of Mono County.
- C. "Division" means the Planning Division.
- D. "Director" means the Director of Community Development In the case of Minor Variances pursuant to section 01.041, the Director shall serve in a capacity similar to the zoning administrator as defined in Government Code section 65901."
- E. "Federal" means the government of the United States of America.
- F. "Used" includes "arranged for, designed for, occupied or intended to be occupied for."

**02.020 Abutting.**

"Abutting" means having a common border.

**02.030 Accessory building or use.**

"Accessory building or use" means a subordinate building or use incidental to that of the main building or main use on the same lot.

**02.031 Accessory dwelling unit**

"Accessory dwelling unit" means a secondary residential unit located on the same parcel as the primary residential unit. It provides complete, independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It can be either attached to or detached from the existing residential unit, dependent on the lot or parcel size (see Ch. 16, Development Standards – Accessory Dwelling Units).

**02.040 Acreage.**

- A. Acreage, gross. "Gross acreage" means the total lot or parcel area as determined through calculations based on the recorded legal description for the subject property.

B. Acreage, net. "Net acreage" means the total lot or parcel area remaining after existing and/or proposed rights of way have been excluded.

**02.050 Adjacent.**

"Adjacent" means near, close or abutting; e.g., a retail business district across the street or highway from a residential district shall be considered as "adjacent."

**02.060 Agriculture.**

"Agriculture" means the art, science or practice of farming, including the cultivation and harvesting of crops and rearing and management of livestock; tillage; husbandry; horticulture; aquaculture and forestry, the science and art of the production of plants and animals useful to man.

**02.070 Airport.**

"Airport" means any area that is intended and used for the regular taking off and landing of conventional aircraft, including helicopters, and any appurtenant areas that are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and "tie-down" areas.

**02.080 Alley.**

"Alley" means a passage or way open to public travel, affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**02.090 Alquist-Priolo Earthquake Fault Land Use Designations and Land Development Regulations Act.**

"Alquist-Priolo Earthquake Fault Land Use Designations and Land Development Regulations Act": Also known as the Alquist-Priolo Earthquake Fault Zones as of January 1994, its purpose is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage areas, called "Special Studies Zones," along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

**02.110 Animal hospital, large.**

"Animal hospital, large" means any premises used for the treatment, care, boarding, and grooming of large or small animals, and not conducted wholly within a building.

**02.120 Animal hospital, small.**

"Animal hospital, small" means any premises used for the treatment, care, boarding, and grooming of dogs, cats and similar size animals, with all operations being conducted wholly within a building unless otherwise specified in the use permit.

**02.130 Apartment.**

"Apartment" means a room or suite of two or more rooms forming a residence, typically in a building containing more than one of these.

**02.140 Automobile wrecking yard.**

"Automobile wrecking yard" means the same as junkyard.

**02.150 Bed-and-Breakfast.**

"Bed-and-Breakfast" establishment means a transient dwelling other than a hotel or dorm where lodging and meals are provided for compensation. Further, no meal service may be provided other than for guests staying on the premises.

**02.160 Block.**

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets, unsubdivided acreage, watercourse or body of water.

**02.170 Buffer.**

"Buffer" means a strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area that separates two unlike land uses, such as multifamily housing between single-family housing and commercial uses.

**02.180 Building.**

"Building" means any structure built for the support, shelter or enclosure of any person, animal, or for storage.

**02.190 Building, accessory.**

"Building, accessory" means a subordinate building, the use of which is incidental to that of a main building on the same building site.

**02.195 Building, envelope.**

"Building Envelope" mean a three dimensional zone that limits the extents of a building in any direction.

**02.200 Building, main.**

"Building, main" means a building in which is conducted the principal use of the building site upon which it is located. In any residential district, any dwelling shall be deemed to be a main building on the building site upon which it is located.

**02.210 Building site.**

"Building site" means a parcel of land occupied or intended to be occupied by one building or group of buildings and uses customarily accessory and incidental thereto, including such open spaces as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located.

**02.220 Business.**

"Business" means the retail or wholesale sale, provision of service, or handling of any article, substance or commodity for profit or livelihood

**02.230 Campground.**

"Campground" means any area or tract of land with one or more spaces available for transient recreational occupancy (less than 30 days) upon which individuals may occupy individual campsites overnight. "Campground" does not include "Glamping" as defined in 02.541. or "Recreational-vehicle park" as defined in 02.980.

**02.231 Caretaker’s unit.**

“Caretaker’s unit” means a dwelling unit that is secondary and accessory to an existing allowed use that is occupied by a person engaged on-site for the purpose of care and protection of the property.

**02.240 Carport.**

"Carport" means an accessible and usable covered space of not less than the required dimensions for a parking space for the storage of automobiles. Carports shall be located to meet the setback and building height requirements of the land use designations and, land development regulations.

**02.250 Cattle feed yard.**

"Cattle feed yard" means any premises on which cattle are held or maintained for the purpose of feeding and fattening for market and where 60% or more of the feed for such cattle is imported or purchased.

**02.260 Cemetery.**

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**02.270 Club.**

"Club" means an association of persons (whether incorporated or not) religious or otherwise, for a common purpose, but not including groups organized primarily to render a service carried on as a business for profit.

**02.280 Combining district.**

“Combining districts” are intended to provide an additional mechanism that can more precisely portray unique constraints or opportunities and may be applied to the underlying base designation (e.g., SFR, ER, AG, etc.). To establish a combining district the procedures outlined Chapter 48, Amendments, shall be followed.

**02.290 Cluster development.**

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

**02.300 Conversion of existing residential facilities to other uses.**

"Conversion of existing residential facilities to other uses" means single-family or multifamily developments or apartments and mobile-home parks that are converted to another use, including the conversion to no use or cessation of use as residential facilities.

**02.310 (a) Condominium, commercial.**

"Condominium, commercial" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for commercial purposes such as offices and stores.

**02.310 (b) Condominium, industrial.**

"Condominium, industrial" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for industrial purposes such as manufacture, and assembly.

**02.310 (c) Condominium, residential.**

"Condominium, residential" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used as a residence.

**02.310 (d) Condominium, hotel.**

"Condominium, hotel" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for vacation residence. A "condo-hotel" may or may not contain cooking facilities. Further, all development requirements part of a residential condominium shall be requirements of a condo-hotel. (Exception: If this is for financing purposes as specified in a Development Agreement or other agreed upon mechanism for a "hotel," these requirements shall not apply).

**02.320 Contiguous.**

"Contiguous" means in actual close contact; touching; bounded or traversed by. Property shall be considered as contiguous units, even if it is separated by roads, streets or easements.

**02.330 Consistency.**

"Consistency" means a review to ensure that all plans and actions conform to guidelines of this General Plan and Area General Plans.

**02.340 Country club.**

"Country club" means the land area and buildings containing recreational facilities, clubhouse, and usual accessory uses, open only to members and their guests for a membership fee.

**02.350 Court.**

"Court" means open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and that is bounded on two or more sides by such buildings or structures.

**02.360 Density.**

"Density" means the ratio of dwelling units to net acreage.

**02.370 Design.**

"Design" means: 1) street alignments, grades and widths; 2) drainage and sanitary facilities and utilities, including alignments and grades thereof; 3) location and size of all required easements and rights of way; 4) fire roads and firebreaks; 5) lot size and configuration; 6) traffic access; 7) grading; 8) land to be dedicated for park or recreational purposes; and 9) such other specific physical requirements in the plan and configuration of a project as may be necessary to ensure consistency with or implementation of the General Plan, or any applicable specific plan.

**02.375 Designation**

"Designation" means "Land Use Designation" (defined below).

**02.380 Design Review Committee.**

"Design Review Committee (DRC)" means a person or persons appointed by the Board of Supervisors to review all applications for commercial structures, multifamily development, signs, and/or other new construction as defined by the DRC within a defined design review district. See also Land Use Element, Chapter 9.

**02.390 Development agreement.**

"Development agreement" means a contract or agreement whereby the County is authorized to enter into an agreement with developers that set forth the rules that will govern a development as it proceeds through the approval process. A development agreement must specify the time during which the County agrees not to change its regulations, and may also include any other terms and conditions including time schedules for development or additional public services and facilities to be provided by the developer.

**02.400 Deviation.**

"Deviation" means authorized variances from required distances, setbacks, areas or physical improvements.

**02.410 District area.**

"District area" means all land area within a specific land use designation. For instance, the SFR district area in a specific community may contain 50 acres. Acreage for any district area is calculated based on all contiguous property in a single land use designation.

**02.420 Dorm.**

"Dorm" means a transient lodging other than a hotel/motel, bed-and-breakfast or single-family residence. A dorm usually contains common sleeping, bathroom and kitchen facilities.

**02.430 Duplex.**

"Duplex" means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

**02.440 Dwelling.**

"Dwelling" means a structure or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, but not including hotels, motels, dorms, travel trailers, or tents.

**02.450 Dwelling, multifamily.**

"Dwelling, multifamily" means a building designed or used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

**02.460 Dwelling, one family.**

"Dwelling, one-family" or "single family" means a detached building designed or used exclusively for the occupancy of one family and having kitchen and toilet facilities for only one family.

**02.470 Environmental impact.**

"Environmental impact" means projected long- or short-term effects (adverse or beneficial) that a development project or plan may have on the natural and built environment if the project is carried out.

**02.480 Factory-built housing.**

"Factory-built housing" means a residential building, dwelling unit, or an individual dwelling room, or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site in accordance with building standards published in the State Building Standards Code and other regulations adopted by the Commission pursuant to Section 19990. Factory-built housing does not include a mobile home, as defined in Health and Safety Code Section 18008, mobile accessory building or structure, as defined in Health and Safety Code Section 18010, a recreational vehicle, as defined in Health and Safety Code Section 18010.5, or a commercial coach, as defined in Health and Safety Code Section 18012 (see Health and Safety Code Section 19971).

**02.490 Family.**

"Family" means a person or persons living together as a single housekeeping unit in a dwelling unit.

**02.500 Farm-labor quarters.**

"Farm-labor quarters" means rooming or boarding houses, bunkhouses, trailers, mobile homes or mess halls for any number of farm laborers customarily employed principally on land owned or leased by the person or persons engaged in the agricultural enterprise, and located on the premises. Farm labor quarters also means farm labor housing where two or fewer families are provided living quarters or housing accommodations.

**02.510 Findings.**

"Findings" mean a set of conclusions that are required before specified permits, deviations, ordinance changes or other entitlements may be granted.

**02.515 Flag lot.**

"Flag lot" means a lot with two distinct parts: 1) The "flag" that is the building site; and 2) The "pole" that provides access and street frontage. See Section 04.310.

**02.520 Floor area ratio.**

"Floor area ratio" means the ratio of gross (e.g., including halls, restrooms, storage areas) floor area to total lot area expressed as a fraction.

**02.530 Garage, private.**

"Garage, private" means a detached accessory building or a portion of the main building on the same lot as a dwelling for the storage of vehicles of occupants of the dwelling.

**02.540 Garage, public.**

"Garage, public" means any premises, except those defined in this chapter as a private garage, used for the storage and/or repair of motor vehicles, or where any such vehicles are equipped for operation or repair (i.e., tow trucks), or kept for remuneration, hire or sale.

**02.541 Glamping.**

"Glamping" means a form of "glamorous camping" for a transient occupancy, where guests occupy detached units and/or permanently installed vintage recreational vehicles but which are

not a conventional hotel, motel, or cabin facilities. Permanent units must comply with the California Building Code. “Glamping” does not include “Campgrounds” as defined in 02.230 or “Recreational-vehicle park” as defined in 02.980.

**02.550 Golf course.**

"Golf course" means a golf course with a minimum of nine holes, none of which shall be less than a three par.

**02.560 Guesthouse.**

"Guesthouse" means an accessory use to a residence that may contain living and sleeping spaces, including bathrooms, but not facilities for the cooking of food.

**02.570 Grade, natural.**

"Grade, natural" means the incline of the surface of earth along a continuous slope before its alteration by the works of man (including any interim grading, whether authorized or not).

**02.580 Height of building.**

"Height of building" means the vertical distance from grade to the topmost point of the building, but excluding certain features as specified in Section 04.110 as set forth in subsection A and B of that section. All height shall be calculated from the natural or finished grade, whichever is more restrictive.

**02.590 Home occupation.**

"Home occupation" means any use that can be carried on within a dwelling by the inhabitants thereof and that is clearly incidental and secondary to the residential use of the dwelling, See section 04.290

**02.600 Host.**

A “Host” must occupy the subject property or a physically contiguous property of a proposed short-term rental location and means a) the property owner or b) an adult relative of the property owner occupying the property on a long-term basis, or c) a long-term resident of record as established through a valid long-term lease or other written record.

**02.610 Hosted rental.**

“Hosted rental” means a short-term rental where the Host is living on site and present during any and all rentals. The rental unit must be located on the same property as, or on a property physically contiguous with, the residence of the Host.

**02.620 Hotel.**

"Hotel" means a facility, other than a bed & breakfast, with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc.

**02.630 Hotel, resort.**

"Hotel, resort" means a hotel with accessory recreational components, as well as service uses designed primarily for the convenience of guests.

**02.640 Industrial park.**

"Industrial park" means a single parcel or group of parcels of land designated to provide for a combination of light and moderate industrial uses that do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to a degree that might be obnoxious or offensive to persons conducting a business in this or any adjacent district. Where applicable, the provisions outlined in Nuisances and Hazards, Section 04.250 shall apply.

**02.650 Infrastructure.**

"Infrastructure" means the basic utilities and services necessary to support development; e.g., sewer, water and roads.

**02.660 Joint-use parking.**

"Joint-use parking" means the common use of parking space(s) among businesses on the same lot whose operating hours do not overlap.

**02.670 Junkyard.**

"Junkyard" means the use of more than 200 sq. ft. of the area of any parcel, lot or contiguous lots for the storage of junk, including scrap metals or other scrap materials and for the dismantling, wrecking or storage of used automobile or vehicles or machinery or parts thereof.

**02.680 Kennel.**

- A. Kennel, private. "Private kennel" means any property where dogs and cats over the age of 4 months are kept in accordance with the requirements of Section 04.270 for the use and enjoyment of the occupant for noncommercial purposes.
- B. Kennel, boarding or commercial. "Boarding or commercial kennel" means any facility other than a private kennel, including, but not limited to, a facility for the keeping, boarding, breeding, training and maintaining of more than four dogs of 4 months of age or older, whether for a fee or not, or for sale.

**02.690 Kitchen.**

"Kitchen" means any room, all or part of which is designed or used for cooking and the preparation of food.

**02.700 Land Development Technical Advisory Committee.**

"Land Development Technical Advisory Committee" (LDTAC) means a technical committee consisting of the director of Public Works, the Community Development director and the Environmental Health director, and any other affected County departments, or their designated representatives. This body shall act in a technical capacity to the Commission. This body reviews and makes recommendations on all subdivisions, land divisions, use permits, general plan amendments, land use redesignations and preapplications.

**02.705 Land use designation.**

"Land use designation" is a general category or class of land use activity (e.g., "residential," "commercial" or "industrial") that is permitted to occur on specific parcels of land in the unincorporated area of the county that have been duly assigned that designation by the County pursuant to this Land Use Element of the General Plan. Land use designations are generally described in Section IV of this Land Use Element and their specific assignments to individual parcels of land in the unincorporated area of the county are depicted in the Land Use Maps available at <https://monomammoth.maps.arcgis.com>. Because assigned land use designations

essentially create regulatory boundaries or areas within which certain permitted uses may occur, parcels of land are sometimes described under these Land Development Regulations as being located within their assigned land use designations. Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation. (See Section 01.060 of these Land Development Regulations.) Please see "Section IV. Land Use Designations" for an explanation of dual, split and mixed designation (MD) land use designations.

**02.710 Landscaping.**

"Landscaping" means the use of plant and natural materials, paving materials or structural materials in order to amend and enhance the exterior environment on any parcel, public right of way and easement or to reestablish or reinforce the existing natural environment.

**02.715 Long-term rental.**

"Long-term rental" means any residential dwelling (as defined within this Chapter), or portion of a residential dwelling, which is occupied, or intended to be occupied, for a period of 31 or more consecutive calendar days for purposes of sleeping, lodging or similar reasons in any land use designation. "Long-term rental" means occupancy by persons other than the owner, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 31 or more consecutive calendar days.

**02.720 Lot.**

"Lot" means land occupied or to be occupied by a use, building or a unit group of buildings and uses and accessory buildings and uses, together with such yards, open spaces and lot width and area as are required, and having frontage upon a street; or an area or parcel shown on and created by a final or parcel map recorded with the County Recorder.

**02.730 Lot coverage.**

"Lot coverage" means the percentage of a lot encumbered by impervious areas, structures and modifications, including decks. Specified requirements may be modified for substandard lots.

**02.740 Lot, double-frontage.**

"Lot, double-frontage" or through lot means a lot other than a corner lot that has frontage on two parallel or approximately parallel streets. Required front yards shall be measured from both street frontages.

**02.750 Lot depth.**

"Lot depth" means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**02.760 Lot width.**

"Lot width" means the distance measured at the building setback line along a line or arc that is parallel or concentric to the right of way.

**02.770 Manufactured housing.**

The term manufactured home and mobile home may be used interchangeably in the General Plan, however permitting and use shall be pursuant to State law in regard to its definition of manufactured housing. "Manufactured housing" means a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a

permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under Part 2 of Division 13 (18000 et seq.) of the Health and Safety Code. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.) (see Health and Safety Code Section 18007).

**02.780 Manufactured-housing subdivision.**

"Manufactured-housing subdivision" means any area or tract of land where two or more lots are created in accordance with applicable provisions of Title 17 of the Mono County Code for the exclusive use of manufactured-housing units that are defined to include mobile homes and factory-built housing.

**02.790 Mobile home.**

The term manufactured home and mobile home may be used interchangeably in the General Plan, however permitting and use shall be pursuant to State law in regard to its definition of mobile home. "Mobile home" means a structure that meets the Health and Safety Code requirements of Health and Safety Code Section 18007. "Mobile home" does not include a commercial coach, as defined in Health and Safety Code Section 18001.8, factory-built housing, as defined in Health and Safety Code Section 19971, or a recreational vehicle, as defined in Health and Safety Code Section 18010 (see Health and Safety Code Section 18008). "Commercial coach" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in Section 635 of the Vehicle Code (see Health and Safety Code Section 18001.8).

**02.800 Mobile-home display units.**

"Mobile-home display units" means any mobile home or mobile homes that are used solely for the purpose of displaying units offered for sale by the developer of an approved mobile-home park or subdivision in the area.

Mobile-home display units are deemed to be temporary and shall be removed from the site at the completion of the sales program or upon termination of any permit issued for that use. Mobile-home display units shall not be used at any time for living quarters unless installed on legal mobile-home lots that provide all necessary support requirements.

**02.810 Mobile-home park.**

"Mobile-home park" means any area or tract of land designed as a single unit where two or more mobile-home lots or spaces are rented or leased, or held out for rent or lease to accommodate mobile homes used for dwelling purposes.

**02.820 Modular.**

Refer to factory-built housing definition, Section 02.480.

**02.830 Model home or unit, temporary.**

"Model home or unit, temporary" means any dwelling unit or units that are used solely for the purpose of displaying units offered for sale and that are temporary in nature, the unit or units

to be removed from the site at the expiration of any permit issued for the use. Temporary model homes or units shall not be used at any time as living quarters.

**02.840 Motel.**

"Motel" means a building or buildings containing guest rooms or units with associated automobile parking spaces designed and used primarily for the accommodation of transient automobile and other travelers.

**02.850 Nonconforming.**

"Nonconforming" means the existence or use of land, a building, a structure or portion thereof, that does not conform to the regulations of the land development regulations and that lawfully existed at the time the regulations with which it does not conform became effective.

**02.855 Non-Hosted rental.**

"Non-Hosted rental" means a short-term rental where a Host is not required to be present during rentals.

**02.860 Nurseries.**

"Nurseries" means the retail or wholesale handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals and other nursery goods and related products. The bulk sale or bulk storage of fertilizers, soils, chemicals and other garden supplies shall be within a building.

**02.870 Open space.**

"Open space" means land where basic natural values have been retained. Open space can include wilderness areas as well as a small park in the middle of town, pastures, forested areas, agricultural uses, golf courses, flood washes, ski runs, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve the function of recreation or a scenic function to provide aesthetic views of forests or mountains.

**02.880 Outdoor sales.**

"Outdoor sales" means any retail sales operation conducted either partially or entirely outside, in a motorized vehicle, or temporary structure (i.e., tent, vegetable stand, etc.).

**02.890 Overlay district.**

"Overlay district" means an area within which a set of standards and requirements are employed to deal with special physical characteristics such as hazardous areas. Overlay districts are sometimes described in the general or area plans and are mapped and/or imposed in conjunction with, and in addition to, those of the underlying land use designation.

**02.900 Parking space.**

"Parking space" means a usable space on the building site at least 10' x 20' if over 7,000' elevation and at least 9' x 18' if covered or under 7,000' elevation. Such space shall be located off the street with adequate access to such space.

**02.910 Parking, underground structure.**

"Parking, underground structure" is an improved, covered parking lot built beneath the structure that it primarily serves, and not extending more than 5 feet above the finished grade. Building height is then measured from the top of the underground parking structure.

**02.912 Permitted Use.**

"Permitted use" means a typical land use that is allowed within a particular land use category; permitted uses listed for each land use designation are *examples* of permitted uses within that designation. Additional specific uses may be permitted if they are similar to the listed uses; see 04.020-04.050. A permitted use is considered to be consistent with the objectives of the General Plan. Permitted uses may also be subject to performance or other development standards, applicable area or specific plans, and either ministerial or discretionary approval.

**02.915 Pool.**

"Pool" means a man-made structure containing water and open at the surface that is installed permanently within the ground. A pool may be used for human use, aesthetics or otherwise.

**02.920 Poultry farms.**

"Poultry farms" means the raising and/or keeping of chickens, ducks, geese, pigeons, pheasants, or guinea fowl for commercial purposes.

**02.930 Professional office.**

"Professional office" means an establishment for professional, executive or administrative offices, including those of accountants, lawyers, medical doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents and other occupations that are of similar character to those enumerated, but not including barbers, beauty salons, cosmetologists or other service establishments or building trades contractors.

**02.940 Public buildings and uses.**

"Public buildings and uses" means any civic- or service-oriented facility available to the general public including such uses but not limited to schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, administrative offices, hospitals and other governmental facilities.

**02.950 Public utility buildings, structures and uses.**

"Public utility buildings, structures and uses" means the use of land for public utility purposes by public, quasi-public and private energy and communication purposes and distributors except for conventional electrical distribution substations and facilities. Hydroelectric, geothermal power plant construction, and cell/communication towers are considered to fall within this definition.

**02.960 Quasi-public buildings and uses.**

"Quasi-public buildings and uses" means a use operated by a private nonprofit educational, religious, recreational, charitable, fraternal or medical institution, association or organization, and including but not limited to such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls, private hospitals and similar uses.

**02.970 Recreational vehicle.**

"Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreation or emergency occupancy, which is 8 feet or less in overall width and 40 feet or less in overall length, or a bus conversion

for human habitation, and for which a special permit and/or chauffeur's license is not required by the California Vehicle Code to move such vehicle on a public highway.

**02.980 Recreational-vehicle park.**

"Recreational-vehicle park" means any area or tract of land where two or more lots or spaces are rented or leased, or held out for rent or lease to owners or users of recreational vehicles that are occupied for temporary purposes or seasonal use. A recreational-vehicle park may allow the use of tents or other temporary camping facilities either in place of a recreational vehicle or in a separate designated area within its confines and considered as part of the number of approved lots or spaces in the park. In addition, an "RV" park normally contains provisions for electrical and sanitary hookups.

**02.990 Scenic Highway.**

"Scenic Highway" means any freeway, highway, route, road, street, boulevard, or other public right of way that traverses an area of land generally adjacent to (within 1,000 feet) and visible from the highway, which requires protective measures to ensure preservation of its scenic qualities.

**02.1000 Scenic Highway Corridor.**

"Scenic Highway Corridor" means the area of land generally adjacent to (within 1,000 feet) and visible from the highway, which requires protective measures to ensure preservation of its scenic qualities.

**02.1010 Screening.**

"Screening" means the use of fences, hedges, and walls as well as earth mounds and the massing of trees and shrubs in order to mitigate visual nuisance generated by specific land uses and to protect the amenities of abutting land use districts in accordance with the intent of those districts.

**02.1020 Service station.**

"Service station" means a retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair. Major automotive repairs, painting, and body and fender work are excluded except where such uses are otherwise permitted in the district.

**02.1030 Setback line, street.**

"Setback line, street" means a line that defines the depth of the required street setback, front yard, side yard or side street where said yard or yards abut a street. Said street setback line shall be parallel or concentric with the street right-of-way line.

**02.1035 Short-term rental.**

"Short-term rental" means any residential dwelling (as defined within this Chapter), or portion of a residential dwelling, which is occupied, or intended for occupancy, on a short-term basis for purposes of sleeping, lodging or similar reasons in any land use designation. "Short-term" means occupancy by persons other than the Host, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. Prior to GPA 25- [ ] (insert date), the term "short-term rentals" applied to such

uses in residential land use designations only (governed by Chapter 25 and Mono County Code Chapter 5.65), in contrast to “transient rentals” which occurred on non-residential designations. After this date, the term “short-term rentals” applies to such uses in all land use designations.

**02.1040 Sign.**

"Sign" means any words, letters, numerals, emblems, designs, or other marks shown on any card, cloth, paper, metal, painted surface, glass, wood, plaster, stone or other device of any kind or character by which anything is made known and used to attract attention.

**02.1042 Single Room Occupancy.**

“Single room occupancy” (SRO) means a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer. SROs are a land use similar to apartments and condominiums.

**02.1045 Site disturbance.**

“Site disturbance” means the portion of a parcel that has been changed from its natural condition during the process of development, including but not limited to areas altered by structures, parking areas, roads and driveways, and graded areas. It does not include areas used for agricultural operations. Land that has been disturbed but that has subsequently been reclaimed or revegetated is not counted in the calculation of site disturbance. “Site disturbance” includes the area considered as lot coverage (structures and impervious surfaces). Lot coverage and site disturbance are calculated using gross coverage/disturbance for parcels one acre or more in size; and net coverage/ disturbance for parcels under one acre in size.

**02.1050 Site plan.**

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensions all of the uses proposed for a specific parcel of land taking into consideration the natural and man-made characteristics of the parcel.

**02.1060 Site plan review.**

"Site plan review" means the review by the County of a site plan and other studies to assist the County in determining the manner in which the applicant intends to make use of his property.

**02.1063 Small-scale agriculture.**

“Small-scale agriculture” means gardens and orchards producing food for human consumption that do not exceed 10% of the total lot area. Such agriculture may be for personal or community use. Landscaping is not considered small-scale agriculture.

**02.1065 Snow storage area.**

"Snow storage area" means an area set aside for the storage of snow. The area may be landscaped, paved or covered with natural vegetation. See Section 04.300, Snow storage requirements.

**02.1070 Social care facility.**

"Social care facility" means any facility in the general classification of a boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent-child boarding home. These facilities consist of a building or group of buildings used or

designed for the housing of sick, demented, injured, convalescent, infirm or well, normal healthy persons, requiring licensing or certification by regulating government agencies.

**02.1080 Special event.**

"Special event" means any organized activity, event, procession, or assemblage of persons for which there is not an outstanding use permit, that is held over a temporary or limited number of days. See Mono County Code Chapter 5.50.

**02.1090 Stable, private.**

"Stable, private" means a detached accessory building for keeping of horses, burros or mules that are owned by the occupants of the premises. Private stable buildings are not otherwise available for rent or boarding purposes

**02.1100 Stable, public.**

"Stable, public" means a stable other than a private stable for keeping of horses.

**02.1110 Street line.**

"Street line" means the boundary between a street, public or private, and abutting property.

**02.1120 Street, public.**

"Street, public" means a street, road or way, but not an alley; dedicated to, owned by or maintained by a state, county or incorporated city.

**02.1121 Strip commercial.**

"Strip commercial" is a form of commercial development in which each establishment is afforded direct access to a major thoroughfare through a shared parking lot; generally associated with intensive use of signs to attract passersby.

**02.1130 Structural alterations.**

"Structural alterations" means any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joists, roof diaphragms, foundations, pipes or retaining walls.

**02.1140 Structure.**

"Structure" means anything that is built or constructed (definition from the California Building Code), but for the purposes of this General Plan shall not include fences under 7 feet in height and retaining walls less than 4 feet in height.

**02.1141 Square Footage.**

"Square Footage," for the purposes of General Plan policies, shall be calculated based on the exterior foundation footprint of the unit. All interior space, whether habitable, conditioned, or otherwise, shall count toward the total square footage of the unit.

**02.1150 Subdivision.**

"Subdivision" means the division, by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing whether immediate or future except for leases of land for agricultural purposes. Property shall be considered contiguous even if it is separated by roads, streets, utility easement or railroad rights of way. Subdivision includes a condominium project, as defined in Section 1350 of the Civil Code, a community

apartment project, as defined in Section 11004 of the Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this definition, agricultural purposes mean the cultivation of food or fiber or the grazing or pasturing of livestock.

**02.1160 Substandard lot.**

"Substandard lot" means a unit of land, the area, width or other characteristics that fails to meet the requirements of the land use designation in which it is located.

**02.1165 Supportive housing.**

"Supportive housing" means permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

**02.1170 Temporary use.**

"Temporary use" is any use or occupation of any building or land for a period of 180 days or less.

**02.1180 Time-share project.**

"Time-share project" is any project in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has or will be allotted from the use or occupancy periods.

**02.1190 Time-share estate.**

"Time-share estate" is a right of occupancy in a time-share project that is coupled with an estate in real property.

**02.1200 Time-share use.**

"Time-share use" is a license, certificate or contractual or membership right of occupancy in a time-share project that is coupled with an estate in real property.

**02.1201 Tract housing.**

"Tract housing" is a style of housing development in which multiple identical or nearly identical homes featuring similar color, texture and form are built together on a single tract of land.

**02.1210 Transient rental.**

"Transient rental" means any residential dwelling (as defined within this Chapter) or portion of a residential dwelling, which is occupied, or intended for occupancy, by transients for purposes of sleeping, lodging or similar reasons. A "transient" is any person who exercises occupancy, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, the term "transient rental" applies to such uses in non-residential land use designations only prior to GPA 25- [redacted] (date). This term is no longer used for new approvals after GPA 25- [redacted] (date).

**02.1215 Transitional housing.**

"Transitional housing" means a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing.

**02.1220 Travel trailer.**

"Travel trailer" means a recreational vehicle. See Section 02.970.

**02.1230 Use.**

"Use" means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

**02.1240 Use, accessory.**

"Use, accessory" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

**02.1245 Visitor rentals.**

"Visitor rentals" means all permitted short-term rentals, vacation home rentals and transient rentals including, but not necessarily limited to, Transient Rental Overlay Districts (TRODs), Short-Term Rental Activity Permits, Vacation Home Rental Permits, Use Permits, or by-right with a business license and transient occupancy tax certificate. "Visitor rentals" does not include traditional lodging facilities.

**02.1250 Yard.**

"Yard" means an open space other than a court on the same building site with a building, which open space is unoccupied and unobstructed from the ground upward, not including any portion of any street or alley or road right of way.

**02.1260 Yard, front.**

"Yard, front" means that portion of the lot adjacent to a street right of way, extending between the side lot lines to a depth required by the district in which the lot is located.

**02.1270 Yard, rear.**

"Yard, rear" means a yard extending across the back of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

**02.1280 Yard, side.**

"Yard, side" means a yard along the side line of the lot and to a width required by the district in which the lot is situated, and extending from the front yard to the rear yard.

**DEVELOPMENT STANDARDS**

**CHAPTER 25 – SHORT-TERM RENTALS**

**Sections:**

- 25.010 Intent.**
- 25.020 General Requirements and Applicability.**
- 25.030 Previous Permit Approvals.**
- 25.040 Hosted Short-Term Rentals.**
- 25.050 Non-Hosted Short-Term Rentals.**
- 25.060 Notice requirements.**
- 25.070 Uses permitted.**

**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 in residential dwellings regardless of land use designation.

**25.020 General Requirements and Applicability.**

- A. This Chapter applies to any visitor or short-term rental (as defined in Chapter 2 of the Land Use Element) in all land use designations.
- B. Short-term rentals covered by this Chapter are subject to a Use Permit (see Chapter 32) and a Short-Term Rental Activity Permit (STR Activity Permit) under Mono County Code Chapter 5.65 unless otherwise exempted.
- C. Unless explicitly stated otherwise in this Chapter, short-term rentals covered by this Chapter shall operate in compliance with this Chapter, Chapter 5.65 of the Mono County Code, and all applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 feet of the subject parcel.
- D. Pursuant to Chapter 5.65 of the Mono County Code and the required STR Activity Permit, short-term rentals covered by this Chapter shall be specific to the owner and shall terminate upon a change of ownership.
- E. Visitor rental permits shall be limited to one per parcel and one per person regardless of whether the ownership interest is in whole or in part. In other words, a use permit for a short-term rental shall not be approved if a person with an ownership interest in the property, whether in whole or in part, has an existing visitor rental within Mono County.
- F. Applicants must demonstrate that creation of a short-term rental would not negatively impact long-term housing stock.
- G. Short-term rental of an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is prohibited (see Chapter 16 of the Land Use Element).
- H. Any person or entity that leases, rents, or otherwise makes available for compensation a residential unit approved pursuant to this Chapter for a period of thirty (30) or fewer days must first comply with this Chapter and all applicable requirements prior to operating.
- I. Parcels located within conditional development zones (avalanche) shall not be allowed to offer or operate short-term rentals during the avalanche season, November 1 through April 15.
- J. Any form of advertising or listing for rent of an unpermitted short-term rental unit is a violation of this Chapter.

**25.030 Previous Permit Approvals.**

Visitor rentals approved prior to GPA 25- [redacted] (date) are permitted to operate as originally approved. Upon transfer or sale of the property, approvals that run with the land (e.g., TROD overlay, use permit) remain in effect but

new approvals specific to the new owner including, but not limited to, an STR Activity Permit, business license, and transient occupancy tax (TOT) certificate are required. Previous permitting mechanisms include, but are not limited to, the following:

- A. Transient Rental Overlay Districts (implemented through General Plan Amendments) include, but may not be limited to, the following parcels: 016-094-012, 016-094-011, 016-094-010, 016-098-016 (GPA 13-001), 019-140-011, 016-098-011, 016-096-005 (GPA 13-002); 015-140-035, 015-140-034, 015-140-033, 015-140-032 (GPA 13-004); 016-102-052 (GPA 14-001); 015-010-080, 015-300-006 (GPA 14-002).
- B. Approval by use permit only includes, but may not be limited to, the following parcels: 060-120-005 (UP 17-004), 008-132-027 & 008-132-017 (UP 17-005), 060-210-062 (UP 17-011), 060-180-018 (UP 17-012), 060-240-010 (UP 17-013).
- C. Visitor rentals that were allowed by right and without permits require full compliance with these short-term regulations (e.g., new use permit, STR Activity Permit, business license, TOT certificate) upon sale or transfer of the property to a new owner. These situations include, but are not limited to, condominium units previously approved by-right with a business license and TOT certificate.

**25.040 Hosted Short-Term Rentals.**

- A. Hosted rentals require a verified Host to live on site and be present during any rentals. The rental unit must be associated with a Hosted principal residence on the same parcel or a physically contiguous adjacent parcel. A Hosted rental may include:
  - 1. Rental of a portion of a dwelling unit, with a minimum of a sleeping room with shared full bathroom; or
  - 2. Rental of an entire dwelling unit, not including an ADU or JADU as defined by Chapter 2 of the Mono County General Plan Land Use Element.
  - 3. Short-term rental of the main unit while a long-term tenant occupies an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is allowable.
- B. Rental is limited to a single party of individuals.

**25.050 Non-Hosted Short-Term Rentals.**

“Non-Hosted rental” means a short-term rental where a Host is not required to be present during rentals (Mono County General Plan Land Use Element § 02.855).

**25.060 Notice requirements.**

- A. Notice of an STR Activity Permit application 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 from the nearest limits of the project parcel that is the subject of the land use application. If a contiguous parcel (or parcels) is 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 at the discretion of the Community Development Department. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice if they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given at least 10 days in advance of the hearing by mail, electronic mail, or other noticing means pursuant to the California Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the county or have made a written request for notice under this section.

**25.070 Uses permitted.**

Nothing in this chapter modifies the uses permitted, uses permitted subject to director review, or uses permitted subject to use permit in the project’s underlying land use designation.

**DEVELOPMENT STANDARDS****CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT IN NONRESIDENTIAL AND MFR-H LAND USE DESIGNATIONS AND TRODS****Sections:**

<b>26.010</b>	<b>Purpose and Findings.</b>
<b>26.015</b>	<b>Applicability.</b>
<b>26.020</b>	<b>Unpermitted Transient Rentals.</b>
<b>26.030</b>	<b>Application and Issuance of a Vacation Rental Permit.</b>
<b>26.040</b>	<b>Standards and Requirements.</b>
<b>26.050</b>	<b>Rental Agreement and Owner Responsibility.</b>
<b>26.060</b>	<b>Compliance with Transient Occupancy Tax Requirements.</b>
<b>26.070</b>	<b>Enforcement.</b>
<b>26.080</b>	<b>Unauthorized Rentals Prohibited.</b>

**26.010 Purpose and Findings.**

- A. The purpose of this Chapter is to provide ongoing restrictions and regulations related to land uses for transient rentals; provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs), and non-residential land use designations and MFR-H where the use was previously allowed; and provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that the County allowed transient rentals to be established within areas of the county designated as TRODs and in non-residential designations and MFR-H to 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 County would benefit from a single, unified system to regulate short-term rentals, regulated through amendments to Land Use Element Chapter 25 and Mono County Code Chapter 5.65, and to discontinue issuing new Vacation Home Rental Permits.
- D. The Board of Supervisors also finds that this Chapter is needed to ensure the ongoing operation of previously permitted transient rentals within non-residential designations and MFR-H are regulated to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds the enforcement tools contained herein are needed to prevent the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

**26.015 Applicability.**

- A. Existing visitor rentals permitted prior to the effective GPA 25- (date) shall remain valid provided the properties and/or operations meet the following criteria:
  1. Property and/or operations remain compliant with the standards set forth in this Chapter;
  2. For properties within non-residential designations and MFR-H, the property owner remains the same and no sale or transfer of ownership occurs.

- B. Any revocation of a Vacation Home Rental Permit and/or visitor rental business license shall render the authorization to rent invalid.
- C. Any change of ownership of a property, or partial change of ownership, shall invalidate the Vacation Home Rental Permit and/or visitor rental business license and require new approvals specific to the new owner including, but not limited to, an STR Activity Permit, business license, and transient occupancy tax certificate.

**26.020 Unpermitted Transient Rentals.**

Transient rental, or advertisement of a transient rental, of a private residence within a transient rental overlay district or in a non-residential land use designation, including MFR-H, without a valid Vacation Home Rental Permit is a violation of this Chapter.

**26.030 Application and Issuance of a Vacation Home Rental Permit.**

As of the effective date of GPA 25- (date), no new Vacation Home Rental Permits may be issued.

**26.040 Standards and Requirements.**

The following standards and requirements must be met to maintain a Vacation Home Rental Permit in good standing. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager.

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

3. Permit Number. The Vacation Home Rental Permit number shall be posted in the title of every transient rental advertisement, whether online or in other promotional or advertising materials.

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 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. **Exterior lighting fixtures** shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply.
- H. A Mono County business license and transient occupancy tax certificate must remain active during all times that the property is used as a transient rental.

#### **26.050 Rental Agreement and Owner Responsibility.**

- A. **Rental Agreement.** The transient 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 from their use of the rental property, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.
- B. **Owner Responsibility.**
  - 1. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed and shall be in good standing with the County. A person or organization in good standing is regarded as having complied with all their explicit obligations, while not being subject to any form of sanction, suspension or disciplinary censure. Alternatively, the property owner may serve as the property manager.
  - 2. 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.

3. 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 rental unit. Failure to timely respond in an appropriate manner may result in revocation of the Vacation Home Rental Permit and/or visitor rental business license.
4. 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.
5. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to the County upon timely request. Additionally, the owner shall defend, indemnify, and hold the County harmless from all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
6. The owner, managing agency, property manager and guest(s) shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
7. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create nuisances such as 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 act 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 maintaining an active transient occupancy tax certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

**26.070 Enforcement.**

- A. A violation of any provision of this Chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental without a valid Vacation Home Rental Permit and/or visitor rental business license, 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 visitor rental business license and/or transient occupancy tax 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 written 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 may immediately render a decision, continue the proceeding or take the matter under submission and later render a decision.
  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. 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 written 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 therefore, 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 26.070(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, the property shall be subject to Land Use Element Chapter 25 and Mono County Code Chapter 5.65, except that a Short-Term Rental Activity Permit may not be issued to the same property owner for a period of five years.

**26.080 Unauthorized Rentals Prohibited.**

- 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 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 transient or short-term rental unit is prohibited.

## Chapter 5.65 REGULATIONS FOR SHORT-TERM RENTALS

### 5.65.010 Purpose.

This Chapter provides regulations for the local permitting of short-term rentals (see Mono County General Plan Land Use Element Chapter 2) under specified conditions within all land use designations when authorized by a land use permit issued pursuant to Chapter 25 of the Mono County General Plan Land Use Element.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### 5.65.020 Applicability.

This Chapter applies to any person renting, intending to rent, or advertising for rent, on a short-term basis, a residential structure within the unincorporated area of the county.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### 5.65.030 Definitions.

The definitions in the Mono County General Plan, including but not limited to, those contained in Chapter 2 of the Land Use Element, shall apply to this Chapter, in addition to the following definitions:

1. "Application" means the form(s) provided by Mono County in accordance with this Chapter for the purpose of seeking a Short-Term Rental Activity Permit.
2. "Approval authority" means the Mono County Board of Supervisors or its authorized designee.
3. "Department" means the Mono County Community Development Department.
4. "Director" means the director of the Mono County Community Development Department or an authorized representative.
5. "Hearing officer" means a person appointed by the approving authority to conduct an administrative hearing under this Chapter. The appointed hearing officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:
  - a. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the county hearing officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;
  - b. A person selected randomly from a panel of attorneys willing to serve as a hearing officer;
  - c. An independent contractor assigned by an organization or entity which provides hearing officers; or
  - d. Such other person determined by the approving authority to be capable of serving as an impartial decision-maker.
6. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
7. "Primary residence" means a place where an individual resides or lives, including staying and sleeping overnight, for more than one-half of the year.

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8. "Property owner" or "owner" means the individual, group of individuals or entity who is the owner of record of the property or premises where short-term rentals are located or are proposed to be located.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.040 Permits required.**

Short-term rentals shall not be allowed in the unincorporated area of Mono County without first securing all permits, licenses and other entitlements required by the Mono County General Plan, the Mono County Code (MCC) and any applicable area plans and specific plans.

- A. It is unlawful for any person to conduct, engage in, or allow to be conducted or engaged in, short-term rentals in any land use designation in the unincorporated portion of Mono County, unless the County has issued such person a Short-Term Rental Activity Permit (STR Activity Permit) under this Chapter and the permit is in effect. The fact that an owner possesses other types of state or county licenses or permits shall not exempt the owner from obtaining an STR Activity Permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this Chapter.
- B. An STR Activity Permit pursuant to this Chapter shall be required for all short-term rentals in any land use designation.
- C. Only the property owner is eligible to apply for, and be issued, an STR Activity Permit. Should noncompliance occur, enforcement action will be taken against the property owner(s).
- D. Visitor rental permits shall be limited to one per parcel and one per person regardless of whether the ownership interest is in whole or in part. In other words, an STR Activity Permit shall not be approved if a person with an ownership interest in the property, whether in whole or in part, has an existing vacation rental property within Mono County.
- E. STR Activity Permits are prohibited in certain neighborhoods in June Lake, and specific planning areas. See the Mono County General Plan Land Use Element Area Plan policies.
- F. A use permit shall be required for all short-term rentals in all land use designations where they are permissible. The application for a use permit, and for amendments thereto and extensions thereof, shall be processed in accordance with Chapter 32 of the Mono County General Plan Land Use Element. The Planning Commission is the governing body authorized to consider and approve a use permit for short-term rentals and to consider extensions of and amendments to such use permits. Appeals from the decision of the Planning Commission are set forth in Chapter 47 of the Mono County General Plan Land Use Element.
- G. Applications for an STR Activity Permit under this Chapter and a use permit or other land use entitlement for the same subject property may be submitted simultaneously, however no permit shall be issued under this Chapter unless and until the corresponding land use entitlement has been approved.
- H. An STR Activity Permit application may not be submitted for the following:
  - 1. Properties owned by a person that had a Vacation Home Rental (VHR) permit, STR Activity Permit, visitor rental business license, or visitor rental use permit revoked due to non-compliance within the past two years.
  - 2. Properties for which the current owner or owners of record have held title to the property for less than two years.

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3. Residences that are less than two years past their construction date. For the purposes of this Section 5.65.040, construction date shall be the date the building official issues a certificate of occupancy for the residential building.
  4. Units that are deed-restricted for affordable housing.
  5. Projects that received a density bonus, pursuant to State Density Bonus Law, unless specified in the Use Permit.
- I. All short-term rental property owners must obtain a valid business license pursuant to MCC Chapter 5.04.
  - J. All owners shall be responsible for obtaining a transient occupancy tax certificate and for complying with MCC Chapter 3.28 "Transient Occupancy Tax". 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.
  - K. All owners shall conduct short-term rentals in compliance with all required County permits, licenses, and regulations. The owner shall be responsible for the payment of all required inspection fees, permit fees, and taxes.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

#### **5.65.050 Limitations on number of permits.**

- A. The number of STR Activity Permits issued by the County under this Chapter in the Clark Tract of June Lake (excluding Nevada Street and Silver Meadow Lane) shall not exceed eight parcels total (three percent of existing parcels in 2015).
- B. The number of visitor rental permits in the June Lake planning area shall not exceed 95 permits.
  1. Short-Term Rental Activity Permit Renewal in June Lake. If a property owner or agent fails to submit an application for renewal prior to the expiration (see Subsection 5.65.090), the STR Activity Permit application shall be considered an application for a new STR Activity Permit and shall be subject to limitations on number of visitor rental permits.
  2. New Short-Term Rental Activity Permits. New STR Activity Permit applications received prior to reaching the overall limitation on the number of visitor rental permits will be processed in the order they are received. If or when the overall limitation on the number of visitor rental permits is reached, all outstanding STR Activity Permit applications, either in process or received, will be placed on a waitlist as set forth below.
  3. Waitlist. The County will maintain a waitlist for STR Activity Permit applications in the order in which they were received. Fees will not be held by the County for waitlisted applicants. The County will continually maintain the overall cap inventory as visitor rental permits are not renewed or are revoked. STR Activity Permit applications must be complete, consistent with Section 5.65.100, except for the fee in order to be added to the waitlist.
  4. Waitlist Processing. Applications for STR Activity Permits from applicants on the waitlist will be processed as permits become available based on the cap inventory and date of receipt of the application, starting with the oldest date. An applicant will be notified by mail or, if the applicant consents to email notice, by email once they have been taken off the waitlist. An applicant must confirm they wish to proceed and pay fees in full within 30 days of the County notifying the applicant. If no response is received or fees are not paid within 30 days of the County notification to the

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applicant, the next waitlist applicant will be offered the opportunity. The non-responsive applicant may resubmit, which will be considered a new application subject to the procedures set forth herein.

- C. The Mono County Board of Supervisors, in its discretion, may at any time, determine by resolution, that the number of visitor rental permits should be established, reduced, or expanded in any area within the unincorporated portion of the county in order to protect neighborhood character, housing options, and reduce adverse impacts. In no case shall the number of visitor rental permits issued exceed the number of rentals authorized. STR Activity Permits shall be issued on a first-come, first-served basis within the established caps or limits.
- D. This Section is only intended to create a maximum number of visitor rental permits that may be issued within the county. Nothing in this Chapter creates a mandate that the County must issue any or all of the permits allowed under this Chapter if it is determined that it is in the best interest of the County to issue less than the maximum number, or if the owners or the property do not meet the standards which are established in the application requirements.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

#### **5.65.060 Limitations on Short-Term Rental Activity Permits.**

- A. An STR Activity Permit does not create any property interest in the property, is not transferable, and automatically terminates upon the transfer or sale of the property to a new owner or upon revocation of any corresponding use permit.
- B. An STR Activity Permit shall not be construed as providing a property right or conferring a vested interest or an entitlement to continue operation of a short-term rental.
- C. An STR Activity Permit is a revocable license which requires annual renewal.
- D. An STR Activity Permit shall not run with the land.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

#### **5.65.070 Application process.**

- A. Prior to submitting an application, an applicant must obtain an inspection on the proposed rental unit to demonstrate that the unit complies with all requirements of this Chapter, including but not limited to Section 5.65.110, and the Mono County General Plan. The inspection must be conducted by a County-approved inspection officer, verified by a signed form provided by the County, and paid for by the applicant.
- B. Applications for an STR Activity Permit may be obtained at the Mono County Community Development Department or online at the Mono County website. Completed applications shall be submitted to the department and applicants in June Lake should request a date-stamped receipt.
- C. An applicant for an STR Activity Permit must be the owner of record of the subject property.
- D. In all cases, the application for an STR Activity Permit shall contain, without limitation, the following information, attestations and confirmations:
  - 1. The full name and contact information for all property owners. If the owner is a business entity or any form of legal entity, information regarding the entity, including but not limited to, a list of owners including shareholders or persons with ownership interest in the entity, its legal status, and proof of registration with the Secretary of State, as applicable;
  - 2. Verification that the rental unit was acquired or constructed more than two years prior to the application date;

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3. Verification that the rental unit is located on a property with the appropriate land use approvals or, if the approvals are being sought simultaneously, a statement so indicating;
  4. A completed inspection form, in accordance with the requirement in Section 5.65.070(A), above;
  5. Contact information for any management company or property manager responsible for the rental unit who will be available on a twenty-four-hour basis to address any problems that may be associated with the property. For Hosted rentals, the resident identified as the Host, verified via submittal of applicable documentation, shall serve as the property manager. For Non-Hosted rentals, a separate duly licensed management company or property manager shall be required. A property manager or company that is duly licensed shall maintain a California real estate license and certified property manager credentials. The owner shall immediately notify the Community Development Department of any changes to management contact information;
  6. For Hosted rentals, the following:
    - A. If the owner is the Host:
      - i. A property tax statement, dated less than one year prior to the application submission date, which shows a homeowner's exemption credit for the subject property;
      - ii. A signed STR Activity Permit applicant's affidavit; and
      - iii. Two forms of proof of principal residency which may include any of the following:
        - driver's license or California state identification card;
        - pay-stub from current employer;
        - voter registration card;
        - motor vehicle registration;
        - homeowner's or vehicle insurance policy documents or bill; or
        - utility bill for water or electric/gas services, provided that utility bills may be used as only one form of residency confirmation.Cable television, cell phone, and internet provider bills do not qualify as proof of residency.
    - B. If a long-term lessee is the host:
      - i. A signed, current, long-term lease agreement by and between the owner and the Host;
      - ii. A signed STR Activity Permit applicant's affidavit; and
      - iii. Two forms of proof of principal residency which may include any of the following:
        - driver's license or California state identification card;
        - pay-stub from current employer;
        - voter registration card;
        - motor vehicle registration;
        - renter's or vehicle insurance policy documents or bill; or
        - utility bill for water or electric/gas services, provided that utility bills may be used as only one form of residency confirmation.

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Cable television, cell phone, and internet provider bills do not qualify as proof of residency.

- C. If an adult relative without a long-term lease is the Host:
- i. An affidavit signed by the owner describing the long-term tenancy;
  - ii. A signed STR Activity Permit applicant's affidavit; and
  - iii. Two forms of proof of principal residency which may include any of the following:
    - driver's license or California state identification card;
    - pay-stub from current employer;
    - voter registration card;
    - motor vehicle registration;
    - renter's or vehicle insurance policy documents or bill; or
    - utility bill for water or electric/gas services, provided that utility bills may be used as only one form of residency confirmation.

Cable television, cell phone and internet provider bills do not qualify as proof of residency.

7. The owner has obtained, or is in the process of obtaining, a Mono County business license;
8. The owner has obtained, or is in the process of obtaining, a Mono County transient occupancy tax certificate from the department of finance; and
9. All required fees have been paid in full.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.080 Review of applications and noticed public hearing.**

- A. All completed applications for an STR Activity Permit within permit caps stated in Section 5.65.050 shall be reviewed and processed for consideration. This includes review by all departments having regulatory or enforcement authority over the proposed short-term rental. If the Director of the Mono County Community Development Department (Director) or any other department having regulatory or enforcement authority determines at any time during this review and processing period that additional information or materials are required, then he or she shall send notice to the applicant pursuant to Section 5.65.150 of the required/missing items or information and the property owner must provide the requested items or information before processing resumes. If any application is inactive for six months, it shall be deemed expired pursuant to Mono County General Plan Land Use Element §04.350.
- B. Upon completion of staff review, internal processing, and approval of the associated use permit, the Director shall set the matter for decision by the approval authority at a duly noticed public hearing during which the approval authority shall receive and consider the input and recommendations of staff, the owner and any interested persons. For purposes of this hearing, notice shall be given to any persons requesting such notice by mail or electronic mail and published in a newspaper of general circulation ten days in advance.
- C. Following the noticed public hearing to consider the approval of an STR Activity Permit, the approval authority may issue the STR Activity Permit if all of the following findings can be made:
  1. The short-term rental, as proposed, will comply with the requirements of state law and regulation, the Mono County General Plan, the Mono County Code and this Chapter.

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2. The property has all necessary land use entitlements as required by the Mono County General Plan.
  3. The owner has demonstrated to the satisfaction of the approval authority the ability to comply with state law and regulation, the Mono County General Plan, the Mono County Code and this Chapter.
  4. The approval authority determines that issuance of the STR Activity Permit is in the best interests of the community, the county and the citizens of and visitors to Mono County based on the following factors:
    - a. Whether there are specific and articulable positive or negative impacts on the surrounding community or adjacent properties from the proposed short-term rental;
    - b. Whether the property owner has demonstrated to the satisfaction of the approval authority the ability and capacity to manage the short-term rental in a way that minimizes articulable negative impacts on the surrounding community or adjacent properties, and be responsive to community concerns and complaints; and
    - c. The potential for the short-term rental to impact other community needs and issues, such as the availability of workforce housing units.
- D. The approval authority shall deny an application that meets any of the following criteria:
1. The owner has willingly or negligently made a false statement of material fact, or has knowingly omitted a material fact, from the application.
  2. A previous STR Activity Permit issued under this Chapter involving the same owner or any person having partial ownership as described in Subsection 5.65.070(D)(1), has been revoked by the County within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
  3. The owner, including any person with partial ownership as described in Subsection 5.65.070(D)(1), has been determined, by an administrative hearing body or a court of competent jurisdiction, to have engaged in short-term rentals in violation of state or local law within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
  4. The proposed rental unit was constructed less than two years prior to submittal of an STR Activity Permit application. For the purposes of this Section 5.65.080, the construction date shall be determined to be the date a certificate of occupancy is issued.
  5. The owner, including any person with partial ownership as described in Subsection 5.65.070(D)(1), is determined to have purchased or acquired the property less than two years prior to submittal of an STR Activity Permit application.
  6. A person with an ownership interest in the property, as described in Subsection 5.65.070(D)(1), has an existing visitor rental within Mono County.
  7. The property has an outstanding violation or is the subject of a code enforcement case.
  8. The unit is deed-restricted for affordable housing.
  9. The property was developed, or approved for development, with a density bonus, pursuant to State Density Bonus Law, unless specified in the Use Permit.
  10. A no-fault eviction has occurred in the proposed short-term rental unit within the last two years, as defined by State Law, including the 2019 Tenant Protection Act (AB 1482), as may be amended over time. No-fault evictions may include but not be limited to, owner move-in, intent to remodel or

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substantially remodel the unit, withdrawal of the unit from the rental market via the Ellis Act, or the owner complying with a government order or local law that requires the tenant to leave.

- E. If the approval authority denies the application, it shall specify the reasons for the denial on the record or by a subsequently issued written decision, which written decision shall be sent to the owner in accordance with Section 5.65.150 and applicable law.
- F. An STR Activity Permit issued under this Chapter is an annual permit and shall expire on August 31st of each year (unless renewed or revoked in accordance with this Chapter). Permits granted within three months prior to the expiration date shall skip the first renewal cycle and instead shall expire on August 31st of the following year.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.090 Renewal/modification process.**

- A. An STR Activity Permit may be renewed and/or modified in accordance with this Section.
- B. An application for renewal and/or modification shall be filed with the Mono County Community Development Department (Department), on the form(s) and in the manner prescribed by the Department, at least thirty calendar days before expiration of the permit, accompanied by the required renewal/modification fee. If any of the documentation and information supplied by the property owner pursuant to Section 5.65.070 has changed since the grant of the permit, the owner shall submit updated information and documentation with the application for renewal and shall provide such other information as the Director of the Mono County Community Development Department may require.
- C. If the owner fails to submit the renewal application and all associated fees thirty days before August 31, the STR Activity Permit may not be timely renewed and operations shall be suspended unless/until the renewal is approved. For owners in June Lake, failure to timely renew their application will mean the forfeiture of an STR Activity Permit and operations shall be halted if a waitlist for new STR Activity Permits has been established. Any subsequent application shall be considered a new permit application and will be subject to the waitlist in accordance with Section 5.65.050(B)(3).
- D. If the renewal/modification application is incomplete, or if the Director determines that additional information is required, the Director will send notice to the owner in accordance with Section 5.65.150 listing the items or information to be provided. The owner shall have fifteen business days from the postmark or, if the applicant consents to email notice, email date of the notice to submit the listed items. If the owner fails to timely provide the items or information listed in a notice, then the renewal application will be denied as incomplete. For owners in June Lake, any subsequent application submitted after the permit expiration date shall be considered a new permit application subject to the waitlist per Section 5.65.050(B)(3).
- E. Upon the timely filing of a renewal/modification application and timely provision of any missing or supplemental information under Subsection D, short-term rentals under the existing permit may continue until the Director has made a final determination on the application, unless the permit is otherwise revoked or suspended pursuant to this Chapter.
- F. A permit shall be renewed/modified by the Director upon determination that the short-term rental meets the standards for grant of the application under this Chapter and none of the conditions for denial set forth below are present.
- G. Grounds for denial:
  - 1. The permittee or short-term rental fails to conform to the criteria set forth in this Chapter or the use permit;

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2. The permittee is delinquent in payment of applicable County taxes or fees or charges; or
  3. The permit is suspended or revoked or there is an enforcement proceeding pending at the time of the application.
- H. The Director shall specify in writing the reason(s) for any denial of the renewal/modification and shall send the written decision to the permittee in accordance with Section 5.65.150 with an explanation that the decision shall become final in ten calendar days of the postmark or, if the applicant consents to email notice, email date of the decision, unless the owner submits a completed appeal form to the department requesting a hearing. The appeal form may be obtained from the Mono County Community Development Department office. Failure to submit a written request for an appeal hearing within ten calendar days of postmark or, if the applicant consents to email notice, email date of the notice of denial of the renewal/modification shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.
- I. Upon timely receipt of a written request for an appeal hearing, the Director shall set the matter for hearing before the approval authority. The determination of the Director shall be stayed pending appeal, unless the violation poses an immediate threat to public health and safety, as determined by the Director and stated in the written denial.
- J. If a renewal/modification application is denied, an owner may file a new application pursuant to this Chapter.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

#### **5.65.100 Fees.**

The filing of an application for an STR Activity Permit, for renewal of an STR Activity Permit, or a written request for an appeal hearing shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. Notwithstanding anything to the contrary in this Section 5.65.100, the fee for an STR Activity Permit subject to the waitlist shall be collected when an application is eligible to be removed from the waitlist for processing. Property owners are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

#### **5.65.110 Short-term rental standards and requirements.**

Throughout the term of an STR Activity Permit, each permittee shall comply with this Chapter and all other applicable County regulations, including but not limited to, the following:

- A. Health and Safety Standards.
1. The address of the rental unit must be unobstructed at all times and clearly visible by a passerby;
  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 seventy-five 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 three and five feet above the

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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 three 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 fifty-four inches from any fireplace opening and thirty 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 or any attached structure;
9. The roof and grounds of the 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 three thousand 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. Landline telephone service is required. A telephone shall be 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. The rental agreement shall disclose limitations to cell phone coverage and service providers;
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, or 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 ten feet of any chimney or flue openings;
20. Spark arresters of a minimum opening size of three-eighths-inch and a maximum opening size of one-half-inch shall be required on all fireplace flue openings; and

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21. If any applicable law, rule, or regulation imposes requirements more stringent than those set forth herein, such requirements shall apply.
- B. Sign, Notification and Advertising Requirements.
1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed eight and one-half inches by eleven inches in size that shall be posted as long as the unit is being rented on a short-term 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, owner, or Host of the unit and the telephone number where said person or persons can be reached on a twenty-four-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;
    - 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; and
    - f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.
  3. The STR Activity Permit number, which shall be assigned at the time the permit is issued, shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.
  4. Any form of advertising for an unpermitted short-term rental unit is prohibited.
- 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 per bedroom plus two additional persons. In no event shall the maximum occupancy exceed ten 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

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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.** The property owner or manager shall ensure that 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, the following requirements shall be met:
  - 1. Except for short-term rentals operating north of Mountain Gate, exterior lighting fixtures shall comply with Chapter 23, Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply;
  - 2. Owner or property manager must be able to respond within a reasonable timeframe, preferably within an hour;
  - 3. Quiet hours from ten p.m. to seven a.m., and outdoor amplified sound is prohibited at all times;
  - 4. If applicable, the owner shall notify lender of change in use to short-term rental and provide verification to the County upon request; and
  - 5. A "hideaway" key or other access shall be available at all times in the event a guest is locked out. All guests shall be made aware of any such key or alternative access.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.120 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 STR Activity 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

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information for the property manager, 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 owner, managing agency and/or property manager shall keep a list of the names and contact information of the adult guests staying in the unit.

1. Within the Clark Tract in June Lake, 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 property manager and Host shall be included in the rental agreement in case road assistance is needed.

**B. Owner Responsibility.**

1. The owner 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 twenty-four-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 STR Activity 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 an STR Activity 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 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 the 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(s) 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, Host, managing agency and/or property manager, or other agent of the owner is informed about any violation of this Chapter, the owner, Host, managing agency and/or 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.

**C. Host Responsibility.**

1. The Host must be physically and personally present at the time of the short-term rental. Such physical presence must include sleeping overnight. A Host will not be considered to live at the property used for a short-term rental if they are away from the property overnight during a rental, including on vacation.
2. The Host must be a long-term and verified full-time resident on the property of a Hosted rental.
3. The Host shall be available to short-term renters during the rental period.
4. The Host shall be personally available by telephone on a twenty-four-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to respond in a timely, appropriate manner may result in revocation of the STR Activity Permit and business license.

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5. The Host and guest(s) shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
  6. The Host 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 a Host is informed about any violation of this Chapter, the Host shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.130 Suspension or revocation of Short-Term Rental Activity Permit.**

Any of the following shall be grounds for suspension or revocation of an STR Activity Permit, following the procedures in Section 5.65.140 of this Chapter.

- A. Failure to comply with one or more of the terms and conditions of the STR Activity Permit, this Chapter, the Mono County General Plan or any other applicable law or regulation.
- B. The STR Activity Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the owner.
- C. Any revocation of the conditional use permit issued under the Mono County General Plan.
- D. Failure to pay applicable state or county taxes or fees related to the short-term rental.
- E. Conduct of the short-term rental in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance as directed by the County.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.140 Procedure for suspension or revocation.**

- A. If the Director determines that grounds for suspension or revocation of the STR Activity Permit exist, he or she shall issue a written notice of intention to suspend or revoke the permit, as applicable. The notice of intention shall be served in accordance with Section 5.65.150 on the property owner, as reported on the permit. The notice of intention shall describe the property, the intention to revoke or suspend the permit, the grounds for suspension or revocation, the action necessary to correct or abate the violation and a reasonable time limit for compliance.
- B. If the violation has not been corrected within the period specified in the notice of intention, the Director may issue a notice of suspension or revocation, as applicable. The notice of suspension or revocation shall be served in the same manner and upon the same persons as described above for service of the notice of intention and shall be effective ten calendar days from the date it is postmarked or, if the owner has consented in the permit application to email notice, emailed, unless a request for hearing is submitted as described in Subsection C.
- C. The owner shall have ten calendar days from postmark or, if the applicant consents to email notice, email date of the notice of revocation or suspension to submit a completed appeal form to the Department requesting a hearing. The appeal form may be obtained from the Mono County Community Development Department office or online. Failure to submit the requisite form within ten calendar days of postmark or email date, if consent to email notice was given in the application, of the notice of revocation or suspension, shall be deemed a waiver of the right to challenge the suspension or revocation and a failure to exhaust administrative remedies.

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- D. Upon receipt of a timely written request for a hearing, the Director shall set a date for a hearing to be held as soon as reasonably practicable before the approval authority or a hearing officer designated by the board ("hearing body"). Notice of the hearing, including the time, date, and location of the hearing, shall be served in the same manner and upon the same persons as described above for service of the notice of intention. The revocation or suspension shall be stayed until the hearing body decision is final.
- E. Hearing Procedures.
1. The hearing body is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the STR Activity Permit.
  2. In any proceeding before a hearing body, oral testimony offered as evidence shall be taken only on oath or affirmation, and the hearing officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
  3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
  4. The hearing body may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
  5. The hearing shall follow the procedures set forth in Subsections 1.12.050(E)—(L) of the Mono County Code, except that the notice of intention issued under this Chapter shall be treated as the notice of violation under those Subsections and the notice of suspension or revocation issued under this Chapter shall be treated as the administrative citation.
  6. Within thirty calendar days after the close of the hearing, the hearing body shall issue a written decision, including a statement of the basis for the decision. The hearing body's written decision shall constitute the final administrative decision of the County.
  7. If neither the owner, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.150 Service requirements.**

Wherever this Chapter requires the County to serve notice on a property owner, such notice shall be given in writing, and shall be delivered either by personal delivery, electronic mail (email) if the applicant consents to receipt of email notice in the application, or by U.S. mail with a filed affidavit. In addition, any such notice may be posted at the physical address of the premises on the date of personal delivery, mailing, or emailing of notice. Service shall be deemed complete upon mailing or emailing.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

### **5.65.160 Enforcement.**

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

- A. Any violation of a short-term rental ordinance of the County, including but not limited to, this Chapter and Chapters 25 and 26 of the Mono County General Plan, may be enforced through administrative

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citation and fines as provided in MCC Chapter 1.12, except that the amount of the administrative fines shall be one thousand five hundred dollars for a first violation, three thousand dollars for a second violation within one year of the first violation and five thousand dollars for each additional violation within one year of the first violation. The fines set forth in this Section shall not apply to a first-time offense of failure to register or pay the business license fee, which shall instead be subject to the fines set forth in MCC Section 1.12.030.

- B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter, the Mono County General Plan, use permit, or applicable state law or regulation is a public nuisance which shall, at the discretion of the County, be subject to abatement or other relief pursuant to Chapter 7.20 of the Mono County Code.
- C. Each and every violation of this Chapter, the Mono County General Plan, or applicable state law or regulation shall constitute a separate violation per day and shall be subject to all remedies and enforcement measures authorized by the Mono County Code or otherwise authorized by law. Additionally, any violation shall be subject to injunctive relief, disgorgement to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, restitution, and any other relief or remedy available at law or in equity. The County, including the office of the district attorney and the office of the county counsel, may pursue any and all remedies and actions available and applicable under state and local laws for any violations.
- D. Hardship Waiver for Administrative Fines Under Section 5.65.160(A). Any party fined under Section 5.65.160(A) may be granted a hardship waiver reducing the amount of the administrative fines if:
  - 1. The party has made a bona fide effort to comply after the first violation; and
  - 2. Payment of the full amount of the administrative fines would impose an undue financial burden on the party.

A hardship waiver request shall be filed on a hardship waiver application form made available upon request by the office of code compliance and filed within ten business days after service of the administrative citation levying the fines. The completed application shall be filed with the code compliance office together with a sworn affidavit, and any other supporting documents or materials, demonstrating why the requirements of Section 5.65.160(D)(1) and (D)(2) are satisfied. If the request and supporting materials demonstrate to the satisfaction of the code compliance officer or his or her designee that the requirements of Section 5.65.160(D)(1) and (D)(2) are satisfied, the fine shall be reduced to the amounts set forth in MCC Section 1.12.030 or such other amount as the code compliance officer or his or her designee deems appropriate. Any hardship waiver request not timely submitted shall be rejected, and the applicant shall be deemed to have waived his or her right to request a hardship waiver. The time for appeal of an administrative citation pursuant to MCC Section 1.12 shall not be extended due to any fine reduction request pursuant to this paragraph.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018; Ord. No. 22-008, § 1(Exh. A), 7-19-2022)

### **5.65.170 Existing and otherwise permitted rentals.**

Any lawful use of property as a short-term rental permitted under a prior regulatory framework that was not subject to this Chapter remains exempt from this Chapter as long as all conditions and requirements of the previous approval are met.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

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**5.65.180 Severability.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections are held invalid.

(Ord. No. 18-07, § 1(Att. A), 5-15-2018)

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