

MONO COUNTY PLANNING COMMISSION

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commdev@mono.ca.gov

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

AGENDA

August 16, 2018 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. MEETING MINUTES: Review and adopt minutes of July 19, 2018 – *p. 1*

4. PUBLIC HEARINGS

10:10 A.M.

A. CONDITIONAL USE PERMIT 18-005/Dudley for a non-owner occupied (Type III) short-term rental use in a 3-bedroom (BD) single-family residential unit at 92 and 94 Nevada St. (APNs 16-099-032 & -033) in June Lake, and the Land Use Designation (LUD) is Single-Family Residential (SFR). Parking is proposed only at 94 Nevada St. Maximum occupancy of eight persons and three vehicles.

Staff: Michael Draper – p. 4

10:20 A.M.

B. CONDITIONAL USE PERMIT 18-006/Streeton for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 80 Leonard Ave. (APN 015-270-010) in June Lake, and the LUD is SFR. Maximum occupancy of five persons and three vehicles. *Staff: Michael Draper – p. 13*

10:30 A.M.

C. CONDITIONAL USE PERMIT 18-007/Schreiber for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 184 Leonard Ave. (APN 015-270-003) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and six vehicles. *Staff: Michael Draper – p. 20*

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

10:40 A.M.

D. CONDITIONAL USE PERMIT 18-008/Prince for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 46 Leonard Ave. (APN 015-101-004) in June Lake, and the LUD is SFR. Maximum occupancy of six persons and two vehicles. *Staff: Michael Draper – p. 28*

10:50 A.M.

E. CONDITIONAL USE PERMIT 18-009/Smith for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 70 Leonard Ave. (APN 015-270-011) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and three vehicles. *Staff: Michael Draper – p. 37*

11:00 A.M.

F. CONDITIONAL USE PERMIT 18-010/Stepanian for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 27 Carson View Dr. (Leonard Ave. neighborhood, APN 015-270-005) in June Lake. Maximum occupancy of 10 persons and four vehicles. In accordance with the California Environmental Quality Act, addenda to the existing General Plan EIR are being utilized for all proposed use permits (18-005 through 18-010). *Staff: Michael Draper – p. 45*

5. **WORKSHOP**

11:10 A.M.

A. **Housing Toolbox.** *Staff: Bentley Regehr & Megan Mahaffey – p. 54*

6. **REPORTS**

A. **DIRECTOR**

B. **COMMISSIONERS**

7. **INFORMATIONAL**

8. **ADJOURN** to regular meeting September 20, 2018

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

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

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

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

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DRAFT MINUTES

June 14, 2018

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

STAFF: Wendy Sugimura, interim CDD director; Nick Criss & Jake Suppa, code compliance; Walt Lehmann & Paul Roten (teleconference), public works. Christy Milovich, assistant county counsel; CD Ritter, commission secretary

GUESTS:

1. **CALL TO ORDER:** Chair Scott Bush called the meeting to order at 10:10 a.m. at the Town/County Conference Room in Mammoth Lakes, with teleconference to board chambers in Bridgeport.

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES** (*no May meeting*)

- March 22, 2018: Approve as amended: 1) Commissioner Lagomarsini was present. (Pipersky/Lagomarsini. Ayes: 4. Absent: Lizza.) Retracted. (*Pipersky/Lagomarsini. Ayes: 5. Absent: Lizza.*)
- March 22, 2018, adjourned to April 5. (*Pipersky/Roberts. Ayes: 3. Abstain due to absence: Lagomarsini. Absent: Lizza.*)
- April 5, 2018: Approve as submitted. (*Roberts/Pipersky. Ayes: Abstain due to absence: Lagomarsini. Absent: Lizza.*)

4. **ACTION ITEM**

A. ROCK CREEK CANYON SPECIFIC PLAN & TRACT MAP: Interpretation of setback requirements for Lot 6. Recommendation: 1) Find that the buildable area for Lots 1-6 is established by setbacks as stated in the EIR text; and 2) Determine if the nearest bank is part of the irrigation ditch or the stream for measuring the setback distance to the chicken coop.

Wendy Sugimura gave applicants opportunity to await full commission. Today needs at least three positive votes to pass. If two/two, fails. Applicants wanted to continue.

Jake Suppa presented a PowerPoint on the project. Coop less than 120 sf so no permit required. Disturbance envelopes and stream/ditch setback are at issue. No building area was defined on lots one to six. Continuation of historic uses in Specific Plan and Tract Map. Weir is notch or depression that could increase or decrease flows. Bank is sides of channel between which stream flow is confined. General Plan provides 30' from top of bank. **Variability and obscurity** in situation.

Problem for creek, pollute, danger, flood? *No.*

Purpose of setback rule? *Buffer between riparian ecosystem and development activity.*

Lagomarsini noted ditch flows year-round, eventually into Rock Creek.

Is ditch part of creek? *Two distinct channels have two distinct banks. Up for interpretation.*

Pipersky wanted to distinguish between creek and ditch. Specific Plan states restrictions on building near creek, but irrigation channel is historic pre-existing use. Bush indicated **10' from ditch, 30' from creek.**

Suppa stated rock weirs make efficient use of water, preferred as passthrough for fish, mayflies.

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OPEN PUBLIC HEARING: Maggie Palchak presented downstream photo and presented five support letters. Manmade bank of sand bags. Fence goes to water. In original design. Coop constructed in Feb 2018.

Set precedent to build wherever want to? Suppa noted lot 6 left out in original recording. Bush indicated topography restricts building area.

Applicant Jim Lewey feels privileged to live there, tries to be as respectful and legal as possible.
CLOSE PUBLIC HEARING.

DISCUSSION: Creek goes through three lots? Suppa **hasn't analyzed other lots.** Pipersky stated fence allowed up to banks, meet setbacks if look at creek itself and ditch individually, unconditioned building **6' x 10' so no permit needed. Really not an issue, continue as is.**

Roberts thought in history of development, important scenic and cultural resource became enclave for affluent elites. Begging forgiveness not asking permission.

If ditch is part of creek? Roberts would consider a variance.

Lagomarsini cautioned when cleaning coop, be careful not to let waste into ditch or stream. Variance more appropriate. Been careful, but it does go back into Rock Creek.

Where does ditch begin? Against environmental law to let waste into creek? Palchak cited her own environmental background.

Lewey noted deep layering, clean coop twice per year to spread on garden.

Sugimura noted **where ditch goes to downstream parcels, need 10' setback. Measuring to bank of ditch or the creek here?** Roberts thought measure to center of weir, half ditch, half creek.

Bush noted concrete head gate would not be a problem.

MOTION: Buildable area for lots 1-6 is established by setbacks as stated in EIR text, PC determined nearest bank is part of ditch for measuring setback distance to chicken coop. (*Lagomarsini/Roberts. Ayes: 4. Absent: Lizza.*)

--- Break: 10:44-10:50 ---

5. WORKSHOP

10:40 A.M.

A. LOCAL HAZARD MITIGATION PLAN. *Staff: Dana Hoffman, Michael Baker International*

Wendy Sugimura introduced Dana Hoffman, project manager. Hazard mitigation means reduce or eliminate long-term risk to life and property. Required by FEMA (Federal Emergency Management Agency) and CalOES (California Office of Emergency Services) for funding. CWPP (Community Wildfire Protection Plan) is included, focused on fire on local and federal stakeholders. Influence where federal agencies concentrate fuel-reduction projects. Joint effort by Town and County. Five stakeholder meetings gave feedback on specific hazards. Significant community outreach was held. Used existing data from past studies. Main goal is approved plan that qualifies for FEMA post-disaster, shelf life five years, set up Mono to access mitigation grant funding. Educate community on hazards, reduce risks over time. Specific to climate change. Community events, seven RPAC meetings, Mono website, online survey posted and distributed. Draft plan open through end of July.

Planning team evaluated 14 hazards, including climate change. She presented structure of plan. Changes in development occurred since last plan. Twenty priority mitigation actions for next five years, additional for long term. High level of six communities with lone access route. Fire assessments included in Ch. 7, missing from Ch. 3 and Ch. 4. Design secondary access routes. Wildlife/vehicle collision included this time. Receive comments from PC and public, eventually to BOS. Submit to FEMA and CalOES in August.

Bush commended an amazing amount of work. Roberts described it as comprehensive. Into Code once adopted? Hoffman cited recommendations on reducing risk, option to apply for grant funding.

Lagomarsini noted extreme heat was omitted. Retirees in Chalfant need consideration. Hoffman thought it could be included in additional analysis. Short timeline, so may not happen. Sugimura **suggested adding "specific to Tri-Valley."**

Roberts recalled Petersen Tract had access routes. Different from June Lake Area Plan.

Hoffman: Slope issues, focused on hazard areas covered, not high fire area.

Roberts indicated step hill into Williams tract.

Pipersky: Utilities and loss of electricity, internet a hazard, or hazards result in that?

Hoffman: One hazard can lead to another; e.g., fire to flood. Discussed under wind and fire, not evaluated in that way. FEMA has specific hazards. More a risk than hazard?

Bush thanked Hoffman.

6. REPORTS

A. DIRECTOR: 1) **GP update:** Cannabis applications opened June 7, two complete apps; 2) **Opening day of STR:** Expect June Lake applications; 3) **LADWP irrigation:** Discussion with LADWP re irrigation practices in Long Valley, impacts to sage grouse and ranchers; 4) **Water transfer:** Workshop on North County water transfer program, public trust doctrine and Walker Lake in Nevada (level decreasing, terminal lake, endangering ecosystem). Acquire water rights to keep water in stream and into lake; CA and Nevada involved. MOU triggers CEQA. Voluntary program. Cannabis uses lots of water. Conceptual outreach point, bring shaped program soon. LA County \$7 million already in all activities. Mendocino, Santa Barbara, Humboldt top counties. District Court weighed in on decisions. Legal questions got resolved. How to interpret tribal rights, public trust doctrine. Entire watershed of Walker at issue, two forks. North of Conway Summit. CEQA consider impacts to riparian, sage grouse, wet meadows, etc.

B. COMMISSIONERS: Roberts: CCPCA (California County Planning Commissioners Associations) conference. planningcommission.org for presentation. Enviro greenmailing; phonyuniontreehuggers.com Elevator inside Shasta Dam, co-generation facility using heat, steam to kilns to dry lumber. Anderson is just south of Redding. No date set for Eureka. Noah Levy will organize. Shasta conservative and hippies as well. Sugimura reminded of travel/training budget for PC.

7. INFORMATIONAL: No items

8. ADJOURN at 11:30 am to regular meeting July 19, 2018

Prepared by CD Ritter, PC secretary

Mono County Community Development Department

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August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-005/Dudley - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-005 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

The proposal, CUP 18-005/Dudley, is located at 92 Nevada Street, June Lake, and has a land use designation of Single-Family Residential (SFR). All adjacent properties are also designated SFR. The Conditional Use Permit is for the entitlement to conduct a non-owner-occupied (Type III) short-term rental of an entire house consisting of three bedrooms. The maximum number of occupants is limited to eight people and only a single party of individuals may occupy the rental at a time.

The parcel (APN 016-099-032) is approximately 6,969 square feet in size. The existing single-family dwelling is 1,015 square feet and contains three bedrooms. The application identifies a 22'x30' space for two parking spaces, and one 10'x25' parking space in a gravel parking area in front of the house. An additional 12'x25' space for a boat or other recreational vehicle is located on the adjoining property (APN 016-099-033).

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An

additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-0005 / Dudley, Type III Short-Term Rental

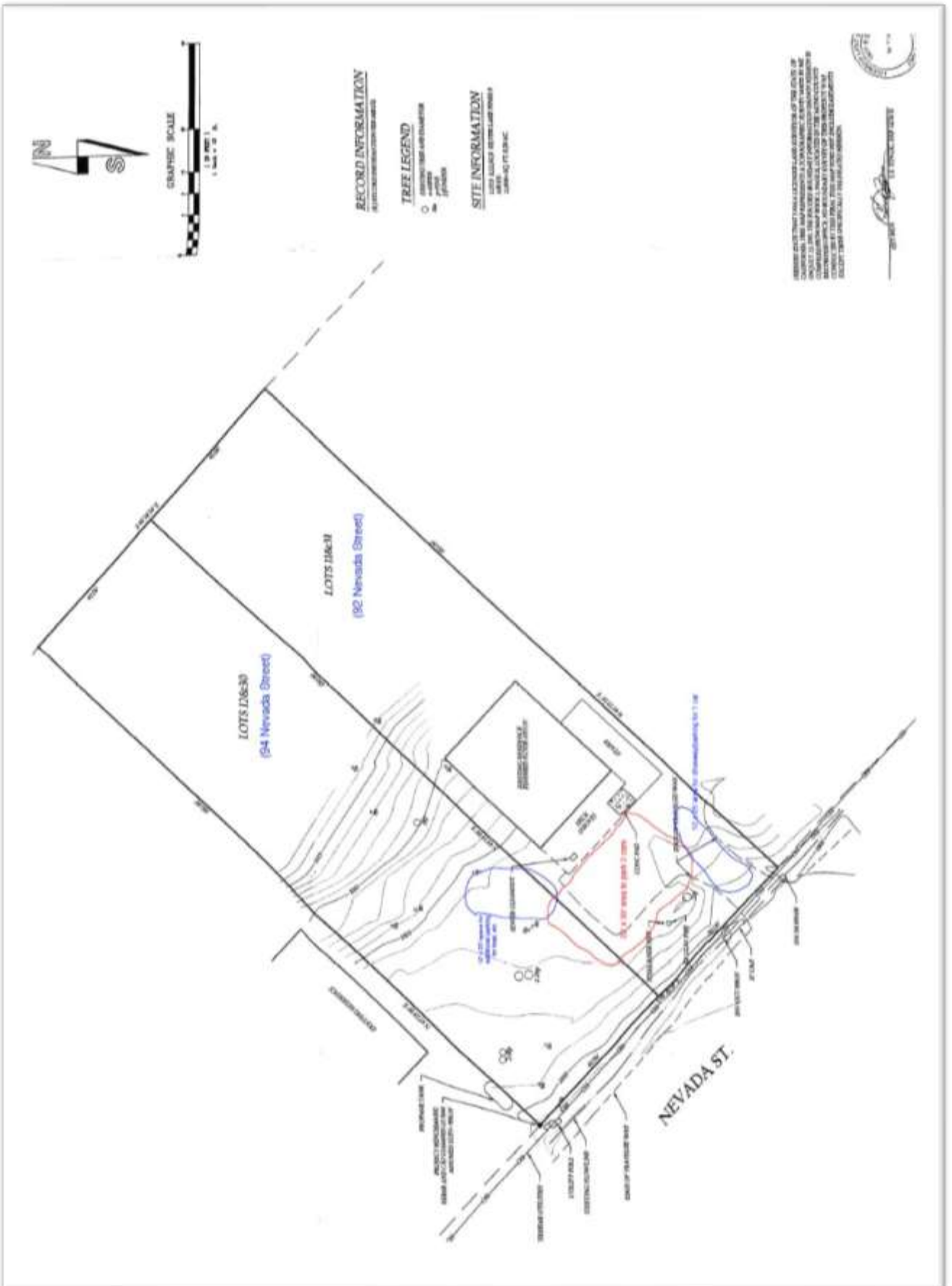


Access to the property from Nevada Street.



Parking area





LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake community.

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

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.d. In the Clark Tract, Type I and Type III rentals may be permitted year-round on Nevada Street/Silver Meadow subject to the discretionary permit(s) for short-term rentals and June Lake Area Plan policies. In the rest of the Clark Tract, only Type I rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake Area Plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to eight parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and Type III rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

The Commission may deny an application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.
- Most 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.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Project meets Chapter 6.100 that requires two spaces per residential unit.
 - b) The 1,015 -sq. ft. rental is an existing structure that meets General Plan Land Use Designation site requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Nevada Street, a private road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 1,015-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) The project is required to comply with regulations of Mono County Code Chapter 5.65.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
 - a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-005 **APPLICANT:** Michael Dudley

ASSESSOR PARCEL NUMBER: 016-099-032

PROJECT TITLE: Type III Short-Term Rental / Dudley

PROJECT LOCATION: The project is located at 92 Nevada Street, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-005/ Dudley, subject to the following conditions, at the end of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-005 / Dudley

- 1) Occupancy shall be limited to a maximum of eight persons of a single party.
- 2) Upon a change of ownership of the neighboring property, APN 016-099-033, the project may not park or store any type of vehicle or equipment on the neighboring parcel.
- 3) All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property, or the neighboring property (APN 016-099-033).
- 4) The project shall comply with provisions of the Mono County General Plan, including Chapter 6, Parking, and Chapter 25, Short-Term Rentals.
- 5) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 6) Property shall be maintained in a neat and orderly manner.
- 7) Project shall comply with applicable Environmental Health requirements.
- 8) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 9) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-006/Streecon - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-006 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-006/Streecon, is located at 80 Leonard Avenue, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the east, west and north are also designated SFR. To the south of this property is a Multi-Family Residential (MFR-H) parcel.

The parcel (APN 015-270-010) is approximately 10,890 square feet in size. The existing single-family dwelling is 800 square feet and contains two bedrooms. The deck is approximately 232 square feet. The application identifies space for two parking spaces, 8' x 20', in an area of 930' square feet. The applicant's parking plan shows a parking area 15' 5" wide and 60' long. Based on this area, parking spaces of 10' x 20' can be accommodated. Access to the property is taken from Leonard Avenue, a County maintained, Class 2 paved road.

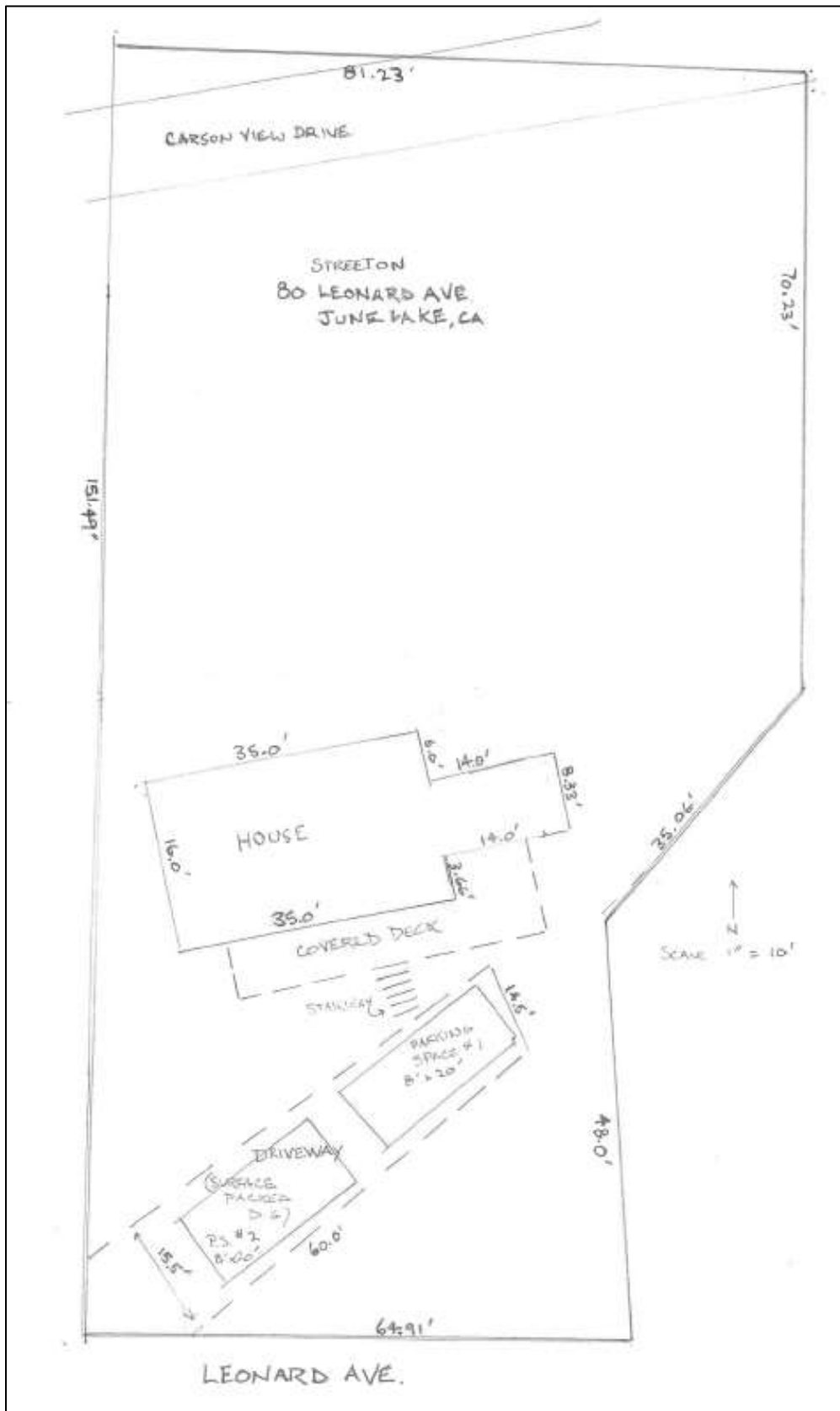
The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of two bedrooms. The maximum number of occupants for a two-bedroom unit is limited to six people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-006 / Streeton, Type III Short-Term Rental



Figure 1: Driveway & parking area



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

The Commission may deny an application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.
- Most parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

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

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) The project provides for the residential requirement of two parking spaces per unit.
 - b) The 800-sq. ft. rental is an existing nonconforming structure that does not meet General Plan Land Use Designation setback requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Leonard Avenue, a Class 2 County road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 800-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
 - a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-006 **APPLICANT:** Victoria Streeton

ASSESSOR PARCEL NUMBER: 015-270-010

PROJECT TITLE: Type III Short-Term Rental /Streeton

PROJECT LOCATION: The project is located at 80 Leonard Ave, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-006/Streeton, subject to the following conditions, at the end of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-006 / Streeton

- 1) Occupancy shall be limited to a maximum of six persons of a single party.
- 2) All short-term rental customers must sleep within the dwelling; customers are prohibited from sleeping in an RV, travel-trailer, or similar mobile-living unit on the property.
- 3) The project shall comply with provisions of the Mono County General Plan, including Chapter 25, Short-Term Rentals.
- 4) Upon approval of a Short-Term Rental Activity permit, the project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 5) Property shall be maintained in a neat and orderly manner.
- 6) Project shall comply with applicable Environmental Health requirements.
- 7) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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Mono County
Community Development Department

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

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

August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-007/Schreiber - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-007 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-007/Schreiber, is located at 184 Leonard Avenue, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the east, west and north are also designated SFR. To the south of this property is a Multi-Family Residential (MFR-H) parcel.

The parcel (APN 015-270-003) is approximately 23,958 square feet in size. The existing single-family dwelling has four bedrooms and is 1,025 square feet. In the front of the house is a 250 square foot deck. The application identifies an area of 54' feet by 63' feet (3,402 square feet) available for parking. This area provides for the minimum requirement of two parking spaces, 10' x 20' when uncovered. Access to the property is from Leonard Avenue, a County-maintained, Class 2 paved road.

The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of four bedrooms. The maximum number of occupants for a four-bedroom unit is 10 people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

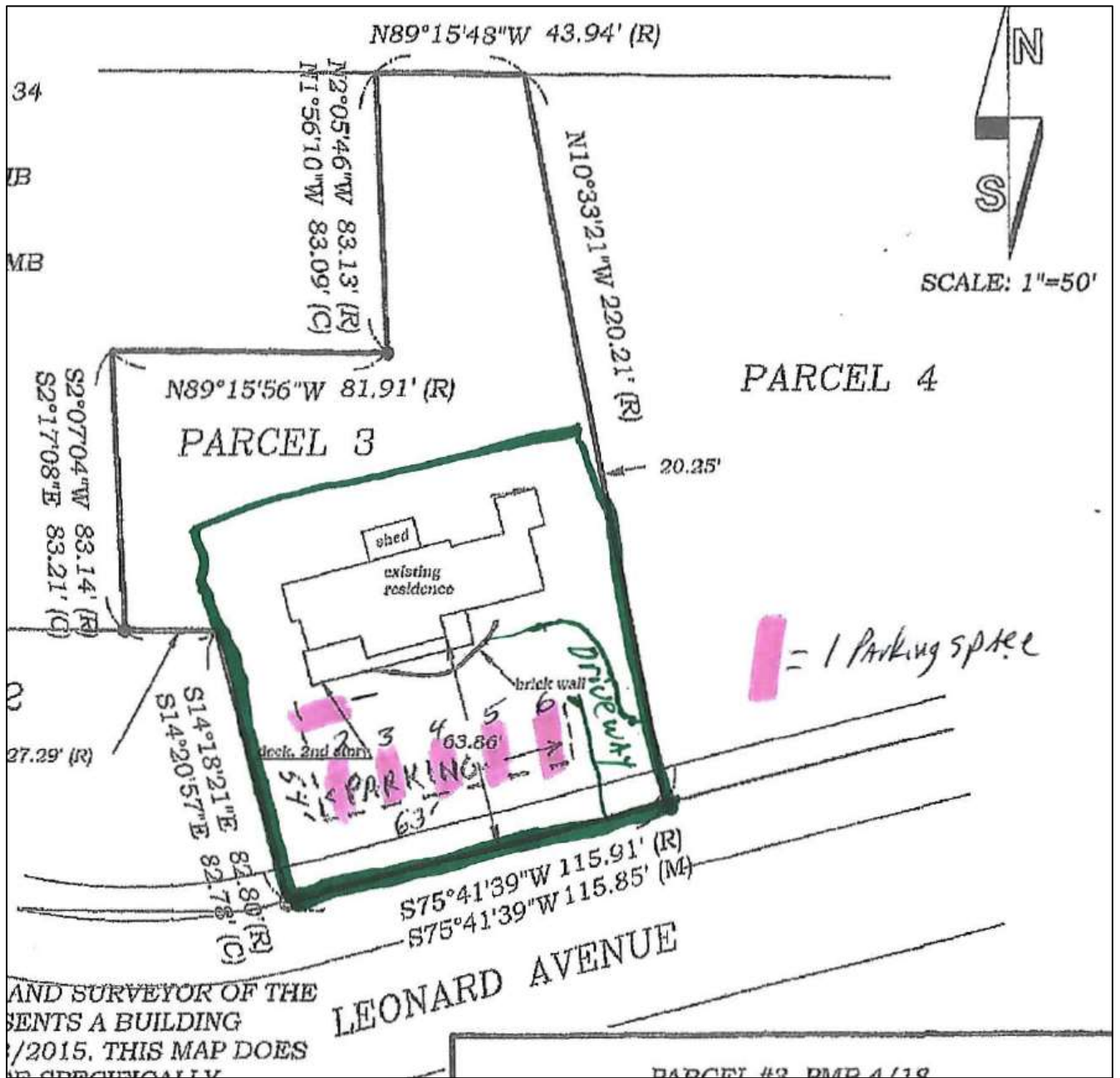
SITE PLAN: CUP 18-007 / Schreiber, Type III Short-Term Rental



Project location 184 Leonard Ave.
APN: 015-270-003



Figure 1: Front parking area



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

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

The Commission may deny the application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.

- Most 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.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Project provides the necessary parking of two spaces per unit, 10' x 20' when uncovered. The total area allocated for parking is 3,400 square feet.
 - b) The 1,025-sq. ft. rental is an existing conforming structure that meets General Plan Land Use Designation set-back requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Leonard Avenue, a Class 2 County road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 1,025-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) The project is required to comply with regulations of Mono County Code Chapter 5.65.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
 - a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-007 **APPLICANTS:** William and Carol Schreiber

ASSESSOR PARCEL NUMBER: 015-270-003

PROJECT TITLE: Type III Short-Term Rental / Schreiber

PROJECT LOCATION: The project is located at 184 Leonard Ave, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-0\07/Schreiber, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-007 / Schreiber

- 1) Occupancy shall be limited to a maximum of ten persons of a single party.
- 2) All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property
- 3) Project shall comply with provisions of the Mono County General Plan, including Chapter 25, Short-Term Rentals.
- 4) Project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 5) Property shall be maintained in a neat and orderly manner.
- 6) Project shall comply with applicable Environmental Health requirements.
- 7) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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Community Development Department

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www.monocounty.ca.gov

August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-008/Prince - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-008 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-008/Prince, is located at 46 Leonard Avenue, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the east, west and north are also designated Single-Family Residential (SFR). To the south of this property is a Multi-Family Residential (MFR-H) parcel.

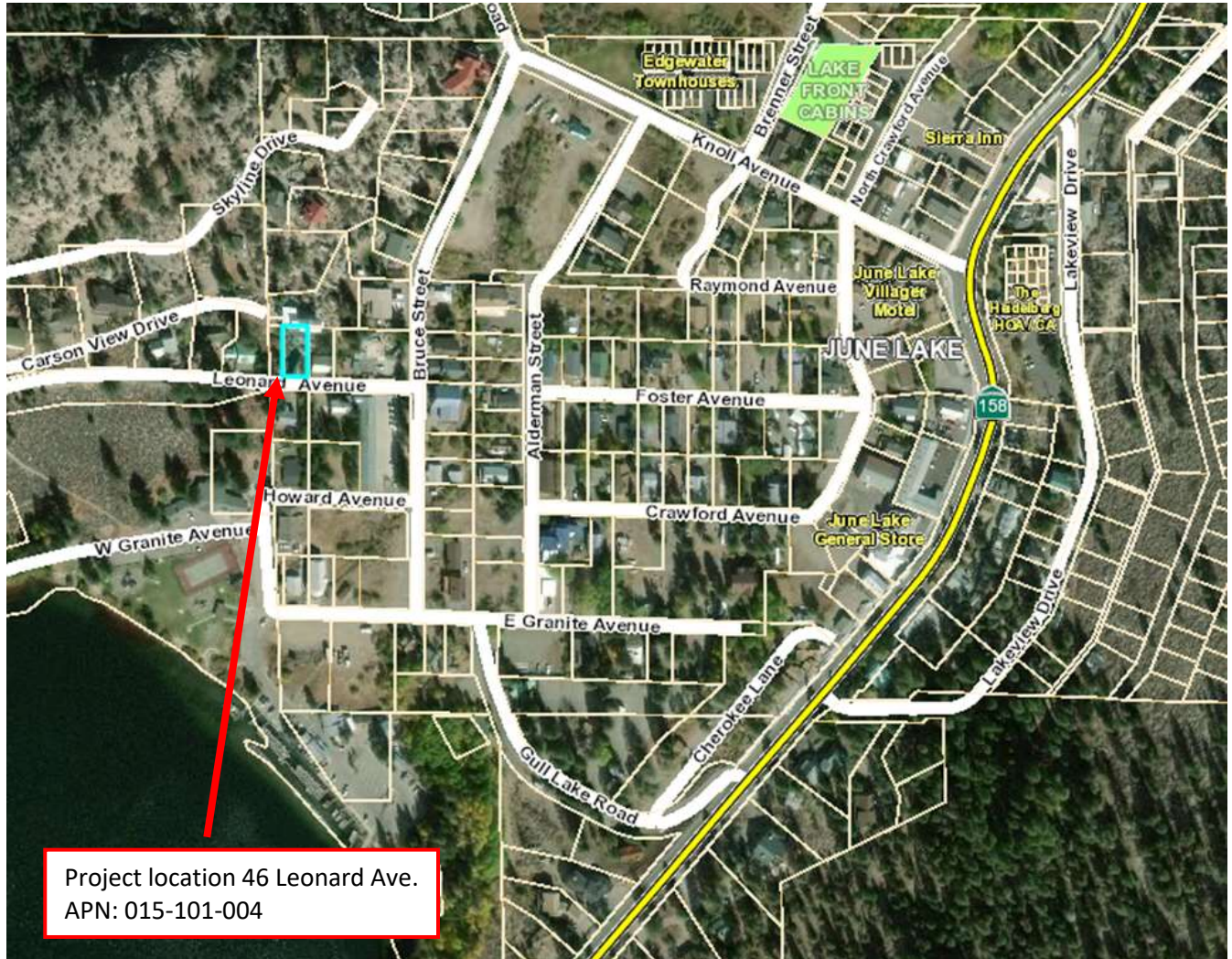
The parcel (APN 015-101-004) is approximately 4,791 square feet in size. The existing single-family dwelling is 801 square feet and contains two bedrooms and a loft. The deck is 714 square feet. The application identifies space for one 10' x 25' parking area and one parking space of 8' x 18' in a 394' square foot gravel parking area located on the front and east side of the house (see photographs below).

Access to the property is taken from Leonard Avenue, a County maintained, Class 2 paved road. Mono County General Plan Chapter 6, Parking, requirements state all uncovered parking shall be a minimum size of 10' x 20' and of asphalt or similar impervious or approved semi-pervious surface at this location.

The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of two bedrooms. The maximum number of occupants for a two-bedroom unit is limited to six people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-008 / Prince, Type III Short-Term Rental



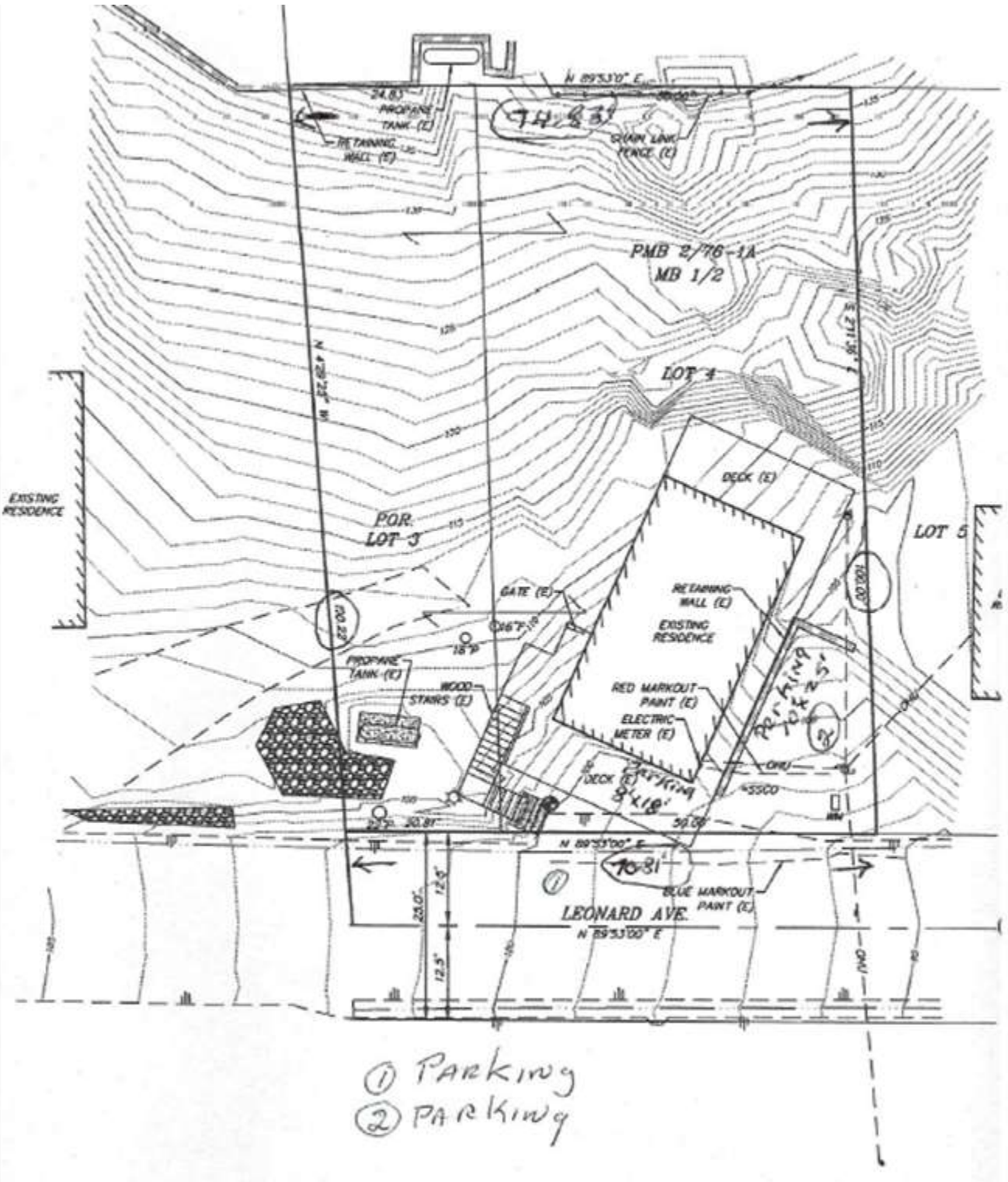




Figure 1: Front parking area, 8' x 18'



Figure 2: Side yard parking area, 10' x 20'

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

The Commission may deny an application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.
- Most parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

The project is also required to comply with Mono County Code Chapter 5.65 and receive Board of Supervisor approval for the Short-Term Rental Activity permit in a public hearing. The purpose of Chapter

5.65 is to implement procedures, restrictions, and regulations related to the operation of a short-term rental. It also provides enhanced enforcement tools to address unauthorized short-term rentals countywide.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) The Project provides the space needed for two parking spaces.
 - b) The 1,024 -sq. ft. rental is an existing nonconforming structure that does not meet General Plan Land Use Designation setback requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Leonard Avenue, a Class 2 County road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 1,024-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*

- a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-008 **APPLICANTS:** David & Barbara Prince

ASSESSOR PARCEL NUMBER: 015-101-004

PROJECT TITLE: Type III Short-Term Rental / Prince

PROJECT LOCATION: The project is located at 46 Leonard Ave, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-008/Prince, subject to the following conditions, at the end of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-008 / Prince

- 1) Occupancy shall be limited to a maximum of six persons of a single party.
- 2) The property shall receive a Certificate of Occupancy prior to any use as a short-term rental.
- 3) The property shall pave parking areas to meet Mono County General Plan Chapter 6, Parking, requirements.
- 4) All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
- 5) The project shall comply with provisions of the Mono County General Plan including Chapter 25, Short-Term Rentals.
- 6) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 7) Property shall be maintained in a neat and orderly manner.
- 8) Project shall comply with applicable Environmental Health requirements.
- 9) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 10) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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Mono County
Community Development Department

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www.monocounty.ca.gov

August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-009/Smith - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-009 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-009/Smith, is located at 70 Leonard Avenue, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties are also designated SFR except for the property to the south, designated Resource Management and owned by the Inyo National Forest. The property to the east is currently vacant and owned by the Prince family, who are also applying for a Type III rental of their property at 46 Leonard Avenue.

The parcel (APN 015-270-011) is approximately 10,454 square feet in size. The existing single-family dwelling, deck and attached garage is 1,755 square feet total. The dwelling contains four bedrooms. The application identifies a 923' square foot gravel parking area in front of the house that is divided into two parking areas; Parking Area A is for two vehicles and Area B is for one vehicle (see Figures 2 and 3).

The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of four bedrooms. The maximum number of occupants is limited to 10 people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-009 / Smith, Type III Short-Term Rental



Figure 1: Front parking area

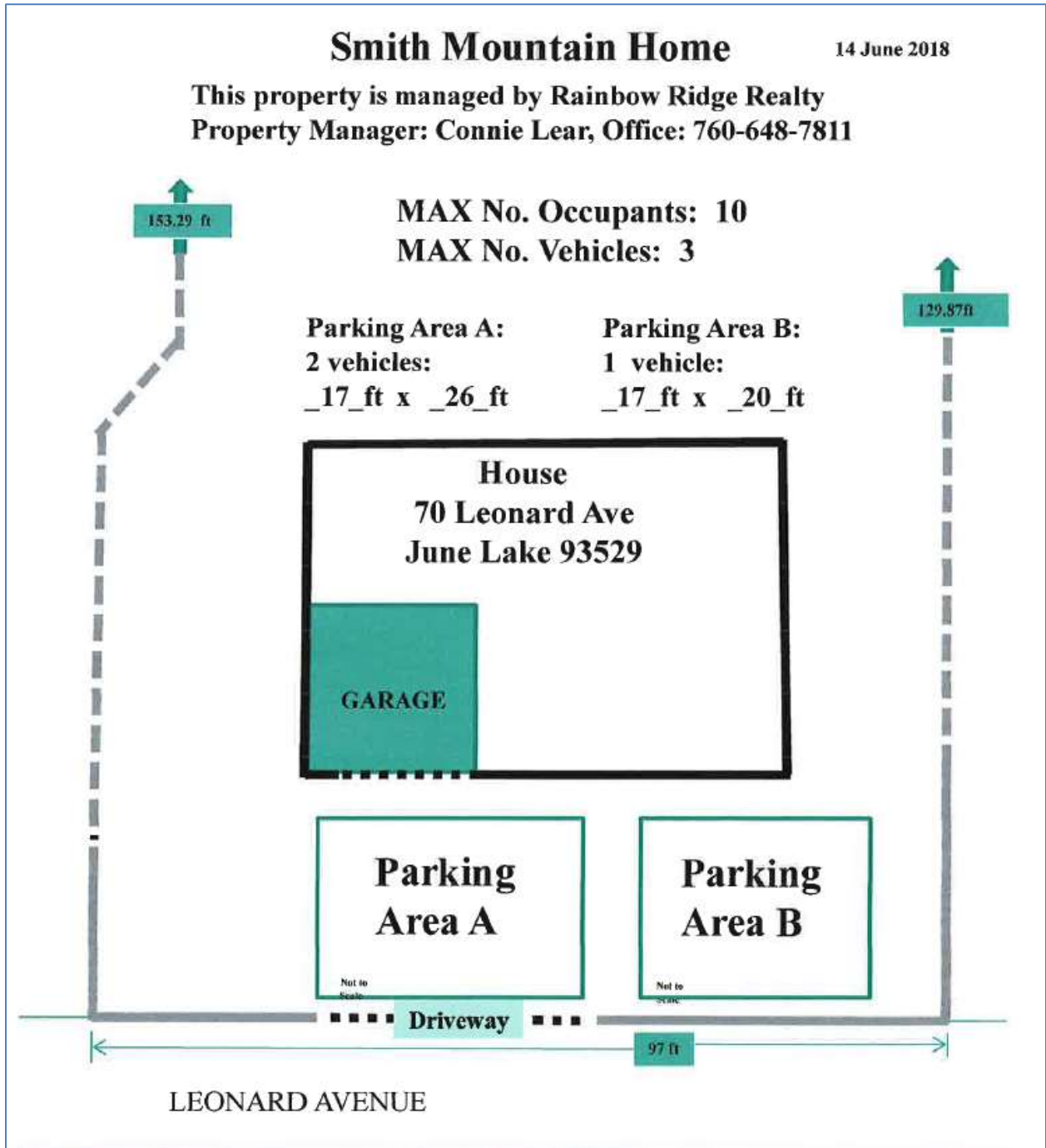


Figure 2: Parking Plan provided by applicant



Figure 3: Parking area identified by applicant

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

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

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

The Commission may deny the application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.
- Most 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.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Project provides the necessary parking of two space per residential unit. Two uncovered parking spaces of 10' x 20' are available; and
 - b) The 1,755' square feet. rental is an existing structure that meets General Plan Land Use Designation site requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Leonard Avenue, a Class 2 County road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 1,755 square feet. unit is not expected to cause significant environmental impacts; and
 - b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
 - a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-009 **APPLICANTS:** Larry Don & Maryann Smith

ASSESSOR PARCEL NUMBER: 015-270-011

PROJECT TITLE: Type III Short-Term Rental / Smith

PROJECT LOCATION: The project is located at 70 Leonard Ave, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-009/Smith, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-009 / Smith

- 1) Occupancy shall be limited to a maximum of 10 persons of a single party.
- 2) All short-term rental customers must sleep within the dwelling; customers are prohibited from sleeping in an RV, travel-trailer, or similar mobile-living unit on the property.
- 3) The project shall comply with provisions of the Mono County General Plan including Chapter 25, Short-Term Rentals.
- 4) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 5) Property shall be maintained in a neat and orderly manner.
- 6) Project shall comply with applicable Environmental Health requirements.
- 7) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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www.monocounty.ca.gov

August 16, 2018

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 18-010/Stepanian - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 18-010 subject to the findings and conditions contained in this staff report.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-010/Stepanian, is located at 27 Carson View Drive, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the east and west are also designated SFR. To the north and south of this property is a large parcel owned by the Inyo National Forest and designated Resource Management (RM).

The parcel (APN 015-270-005) is approximately 16,988 square feet in size. The existing single-family dwelling is 1,994 square feet and contains four bedrooms. An outdoor patio deck on the rear of the house at ground-level is 500 square feet. The application identifies space for four 10'x 20' parking spaces in a 1,755' square foot gravel parking area in front of the house. One of the spaces is covered by a second-story patio.

The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of four bedrooms. The maximum number of occupants is limited to 10 people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-010 / Stepanian, Type III Short-Term Rental



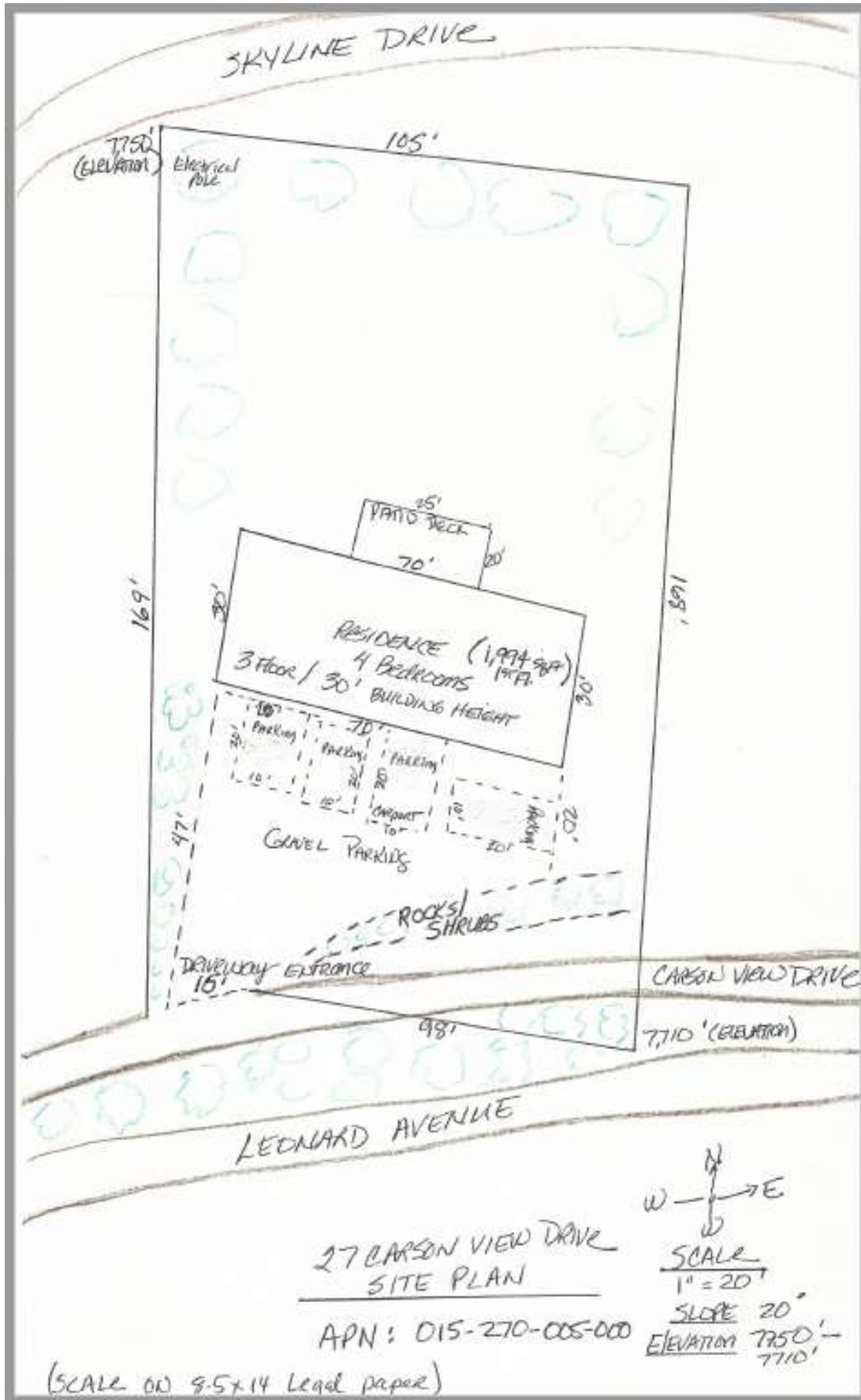


Figure 1: Parking plan submitted by the applicant



Figure 2: Driveway/parking on the property



Figure 3: Parking area

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments have been received at the time this staff report was written.

GENERAL PLAN CONSISTENCY

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

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

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

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term 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. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

The Commission may deny the application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.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.L.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.

- Most 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.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

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

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Project provides the necessary parking of two spaces per residential unit. A minimum of four 10' x 20' parking spaces are provided; and
 - b) The 1,994 -sq. ft. rental is an existing structure that meets General Plan Land Use Designation site requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Carson View Drive, a private road, and use of property for a Type III rental is not expected to generate a significant increase in traffic. Traffic will be routed to Carson View Drive by Leonard Avenue, a Class 2 County road. Class 2 County roads are prioritized second when clearing snow.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type III short-term rental of an existing 1,994-sq. ft. unit is not expected to cause significant environmental impacts; and

- b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
- a) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-010 **APPLICANTS:** Lynn Stepanian

ASSESSOR PARCEL NUMBER: 015-270-005

PROJECT TITLE: Type III Short-Term Rental / Stepanian

PROJECT LOCATION: The project is located at 27 Carson View Drive, June Lake

On August 16, 2018, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-010/Stepanian, subject to the following conditions, at the end of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: August 16, 2018

EFFECTIVE DATE USE PERMIT August 27, 2018

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

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

MONO COUNTY PLANNING COMMISSION

DATED: August 16, 2018

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-010 / Stepanian

- 1) Occupancy shall be limited to a maximum of 10 persons of a single party.
- 2) All short-term rental customers must sleep within the dwelling; customers are prohibited from sleeping in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
- 3) The project shall comply with provisions of the Mono County General Plan, including Chapter 25, Short-Term Rentals.
- 4) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 5) Property shall be maintained in a neat and orderly manner.
- 6) Project shall comply with applicable Environmental Health requirements.
- 7) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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August 9, 2018

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst
Megan Mahaffey, Accountant
Wendy Sugimura, Director

Re: Housing Toolbox Programs

BACKGROUND

In the spring of 2018, a toolbox consisting of strategies to address housing challenges was established and vetted through extensive community outreach. A summary of the toolbox strategies and associated community feedback was presented to the Mono County Board of Supervisors on June 19, 2018. Community Development staff has since worked with Economic & Planning Systems (EPS) to organize the toolbox strategies into a matrix that begins to fuse broad housing goals and strategies to potential programs and actions.

DISCUSSION

The housing toolbox programs matrix (attached) is divided into three general goals: 1) Increase overall housing supply, consistent with the county's rural character; 2) Increase the supply of affordable housing; and 3) Retain existing affordable housing. Programs and specific implementation actions are then identified under each goal. The original toolbox strategies are contained within the implementation actions, along with other potential programs that emerged through staff discussions.

Staff is seeking input from the Planning Commission on the potential implementation actions, and any new actions, with the goal of eventually prioritizing and reorganizing the programs. Direction from the Planning Commission will provide guidance for a future housing toolbox programs workshop with the Board of Supervisors on September 18.

Mono County Housing Toolbox Programs

Housing Toolbox Goals	Program	Description	Program Implementation Actions
<p>1. Increase Overall Housing Supply, Consistent with County's Rural Character</p>	<p>1a. Development Readiness</p>	<p>Development readiness refers to identifying "opportunity sites," parcels, or groups of parcels, with good physical, regulatory, and market potential for residential development. In addition this program identifies specific policies, regulatory changes, or public investments that would improve development readiness.</p>	<ul style="list-style-type: none"> • Update the County's housing opportunity site identification and assessment database, including the capacity for infill projects, and inventory of County-owned property, and an inventory of un/under-developed private property. • Revise land use development standards, such as reducing minimum square footage requirements (where applicable), increasing density, providing more MFR designations, provisions for Junior Accessory Dwelling Units and Tiny Homes (units affordable by design), modernizing MFR standards, etc., that are intended to promote housing production potential. • Provide prescriptive designs for use by the public to facilitate project design: accessory dwelling units, manufactured home foundations, etc.
	<p>1b. Project Review and Approval Streamlining</p>	<p>Agencies can take steps to streamline the approval process. Housing development often faces political and procedural challenges, which increase development costs and increase risk by reducing the certainty that a developer investing in extensive pre-development efforts will receive approvals for a feasible project.</p>	<ul style="list-style-type: none"> • Evaluate project review process and determine if there are additional opportunities for housing developments that are consistent with County zoning to be processed as by-right or "Director Review" applications. • Continue to appropriate money from General Fund to CDD/PW/Env Health to conduct planning, building, and engineering review of development applications in a timely manner. • Streamline CEQA review when possible, including completing studies to meet streamlining provisions and tracking changes in state legislation that provide new opportunities.
	<p>1c. Proactive Investment</p>	<p>The development of housing involves numerous categories of investment, including land acquisition, entitlement, and the construction of buildings and infrastructure. Sometimes the public sector has resources that can be directed toward these costs, thus reducing costs for the housing developer.</p>	<ul style="list-style-type: none"> • Review opportunity sites and evaluate if off-site infrastructure investment can improve the readiness and feasibility of new housing development. • Determine if there are strategically-located parcels of land that can be purchased and "banked" for eventual disposition to housing developers. • Evaluate the feasibility and value of a housing land trust
<p>2. Increase Supply of Affordable Housing</p>	<p>2a. Increase stock of affordable housing units</p>	<p>This program would increase the number of available units that are restricted to targeted income brackets.</p>	<ul style="list-style-type: none"> • Reinstate Housing Mitigation Ordinance including an inclusionary requirement, with in-lieu fee schedule, for both ownership and rental market-rate housing developments. Update HMO as needed. • Purchase housing units at market rate, deed restrict, and then sell
	<p>2b. Public Land Offering</p>	<p>The use of public land presents key opportunities that are not typically available with private land, such as the ability to defer land acquisition costs until the project is entitled, the possibility of acquiring the land at an appraisal rate that may be below market rate, and the chance to leverage the public land contribution or discount as a "local match" for competitive funding programs. In addition, disposition of non-federal public land offers an opportunity to require, through the purchase and sale agreement, inclusion of affordable housing units, beyond the local HMO or State Law requirements (AB 2135 and AB 2125).</p>	<ul style="list-style-type: none"> • Update policy outlining the County's expectations and requirements regarding future public land disposition, including the provision of affordable housing consistent with State Law. • Review various agencies' public land assets to identify sites that may not be needed for near- or long-term agency purposes and thus could be offered for housing.
	<p>2c. Financial and Regulatory Incentives</p>	<p>This program would establish a set of financial and regulatory incentives to offer market rate developers to include affordable housing in their housing projects. Financial and regulatory incentives need to acknowledge that most residential development applications in the County are for smaller projects (i.e., four units or less).</p>	<ul style="list-style-type: none"> • Allow waivers or discounts of planning review or development impact fees for affordable projects and/or units. • Develop and consider revisions to Land Use Development Standards to incentivize the provision of more on-site affordable units, such as performance standards for setbacks, parking, etc. • Create a density bonus beyond State maximum (35%). In other jurisdictions, density bonuses have incentivized production of affordable housing units on-site. • Establish a tax deferral program for affordable housing units.
	<p>2d. Partnerships</p>	<p>Residents of Mono County are served by a number of local government agencies including the County, the Town of Mammoth Lakes, water districts, fire districts, the K-12 school districts, the Cerro Coso Community College system, and the Eastern Sierra Transit Authority. Each of these entities has an interest (even if indirect) in housing and, in many cases, have resources available that can help address the housing supply problem. A new level of interagency and public-private cooperation is needed to leverage the respective resources and capabilities of these organizations toward a common objective: increasing housing supply for employees, students, and the public-at-large.</p>	<ul style="list-style-type: none"> • Pursue partnerships with other agencies in the County, such as the Town of Mammoth Lakes, where approximately 60% of the County's residents reside, particularly related to funding and shared administrative resources. • Investigate potential for landlord partnerships. Research the feasibility of implementing a program to link non-profit housing and service providers with landlords. Such a program can help mitigate the real and perceived risks associated with renting to lower income households. • Investigate potential for developer partnerships. • Partner with other agencies to ensure utilization of all employee units.

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3. Retain Existing Affordable Housing	3a. Rehabilitation Loans / Grants	Owners/landlords of affordable housing developments and/or units may not be able to afford or justify significant capital investment in property upkeep. Grants or loans offered with favorable terms may help with these expenses, helping to retain safe, affordable housing units in the County.	<ul style="list-style-type: none"> • Collaborate with the Town of Mammoth Lakes on Rehabilitation/Loan programs. • Identify opportunities to bolster the rehabilitation loan/grant program. • Consider other programs that may improve housing stock quality, such as incentives for energy efficiency improvements.
	3b. Rentals: Mitigate impacts of short-term rentals and incentivize long-term rentals	There is a significant supply of second homes/vacation homes in the County that sit vacant for much of the year, reducing the supply of housing available to the County's full-time residents and workforce, thus distorting the housing market.	<ul style="list-style-type: none"> • Conduct a study to fully understand the impact of the short term rental market in the County. • Incentivize property owners to convert short term rentals into long term rentals, potentially through the use of a short-term rental tax and/or a tax deferral program for long-term rentals. • Continue to regulate the vacation home market, coordinate with the Town. Enhance policy and enforcement on short-term rentals. • Limit accessory dwelling units to long-term rentals only. • Educate realtors about the short-term rental approval process.
	3c. Acquisitions	While not counting toward meeting RHNA objectives, investments that purchase or extend existing affordability contracts may provide a cost-effective way to secure and sustain the County's price-regulated housing. The Mono County Revolving Loan Fund allows the County to purchase deed restricted units within TOML for purpose of preserving low-/moderate-income and workforce households. Purchased units are marketed for sale at below-market-rate.	<ul style="list-style-type: none"> • The Housing Element should track the expiration of deed restrictions and other affordability covenants and identify opportunities to preserve the County's existing affordable housing supply. • Purchase and re-sell deed restricted units. • Investigate the potential for acquiring affordability contracts. • Identify opportunities to bolster the County's Revolving Loan Fund.