

# MONO COUNTY PLANNING COMMISSION

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

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

## SPECIAL MEETING AGENDA

February 17, 2022 – 9:00 a.m.

This meeting will be held via teleconferencing with members of the Commission attending from separate remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below. If you are unable to join the Zoom Webinar of the Commission meeting, you may still view the live stream of the meeting by visiting

### 1. Joining via Zoom

There is no physical location of the meeting open to the public. You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

#### To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/81986682738>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” **Use Zoom Meeting ID: 819 8668 2738**

To provide public comment (at appropriate times) during the meeting, press the “Raise Hand” hand button on your screen and wait to be acknowledged by the Chair or staff.

#### To join the meeting by telephone

Dial (669) 900-6833, then enter **Webinar ID: 819 8668 2738**

To provide public comment (at appropriate times) during the meeting, press **\*9** to raise your hand and wait to be acknowledged by the Chair or staff.

### 2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment **by visiting:**

[http://monocounty.granicus.com/MediaPlayer.php?publish\\_id=de128726-007d-4b3e-a9c5-0ad794d32e3e](http://monocounty.granicus.com/MediaPlayer.php?publish_id=de128726-007d-4b3e-a9c5-0ad794d32e3e)

*\*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

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

**3. MEETING MINUTES**

- A. Review and adopt minutes of January 20, 2022 (pg. 1)

**4. ADOPT RESOLUTION AB 361 TO CONTINUE DIGITAL MEETINGS (pg. 4)**

**5. PUBLIC HEARINGS – None**

**6. WORKSHOPS**

- A. **Housing Programs Update and Policy Discussion.** An overview of housing programs and potential policy items. *Staff: Bentley Regehr* (pg. 8)
- B. **Recommendation to Board of Supervisors on Short-Term Rental Moratorium.** Consider providing a recommendation to the Board of Supervisors for their discussion on March 1 on whether to impose a moratorium on short-term and/or transient rentals. *Staff: Bentley Regehr* (pg. 22)

**7. REPORTS**

- A. **Director** (pg. 49)
- B. **Commissioners**

**8. INFORMATIONAL**

**No items**

**9. ADJOURN** to March 17, 2022

**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.

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

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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## Minutes

January 20, 2022 – 9:00 a.m.

**COMMISSIONERS:** Chris Lizza, Scott Bush, Jora Fogg, Patricia Robertson

**STAFF:** Wendy Sugimura, director; Bentley Regehr planning analyst; Heidi Willson, planning commission clerk

**PUBLIC:** Don Morton

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Meeting called to order and the commissioners lead the pledge of allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda
  - No public comment
3. **MEETING MINUTES**
  - A. Review and adopt minutes of December 16, 2021. Corrections: the word “finding” in the motion under agenda item 5 needs to be plural.  
**Motion:** To approve minutes as corrected.  
**Lizza motion; Bush second**  
**Roll-call vote – Ayes: Fogg, Bush, Lizza, Robertson. Absent: Lagomarsini. Motion passed 4-0.**
  - B. Review and adopt minutes of January 6, 2022.  
**Motion:** Approve minutes as presented.  
**Bush motion; Robertson second**  
**Roll-call vote – Ayes: Fogg, Bush, Robertson. Abstain: Lizza. Absent: Lagomarsini. Motion passed 3-0 with one abstention.**
4. **ADOPT RESOLUTION AB 361 TO CONTINUE DIGITAL MEETINGS**  
**Motion:** Approve resolution AB 361.  
**Lizza motion; Bush second**  
**Roll-call vote – Ayes: Fogg, Bush, Lizza, Robertson. Absent: Lagomarsini. Motion passed 4-0.**
5. **PUBLIC HEARING**
  - A. **CONDITIONAL USE PERMIT 20-003/Morton.** Proposal for residential and commercial development at APNs 015-140-054 & 015-104-053 in June Lake. Proposal for APN 015-140-054 will include construction of 12 two-bedroom/one-bathroom apartments, and proposal for APN 015-104-053 will include two commercial buildings. Parcels are designated Commercial Lodging-High (CL-H) and Commercial ©, respectively. *Staff: Bentley Regehr*

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COMMISSIONER  
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Jora Fogg

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

- The applicant Don Morton agreed to proceed with the public hearing even though only 4 Commissioners are present.
- Regehr presented and answered questions from the Commission.
- Don Morton answered questions from the Commission.

Public Comment Opened at 10:02am – Public Comment Closed at 10:03am with no comments.

**Commission Deliberation:**

- Commissioners deliberated various concerns regarding short-term rentals in the residential units, snow storage, parking, light temperature, and rental income limit.
- Chair Robertson: Would like to see the modified and added conditions written out.

Proposed modifications to conditions:

3. At least one residential unit shall be deed restricted to a low-income level (80% AMI), as defined by the California Department of Housing and Community Development state income limits, at the time of the tenant's application. State income limits are set on an annual basis. Compliance with the deed restriction is subject to reporting or monitoring as required by Mono County.
6. All exterior lighting shall comply with the standards for downward directed and fully shielded lighting, consistent with General Plan Chapter 23, Dark Sky Regulations, and the light temperature shall not exceed 3,000K.

Added Condition:

Short-term rentals are prohibited in Building A. Short-term rentals in Building B are subject to the appropriate permit approvals.

**Motion:** 1) Find the project qualifies as a categorical exemption under CEQA §15183; 2) Instruct staff to file a notice of exemption; 3) Make the recommendation to the Board of Supervisors to waive County permitting processing fees, consistent with Housing Element program 2.10 (consultant fees would still be charged); 4) Make the required finding as contained in the staff report and approve Conditional Use permit 20-003 subject to the added and modified conditions.

**Bush motion; Robertson second**

**Roll-call vote – Ayes: Fogg, Bush, Lizza, Robertson. Absent: Lagomarsini. Motion passed 4-0.**

**6. WORKSHOP (items taken out of order)**

**A. Housing Programs Update and Policy Discussion.** An overview of housing programs and potential policy items. *Staff: Bentley Regehr*

- Regehr and Sugimura spoke about the Board's request to consider a possible moratorium on Short-term Rentals.
- Chair Robertson- requested that the Board allocate funding to a study regarding for housing related issues to back up a moratorium.
- Commissioner Fogg- Concerned that if a moratorium took place homeowners would sell their homes and would potentially come another home that sits empty. Would like to pursue an incentive from the County for homeowners to long term rent.

- Commissioner Lizza- We have had a previous moratorium that allowed the county to set parameters for Short-term rentals. Any short-term rentals must go through the Planning Commission and therefore can be regulated based on the home's factors.
- Regehr brought up that the Board is concerned about the number of Short-Term rentals that have been denied.
- Chair Robertson asked if the Board of Supervisors have declared a state of emergency regarding housing?
- Sugimura answered that the Board has not but could; however, no benefits to declaring a state of emergency have been identified.
- The rest of the housing programs update, and policy discussion was continued to February meeting due to time constraints.

**B. Accessory Dwelling Unit Prescriptive Designs.** Review of proposed accessory dwelling unit prescriptive designs, as funded by the SB-2 planning grant. *Staff: Bentley Regehr*

- RRM presented ADU designs and answered questions from the Commissioners.
- Commissioners asked about garages, outdoor living spaces, and storage.

**7. REPORTS**

**A. Director:**

- Report in packet

**B. Commissioners**

- No reports

**8. INFORMATIONAL**

- No Item

**9. ADJOURN** to February 17, 2022

# Mono County Community Development Department

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February 17, 2022

**TO:** Mono County Planning Commission

**FROM:** Wendy Sugimura, Director

**SUBJECT:** Assembly Bill 361 Virtual Meetings

## RECOMMENDATION

Adopt Resolution R22-02 to continue meeting under modified teleconferencing rules.

## BACKGROUND

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021.

## DISCUSSION

In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either:

- measures to promote social distancing have been imposed or recommended by local health officials; or
- the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is attached to the draft proposed resolution (Attachment 1).

In order to continue meeting virtually under those modified rules after February 20, the Commission will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

## Attachment

1. AB 361 Resolution with Public Health recommendation



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5  
6 **A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION**  
7 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**  
8 **FOR THE PERIOD OF FEBRUARY 17, 2022, THROUGH MARCH 17, 2022,**  
9 **PURSUANT TO AB 361**

10 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of  
11 Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

12 **WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20,  
13 modifying the teleconferencing rules set forth in the California Open Meeting law, Government  
14 Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements;  
15 and

16 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21,  
17 providing that the modifications would remain in place through September 30, 2021; and

18 **WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, providing that  
19 a legislative body subject to the Brown Act may continue to meet under modified  
20 teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or  
21 local officials have imposed or recommended measures to promote social distancing; and

22 **WHEREAS**, the Local Health Officer and the Director of Mono County Public Health  
23 have recommended that measures be implemented to promote social distancing, including the  
24 holding of virtual meetings of legislative bodies within the County of Mono, a copy of that  
25 recommendation is attached as an exhibit and incorporated herein; and

26 **WHEREAS**, in the interest of public health and safety, and in response to the local  
27 recommendation for measures to promote social distancing, the Mono County Planning  
28 Commission (the "Legislative Body") deems it necessary to invoke the provisions of AB 361  
29 related to teleconferencing.

30 **NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES** that:

31 **SECTION ONE:** The recitals set forth above are true and correct and are adopted as  
32 findings of the Legislative Body.

**SECTION TWO:** The Legislative Body has reconsidered the circumstances of the State  
of Emergency.

**SECTION THREE:** State or local officials have recommended measures to promote  
social distancing, including the holding of virtual meetings for legislative bodies within the  
County of Mono that are subject to the Brown Act.



1           **SECTION FOUR:** Meetings of the Legislative Body shall be held 100% virtually  
2 through March 17, 2022.

3           **SECTION FIVE:** Staff is directed to return to the Legislative Body no later than thirty  
4 (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if  
5 later, for the Legislative Body to consider whether to again make the findings required to meet  
6 under the modified teleconference procedures of AB 361.

7           **PASSED, APPROVED and ADOPTED** this 17 day of February 2022, by the following  
8 vote, to wit:

9 **AYES:**

10 **NOES:**

11 **ABSENT:**

12 **ABSTAIN:**

\_\_\_\_\_  
Patricia Robertson, Chair

13  
14 **ATTEST:**

**APPROVED AS TO FORM:**

15  
16  
17 \_\_\_\_\_  
Heidi Willson  
Secretary of the Planning Commission

18 \_\_\_\_\_  
Emily Fox  
Assistant County Counsel



# MONO COUNTY HEALTH DEPARTMENT

## Public Health

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P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284  
P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

To: Board of Supervisors

From: Bryan Wheeler, Director of Public Health

Re: Recommendation regarding Social Distancing and Virtual Meetings

Both Mono County “covering” Health Officer Dr. Rick Johnson and I strongly recommend that physical/social distancing measures continue to be practiced throughout our Mono County communities, including at meetings of the Board of Supervisors and other County-related legislative bodies subject to the Brown Act, to minimize the spread of COVID-19.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measures to prevent the disease’s spread. Virtual board meetings allow for the participation of the community, county staff, presenters, and board members in a safe environment, with no risk of contagion. It is recommended that legislative bodies in Mono County implement fully-remote meetings to the extent possible.

If you have any questions regarding this recommendation, please do not hesitate to contact me. We will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

# Mono County Community Development

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January 20, 2022

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst  
Wendy Sugimura, Community Development Director

Re: Housing programs and policies workshop

## **RECOMMENDATION**

Provide any desired direction to staff, including prioritization of policy options.

## **BACKGROUND**

In 2018, the Board reviewed housing programs and prioritized a subset for staff workflow. At the June 15, 2021, Housing Authority meeting, the Board of Supervisors requested further discussion of potential policy changes to the General Plan to address housing needs in the county. The Board requested staff make recommendations for prioritizing the policy issues based on a) expediency, b) amount of work created, and c) yield. Then, on September 7, 2021, the Board approved a response to the Grand Jury report on housing in Mono County that committed to several actions related to housing policy. At the September 21, 2021, meeting, a quarterly report on housing programs and the General Plan Housing Element was presented and the Board requested that programs be organized into a table clearly indicating the current status of each program.

A December 7, 2021, update to the Board sought to combine priorities from 2018 with the discussions from 2021 to provide: 1) a summary of policy discussion items and recommended prioritization based on the criteria above for Board direction, and 2) a summary table indicating the current status of each program (see Attachment 1). The summary table was organized around the Housing Element structure to provide program tracking in an easily digestible manner.

At the December meeting, the Board also provided direction on various policy discussion items aimed at improving housing production. This staff report and workshop is intended to provide an overview of the Board's direction to staff and receive any further direction from the Commission.

## **PROGRAM SUMMARY (Attachment 1)**

Of the 13 completed projects, six were identified as high priority, one as moderate priority, and five were mandated by the state.

Of the ten projects currently in progress, two are identified as high priority, three as moderate priority, three as low priority (two are driven by a development application which the County is mandated to process), and two are mandated by the state. These projects in progress currently

consume most of staff's capacity and delaying or temporarily suspending projects to redirect staff capacity is not an option for those funded by grants or driven by an applicant:

<b>Housing Programs In Progress</b>			
<b>Project</b>	<b>Funding</b>	<b>Staffing</b>	<b>Priority</b>
Vehicle Miles Travelled (VMT) model and update of the County greenhouse gas (GHG) emissions inventory to streamline future California Environmental Quality Act (CEQA) analyses	State grant	Consultant & County (Planning)	High
Infrastructure needs assessment and capacity improvement study for special districts to support increased housing	State grant	Consultant & County (Planning)	Moderate
Accessory Dwelling Unit (ADU) prescriptive designs	State grant	Consultant & County (Building/Planning)	Low
Inventory of County parcels	General fund	Contract staff (CAO)	Moderate
Allow single room occupancy dwellings in all land use designations	General fund	County (Planning)	State mandated
Develop reasonable accommodation procedure	General fund	County (Planning)	State mandated
Process use permit application for a project including a low-income unit	General fund / applicant	Consultant (CEQA) & County (Planning)	Moderate
Process use permit application for a project including a density bonus unit	General fund / applicant	Consultant (CEQA) & County (Planning)	Low
Reduce or waive processing fees for a project proposing a low-income unit	General fund	County (Planning)	Low
Sell housing units in Benton to the Tribe	General fund / housing fund	County (County Counsel, Public Works, Planning)	High

Of the 17 remaining projects, 14 require additional resources to initiate and three are ongoing projects usually associated with monitoring development activity. An additional 10 programs involve policy discussions and are detailed below for further Board direction.

### **POLICY DISCUSSION**

The policy considerations are described under four different categories and include a recommended prioritization based on a) expediency, b) amount of work created, and c) yield, as previously directed by the Board. Note that compliance with the California Environmental Quality Act (CEQA) was unknown at the time the staff report was drafted and could significantly affect expediency and amount of work created, and therefore the recommended priority.

### **Tiny Homes and RVs as Living Units**

Recreational Vehicles (RVs) or trailers, from a planning perspective, are defined as any unit that is not on a permanent foundation and may include traditional wheeled recreational vehicles or tiny homes. These units are licensed under the California Department of Motor Vehicles (DMV) and the California Building Code (CBC) does not apply; therefore, the County has no health and safety jurisdiction over the standard of construction. Tiny homes on a permanent foundation are permissible under the CBC with a building permit. RVs may only be used as a permanent residence in Rural Resort (RU) and Rural Mobile Home (RMH) land use designations through a Use Permit.

A maximum of one RV-type unit may be permitted without triggering state requirements. Two or more units requires permitting through the State Department of Housing and Community Development (HCD) as an RV or mobile home park. This policy discussion is therefore limited to the addition of one RV-type unit per parcel.

Aesthetics may be controversial for all RV placements and may be heightened in certain neighborhoods. If any of these policy items are undertaken, the Board could provide direction that design guidelines, such as exterior colors or materials, full-enclosure skirting, roof pitch, etc., be required.

- *Permit one RV-type unit per parcel on certain land use designations in support of an onsite business or housing complex.*

To provide workforce housing for a business or housing complex located on the same site on either a temporary (180 days) or long-term basis, one RV-type unit may be permitted in non-residential land use designations, which may include Commercial (C), Commercial Lodging (CL), Mixed Use (MU), Multifamily residential (MFR), and Resource Management (RM). By only allowing one RV as a residence per parcel, the proposal would avoid jurisdictional authority by the California Department of Housing and Community Development (HCD) and is likely to qualify as a CEQA exemption.

#### Recommended Priority: High (pending CEQA)

- **Expediency:** Moderate – could be included in the next annual General Plan update
  - **Amount of work created:** Moderate to low unless controversial – development of design standards and outreach would be conducted through regular Regional Planning Advisory Committee (RPAC) meetings
  - **Yield:** Likely high (5+) based on recently denied requests and compliance cases, and relatively quick once policy is adopted
  - **Board Support:** High
- *Permit one tiny home/RV on residential land use designations such as Single Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), and Multi Family Residential (MFR).*

Because this policy cannot be crafted to apply solely to parcels owned by full-time residents for a variety of reasons, RV-type units would be just as likely to be utilized for camping vacations by second homeowners and disincentivize construction of a true residential unit. If permitted, typical activities associated with RVs in campgrounds should be expected on residential parcels such as outdoor campfires, noise such as music and generators, and

outdoor gatherings. The increase in complaints and enforcement work has the potential to be relatively high. Local full-time residents may be less likely to own vacant property and therefore less likely to benefit from this policy.

Recommended Priority: Low

- **Expediency:** Low – likely requires a separate General Plan Amendment
- **Amount of work created:** High – likely controversial within residential neighborhoods, and enforcement burden likely high after adoption
- **Yield:** Likely low for local full-time residents
- **Board Support:** Mixed/Explore further

### **Factory-Built Housing and Manufactured Homes**

Factory-built housing and manufactured homes are often considered cost-effective methods of constructing a residential unit and are outright permitted in every land use designation allowing a single-family residence, except MFR-M and MFR-H, subject to standards in General Plan Land Use Element Section 04.280 (see Attachment 2). The standards in Section 04.280 typically do not prevent the approval or construction of these units but may increase costs slightly. Some of the standards could be adjusted to remove barriers for this type of housing and/or provide consistency with state law.

- *Reduce design requirements to be consistent with requirements for stick-built homes.*

Remove the requirements for a 3:12 pitch roof, 10” eaves, and minimum width of 20’ or more unless deemed consistent with community or countywide design guidelines. While a typical design, a 3:12 roof pitch and eaves are not required by the General Plan or CBC for stick-built units. The minimum width was originally required to ensure aesthetic compatibility with stick-built structures but has become less of an issue as manufactured home designs improved. In 2015, homes of less than 20’ were permitted subject to compatibility with design guidelines, which was usually determined by RPAC review. Given no units have been rejected by the RPACs, the aesthetic concern appears minimal and elimination of the requirement would expedite the building permit approval process.

Recommended Priority: High

- **Expediency:** Moderate – could be included in the next annual General Plan update
  - **Amount of work created:** Moderate to low unless controversial – outreach through regular RPAC meetings, not affected by CEQA
  - **Yield:** May yield a low number of new units, but most likely will reduce cost of units that would have been proposed regardless
  - **Board Support:** High
- *Increase flexibility of foundation design for manufactured homes.*

For manufactured homes, General Plan Land Use Element Section 04.280 currently requires a permanent perimeter foundation constructed of concrete or masonry that meets the same requirements as stick-built structures. The requirement ensures the foundation meets the CBC and the aesthetic appearance is compatible with stick-built homes. However, pier and footing systems meeting CBC requirements are now common and the aesthetics of alternatives such as siding and skirting have improved, and both reduce the cost of construction. These measures have been permitted for Mountain View Fire rebuilds and could be extended

countywide. The General Plan policy revision would allow a permanent and complete non-structural perimeter enclosure of siding, skirting, or similar paneling on a non-load bearing frame that connects the manufactured housing unit to the ground with no gaps, subject to compliance with the building code and limited aesthetic standards to simulate a foundation of concrete or masonry.

Recommended Priority: High

- **Expediency:** Moderate – could be included in the next annual General Plan update
- **Amount of work created:** Moderate to low unless controversial – outreach through regular RPAC meetings, not affected by CEQA
- **Yield:** May yield a low number of new units, but most likely will reduce cost of units that would have been proposed regardless
- **Board Support:** High

**Increase Allowable Density**

A variety of potential General Plan amendments could increase allowable density on various land use designations.

- *Allow duplexes as an outright permitted use on residential land use designations such as SFR, ER, and RR.*

Recently passed state legislation (Senate Bill (SB) 9) mandates, among other things, ministerial approval of two-unit structures on lots previously zoned for single-family homes and is exempt from CEQA. The legislation does not apply to Mono County and while local regulations could be adopted to provide the same outcome, they would be subject to CEQA. Essentially doubling the outright allowed density of all single-family residential land use designations could require a significant and costly CEQA analysis, and then implementation may be hampered by the capacity of special districts to provide services. On the other hand, targeted areas of the county may be appropriate for this increased density and CEQA may not represent a significant barrier. These target areas are likely to be within or adjacent to existing communities, which is consistent with General Plan policies guiding growth, and therefore likely to be in the service area of special districts.

Therefore, the recommendation is to first identify target areas through the grant-funded project evaluating special district services and capacity, which would not trigger CEQA. Where the infrastructure exists for increased housing density, CEQA is likely to be simpler and the area is more likely to be consistent with General Plan policies. Once the project is refined by identified target zones, the priority could be reassessed based on better information.

Recommended Priority for identifying target areas: High

- **Expediency:** Moderate – could be completed through the special district study (grant deadline of 2024)
- **Amount of work created:** Low – part of grant project, not affected by CEQA
- **Yield:** Unknown – target areas may be limited and more inquiries are typically received for single-family units on MFR parcels than multiple units on SFR parcels
- **Board Support:** High dependent on infrastructure studies

Recommended Priority for increasing density countywide: Low

- **Expediency:** Extremely low – likely controversial, CEQA may be complex, and would require a separate General Plan Amendment
  - **Amount of work created:** Extremely high, assuming a complicated CEQA document and controversy
  - **Yield:** Unknown – more inquiries are typically received for single-family units on MFR parcels than multiple units on SFR parcels
  - **Board Support:** Mixed
- *Establish minimum allowable densities on MFR land use designations, e.g., do not allow single-family residential units on MFR parcels.*

Legal research is needed to fully understand the scope of this potential program. The recommendation is to direct staff to complete the necessary legal research and revisit the policy discussion at a future date.

- *Add housing as a permitted use to the Specific Plan land use designation.*

The Specific Plan land use designation has no outright permitted uses, meaning the specific plan process and CEQA analysis must be completed prior to any development. However, some number of housing units could be permitted outright on specific plan land use designations to allow the construction of housing in addition to or without an adopted specific plan.

Recommended Priority: Moderate (pending CEQA)

- **Expediency:** Moderate – could be included in the next annual General Plan update
  - **Amount of work created:** Moderate to low unless controversial – outreach through regular RPAC meetings
  - **Yield:** Unknown – dependent upon proposals from private property owners
  - **Board Support:** Interested but more information needed.
- *Adopt a density bonus policy that goes above and beyond the state’s mandated policy.*

Since the current state-mandated density bonus was enacted, only one application to increase density has ever been received. Similar to allowing duplexes outright on residential parcels, the capacity of special districts and CEQA compliance play a significant role in the effectiveness, expediency, and amount of work for this policy item. A first step could be to identify target areas for increased density bonuses through the special district infrastructure and capacity study. Once the project is refined by identified target zones, the priority could be reassessed based on better information.

Recommended Priority for identifying target areas: Moderate

- **Expediency:** Moderate – could be completed through the special district study (grant deadline of 2024)
- **Amount of work created:** Low – part of grant project, not affected by CEQA
- **Yield:** Low based on historic demand
- **Board Interest:** Mixed

Recommended Priority for density bonus increase: Low



- **Expediency:** Moderate to Low – could be included in the next annual General Plan update, coordination with special districts would increase effectiveness
  - **Amount of work created:** Moderate – determining density bonus standards could be complicated
  - **Yield:** Low based on historic demand
  - **Board Support:** Low
- *Allow multi-family residential projects to add more accessory dwelling units (ADUs) than currently allowed by the state.*

Under state legislation, a maximum of two detached accessory dwelling units are permitted outright for a multifamily residential project. In addition, the conversion of areas not used as livable space into an ADU is permitted up to 25% of the existing multifamily dwelling units. Anecdotally, multifamily projects are typically more constrained by development standards such as snow storage, parking, lot coverage, setbacks, etc. than limitations on the number of permitted ADUs.

Recommended Priority for density bonus increase: Low

- **Expediency:** Moderate to Low – could be included in the next annual General Plan update, coordination with special districts would increase effectiveness
- **Amount of work created:** Moderate – determining ADU increase could be complicated
- **Yield:** Low based on historic demand
- **Board Support:** Interested, but more information needed.

**Other**

- *Conduct a workshop on the term “rural character” to determine if it creates barriers or disincentives for housing by March 2022.*

This concept was raised through the response to the Grand Jury report and can be considered a follow-up item for a future workshop with the Board, which may result in further direction for policy modifications.

- *Develop a program to incentivize long-term rentals.*

Specific programs to incentivize long-term rentals would need to be proposed to provide an evaluation. Given no land use regulations currently apply to long-term rentals, modification or relaxation of regulations are not an option and the program would likely originate outside of the Community Development Department.

- *Update Housing Needs Assessment.*

Future State housing grant funds, such as SB2, LEAP and REAP may be available to fund an update. When the Board considers programs for future grant funding, this program will be included in the list and the Board may give direction at that time to apply for funding.

**SUMMARY**

Based on Board feedback, the following priorities and general schedule were identified:

Follow-Up Items:

- Legal research for establishing minimum allowable densities on MFR land use designations.
- Future workshop on the term “rural character.”
- Include an update to the Housing Needs Assessment as a potential project in a future housing grant application.

High Priorities:

As part of next General Plan Amendment:

- Permit one RV-type unit per parcel on certain land use designations in support of an onsite business or housing complex.
- Reduce manufactured home design requirements to be consistent with requirements for stick-built homes.
- Increase flexibility of foundation design for manufactured homes.

As part of Special Districts study:

- Identify target areas for outright permitting of duplexes as part of the special district infrastructure and capacity improvement study; also include areas appropriate for increased density bonus (a moderate priority). The priority of regulatory changes to outright permit duplexes and increase the density bonus would then be back for future discussion.

**ATTACHMENTS:**

1. Housing Programs Summary Table

**Attachment #1**

Housing Policy Programs

December 7, 2021

Completed Programs				
Source	Description	Status	Board Priority (2018) / Timeframe	Policy Discussion Item
Housing Element 1.1	Update opportunity site database and identify sites within or adjacent to existing communities suitable for development targeted at addressing housing needs in the County.	<b>Completed</b> as part of the 2019-2027 Housing Element.	High	
Housing Element 1.2	Adopt at least one regulatory change that improves housing production potential.	<b>Completed.</b> Updates to Chapter 16, Accessory Dwelling Units reduce restrictions on ADUs.	High	
Housing Element 1.3	Reduce barriers to tiny home construction and new housing types. Create a definition for tiny homes consistent with California Building Code and evaluate land use designations and sites appropriate for tiny home development. Redesignate at least one parcel to be eligible for tiny home development under current standards.	<b>Completed.</b> Tiny homes on a foundation are permissible under an appendix in the California Building Code, which Mono County has adopted. The California Building Code has not created a separate definition for tiny homes on a chassis. See "Short Range" section.	High	X
Housing Element 2.3	Reinstate the Housing Mitigation Ordinance.	<b>Completed.</b> The Housing Mitigation Ordinance was reinstated effective February 2020.	Moderate	
Housing Element 2.11	Allow manufactured homes and accessory dwelling units (ADUs) in the same manner and land use designations as stick-built single family homes, and allow accessory dwelling units (ADUs), regardless of zoning and development standards, in any zone with an existing single-family home, consistent with state law (Government Code §65852.3).	<b>Completed.</b> Updates to Chapter 16, Accessory Dwelling Units were approved through GPA 21-01 to be consistent with state law. Manufactured homes and ADUs are permissible in all land use designations as stick-built single-family homes.	High	
Housing Element 3.5	Identify incentives for property owners to convert short-term rentals into long-term rentals, invite all short-term rental property owners to participate, and convert at least one unit.	<b>Completed.</b> Adopted incentives include an exemption from Housing Mitigation Ordinance (HMO) fees and, if relinquishing a Short-Term Rental Activity Permit, no longer applying for a renewal on an annual basis. One approved short-term rental has not renewed its annual permit, eliminating one short-term rental use. In addition, two single-family homes have elected to eliminate short-term rental eligibility in perpetuity to claim an exemption from HMO fees. While permit renewals are regulatory in nature and could be considered a "stick," the second (HMO fee exemption) is clearly an incentive. The County has no regulatory means to ensure the units are being rented long-term; other occupancy options are for the units to house occasional/seasonal second homeowners or year-round primary owners, or remain vacant.	Moderate	
Housing Element 4.2	Disseminate and maintain fair housing information and education materials throughout the county and ensure public awareness of fair housing laws and processes. Refer persons with complaints of housing discrimination to appropriate online resources including information/links hosted on the Housing Authority website. Continue to make accommodations for persons with disabilities through the permitting process.	<b>Completed.</b> Information provided on website and appropriate accommodations are made.	Not identified in prioritization matrix (State requirement)	

**Attachment #1**

Housing Policy Programs  
December 7, 2021

Housing Element 4.3	Monitor the need for permanent emergency shelters beyond the County's community centers and make emergency shelters an outright permitted use in Public Facility (PF) land use designations, as consistent with state law.	<b>Completed.</b> Emergency shelters were made an outright permitted use in PF in conjunction with the adoption of the Housing Element in 2019.	Not identified in prioritization matrix (State requirement)	
Housing Element 4.4	Ensure the Multi-Jurisdictional Hazard Mitigation Plan remains up to date.	<b>Completed.</b> Next required update is 2024.	Not identified in prioritization matrix (State requirement)	
Housing Element 4.5	Provide at least one short-term housing unit for homeless persons and monitor the need to increase services for homeless persons, including short-term housing for victims of domestic violence.	<b>Completed.</b> The Birch Creek condo was sold to IMACA to create the first transitional housing unit located in Mono County. The Social Services and Behavioral Health departments continue to collaborate on programs to support homeless persons, victims of domestic violence, and other transitional housing needs.	Not identified in prioritization matrix	
Housing Element 4.6	Allow transitional and supportive housing as a residential use of property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, consistent with state law (Government Code §65583(a)(4)(A)).	<b>Completed.</b> Adopted in conjunction with the Housing Element in 2019.	Not identified in prioritization matrix	
Housing Element 2.1	Pursue partnerships with other agencies in the County, such as the Town of Mammoth Lakes, federal, state, and local agencies to identify opportunities to increase housing stock.	<b>Completed.</b> The County sold the property at 71 Davison Road in Mammoth Lakes in October of 2019 to an affordable housing developer who purchased the property subject to deed restrictions for affordability requiring the creation of 5 units. The project was a joint effort with the Town and Mammoth Lakes Housing. The County maintains funding in the Revolving Loan Fund and First-Time Homebuyer Assistance Fund. The Birch Creek Condo was sold to IMACA for use as transitional housing. See "Ongoing" section.	High	
Housing Element 3.1	Support programs that may improve housing stock quality. Continue outreach through the County website and information counters that provide information to community members about weatherization and energy efficiency strategies and funding/waivers. Pursue at least one rehabilitation grant. Update housing stock survey at least once per housing cycle.	<b>Completed.</b> Mono County currently has a Homebuyer Assistance program administered by Mammoth Lakes Housing funded by the State HOME program. See "Ongoing" section.	High	
<b>Short Range Programs (2021-2023)</b>				
<b>Source</b>	<b>Description</b>	<b>Status</b>	<b>Board Priority (2018) /</b>	<b>Policy Discussion Item</b>
Housing Element 1.4	Identify future opportunities for CEQA streamlining, including using exemptions when possible.	<b>In progress:</b> CDD has hired a consultant to complete a Greenhouse Gas Emissions checklist and Vehicle Miles Travelled (VMT) model, which will help streamline CEQA for housing projects.	High / Spring 2022	
Housing Element 1.5	Identify sites within or adjacent to existing communities where infrastructure limits development potential. Participate in the preparation of at least two grant applications by invitation of the infrastructure entities and assist those entities with understanding environmental regulations.	<b>In progress:</b> CDD has been awarded \$250k through the CDBG grant to create a needs assessment for special districts in order to identify areas within or adjacent to existing communities where development is limited by infrastructure. CDD is currently in the process of contracting with a consultant.	Moderate / Spring 2024	

**Attachment #1**

Housing Policy Programs  
December 7, 2021

Housing Element 2.2	Review current use and long-term needs of County-owned parcels and evaluate for disposition or development for potential housing sites.	<b>In progress:</b> Inventory of County-owned parcels is in progress. Report was presented to the Board on 9/7/21. CAO's office is considering next steps based on Board input.	Moderate / TBD	
Housing Element 2.12	Allow single room occupancy dwellings in all land use designations that allow for hotels, condominiums, and similar uses, consistent with California Building Code.	<b>In progress:</b> Staff will incorporate into the next annual General Plan update.	Not identified in prioritization matrix (State requirement) / Sept. 2022	
Housing Element 4.9	Adopt a reasonable accommodation procedure that provides persons with disabilities exception in land use and zoning laws. The process will not require a CUP or variance and will not be limited to accessibility improvements. The process and procedures will be posted on the County's website and materials made available at all public counters.	<b>In progress:</b> The Building Division has procedures in place; staff needs to review procedures for the entire department and ensure availability and compatibility.	Not identified in prioritization matrix (State requirement) / Spring 2022	
Housing Element 1.2	Adopt at least one regulatory change that improves housing production potential.	<b>Policy Discussion</b> to permit one tiny home/RV on certain land use designations in support of a business onsite and reduce design requirements for factory-built/manufactured homes is being initiated.	High	X
Housing Element 2.5	Identify zoning requirements for which more flexible approaches could incentivize more on-site affordable units.	<b>Policy Discussion</b> to allow one tiny home on a chassis and RVs on additional land use designations is being initiated.	Moderate	X
Housing Element 1.3	Reduce barriers to tiny home construction and new housing types. Create a definition for tiny homes consistent with California Building Code and evaluate land use designations and sites appropriate for tiny home development. Redesignate at least one parcel to be eligible for tiny home development under current standards.	<b>Policy Discussion</b> to permit one tiny home/RV on certain land use designations in support of a business onsite and reduce design requirements for factory-built/manufactured homes is being initiated.	High	X
Housing Element 3.2	Bolster the County's Revolving Loan Fund for the purchase and deed restriction of at least one unit.	<b>Resources Needed.</b> No contributions have been made to the Revolving Loan Fund since 2015. Funding has not been available. This program could be incorporated into the discussion of long-range funding expected by June 2022.	High	
<b>Long Range Programs (2023 and beyond)</b>				
<b>Source</b>	<b>Description</b>	<b>Status</b>	<b>Board Priority (2018) /</b>	<b>Policy Discussion Item</b>
Housing Element 1.10	Establish and adopt minimum allowable densities or increased densities in appropriate community areas or specific plans.	<b>Policy Discussions:</b> 1) The question of minimum allowable densities on multi-family residential land use designations was raised through the 2021 Grand Jury report, and the Board responded that an initial policy discussion would be held by the end of March 2022. 2) A discussion of adding housing as a permitted use in the Specific Plan Land Use Designation is being initiated. 3) Discuss allowing duplexes outright on single-family residential parcels.	Not identified in prioritization matrix / 1) March 2022, 2) TBD	X
Housing Element 1.7	Determine viability, feasibility, and value of creating a housing land trust in order to facilitate acquisition of housing and land for affordable housing developments.	<b>Resources Needed.</b> A housing land trust has not been explored. A partner with capacity and expertise, as well as funding, is needed.	Moderate	

**Attachment #1**

Housing Policy Programs  
December 7, 2021

Housing Element 2.4	Establish a policy on the County's participation in the purchase of housing units at market rate and deed restricting to an affordable income level. Purchase and deed restrict one unit.	<b>Resources Needed.</b> The necessary resources continue to be unavailable. Funding, a real estate acquisition/management partner, and expertise are required.	Moderate	
Housing Element 2.6	Partner with other agencies and employers to ensure that at least one employee housing project qualifies toward meeting the County's RHNA targets (e.g. consider waiving building permit fees).	<b>Resources Needed.</b> The necessary resources continue to be unavailable. However, the County is on pace to meet its RHNA goals in every category but very low income. Partnership with local employers required.	Moderate	
Housing Element 3.4	Establish a program to minimize unintended consequences of the acquisition and resale of deed restriction units, including concerns regarding long-term costs of monitoring.	<b>Resources Needed.</b> Necessary resources have been unavailable. Staff and partner to manage deed restrictions required to establish program.	Moderate	
Housing Element 2.8	Through the CPT Land Tenure Subcommittee, support land exchanges of existing seasonal housing units on public lands into private ownership so at least one unit becomes available for local year-round housing.	<b>Resources Needed.</b> The necessary resource of a land exchange participant is unavailable. The County is a facilitator only in this scenario. Partnership is required.	Not identified in prioritization matrix	
Housing Element 3.3	Fund the rehabilitation loan program, potentially in collaboration with the Town of Mammoth Lakes, to rehabilitate at least five units during the cycle.	<b>Resources Needed.</b> Funding from the CDBG program carries requirements that appear to make the program inviable. No funding has been available from a more flexible source that could generate more demand, and therefore no action has been taken.	Not identified in prioritization matrix	
Housing Element 4.7	Provide for at least one rental-assisted facility for senior residents.	<b>Resources Needed.</b> Necessary resources remain unavailable (no proposed developments).	Not identified in prioritization matrix (State requirement)	
<b>Continuous (Ongoing) Programs</b>				
<b>Source</b>	<b>Description</b>	<b>Status</b>	<b>Board Priority Level</b>	<b>Policy Discussion Item</b>
Housing Element 1.6	Monitor the requirement for complexes with four units to be approved through a conditional use permit and if it is a constraint on development. Complexes with up to three units are currently a permitted use by-right in multi-family land use designations.	<b>Ongoing.</b> The County approved a Use Permit for a four-unit development in June Lake in 2019. A twelve-unit development, also in June Lake, is currently being processed under a Use Permit. No multi-family complexes have been denied under a Use Permit during this Housing Element cycle. Monitoring will continue.	Not identified in prioritization matrix	
Housing Element 1.8	Consistent with the Land Use Element, continue to require specific plans for large-scale development within community expansion areas. Specific plans allow for a variety of development and can streamline the development process. Approve at least one specific plan during the Housing Cycle.	<b>Resources Needed.</b> The Tioga Inn Specific Plan Amendment for up to 100 housing units was not approved by the Board. An application to amend the Rock Creek Ranch Specific Plan in the Paradise area has been accepted for processing but does not include a housing component. No other Specific Plans have been proposed during this cycle.	Not identified in prioritization matrix	
Housing Element 1.9	Continue to allow for residential development in the commercial land use designation and approve at least one mixed-use development to utilize the county's limited land base more efficiently and economically for housing.	<b>Resources Needed.</b> Residential development is permissible in the commercial land use designation and is evaluated and approved as development is proposed. No applications for mixed use developments have been submitted during this cycle.	Not identified in prioritization matrix	

**Attachment #1**

Housing Policy Programs  
December 7, 2021

Housing Element 1.11	Approve at least five accessory dwelling units (ADUs) used for long-term housing in single-family residential areas during the cycle as provided by Chapter 16 of the Mono County Land Development Regulations. Update ADU ordinances to reflect state law within one year of adoption.	<b>Ongoing.</b> Two ADUs have been approved during the cycle. Updates to Chapter 16 prohibit short-term rentals in ADUs and therefore all future ADUs approved during this cycle will meet this action. Approvals are dependent upon the submittal of development applications. <b>In progress.</b> The County is currently developing prescriptive designs for ADU's which may incentivize applicaitons in the future.	Not identified in prioritization matrix	
Housing Element 1.12	Pursue at least one grant to improve infrastructure on identified opportunity sites. Seek to combine grant proposals with the Local Transportation Commission (LTC) when appropriate.	<b>Resources Needed.</b> A potential joint grant application for improved infrastructure was under discussion as part of the Tioga Inn Specific Plan Amendment, which is an identified opportunity site. A potential application is no longer on the table given lack of approval of the project. No other circumstance has provided the needed resources to pursue this program.	Moderate	
Housing Element 2.1	Pursue partnerships with other agencies in the County, such as the Town of Mammoth Lakes, federal, state, and local agencies to identify opportunities to increase housing stock.	<b>See "Completed" section. In progress.</b> The County has continued efforts to sell housing units in Benton for use by the Tribe.	High	
Housing Element 2.7	Develop partnerships to encourage the development of at least one housing project for very low, low, and moderate-income households.	<b>In progress.</b> One development application in June Lake is proposing a deed-restricted unit. <b>Resources needed.</b> No other circumstances have provided the necessary resources for this program.	Moderate / Spring 2022	
Housing Element 2.9	Award at least one density bonus for a qualifying project consistent with state law.	<b>In progress.</b> A density bonus has been proposed for a twelve-unit development in June Lake.	Low / Spring 2022	
Housing Element 2.10	The Board of Supervisors may reduce or waive development processing fees for qualifying extremely low, low- and moderate-income housing units in order to facilitate processing. Staff will work with applicable agencies to promote a reduction or waiving of fees for such projects.	<b>In progress.</b> A current project in June Lake may be eligible. Staff will work with the developer and bring forward to the Board if the project meets the policy.	Low / Spring 2022	
Housing Element 3.1	Support programs that may improve housing stock quality. Continue outreach through the County website and information counters that provide information to community members about weatherization and energy efficiency strategies and funding/waivers. Pursue at least one rehabilitation grant. Update housing stock survey at least once per housing cycle.	<b>See "Completed" section. Ongoing:</b> The County is not confident demand exists for a rehabilitation grant given the grant requirements. <b>Resources Needed:</b> Funding is needed to update the housing stock survey.	High	
Housing Element 4.1	Continue development credit programs in agricultural valleys such as Bridgeport and Hammil that promote the retention of large agricultural parcels for farming purposes by requiring clustered residential development on smaller parcels.	<b>Resources Needed.</b> The Development Credit program continues to be applied to development proposals in the Bridgeport and Hammil valleys. No development applications invoking the Development Credit program have been received during this housing cycle to date.	Not identified in prioritization matrix	
<b>Outside of Approved Housing Element</b>				
<b>Source</b>	<b>Description</b>	<b>Status</b>	<b>Board Priority (2018) /</b>	<b>Policy Discussion Item</b>

**Attachment #1**

Housing Policy Programs  
December 7, 2021

Policy Consideration	Adopt a density bonus policy that goes above and beyond the state's mandated policy.	Currently, the County relies on the State's mandated minimum. The County has one current proposal that is utilizing a density bonus but otherwise the density bonus program has not had any interest. Density bonuses are often used in exchange for a percentage of deed restricted units.	Board direction needed	X
Policy Consideration	Allow multi-family residential projects to add more ADUs than currently allowed by the state.	Potential impacts to infrastructure capacity have not been determined and CEQA requirements may be significant.	Board direction needed	X
Policy Consideration	Conduct a workshop on the term "rural character" to determine if it creates barriers or disincentives for housing by March 2022.	Further discussion needed.	Board direction needed	X
Policy Consideration	Develop a program to incentivize long-term rentals.	The substance and nature of this program is unknown at this time.	Board direction needed	X
Policy Consideration	Update the Housing Needs Assessment.	Future state funds supporting housing (like SB2, LEAP, or REAP) should become available to fund an update, if this is a priority.	Board direction needed	X



# Mono County Community Development

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

February 17, 2022

**To: Mono County Planning Commission**

**From:** Bentley Regehr, Planning Analyst

**Re: RECOMMENDATION TO BOARD OF SUPERVISORS ON A POTENTIAL MORATORIUM ON SHORT-TERM/TRANSIENT RENTALS**

## RECOMMENDATION

Provide input or a recommendation to the Board of Supervisors on a potential moratorium on short-term rentals. Provide any further direction to staff.

## BACKGROUND

On December 7, 2021, staff provided an update to the Board of Supervisors on the progress and status of current programs and potential policy items. During the workshop, the Board directed staff to bring back a discussion on a potential moratorium on short-term rentals (STRs; occupancy for a period of 30 or fewer consecutive calendar days) and consider incentives for long-term rentals (LTRs).

Two types of nightly rentals are permitted in Mono County: short-term rentals and transient rentals. Short-term rentals are regulated under Chapter 25 of the Mono County General Plan Land Use Element (MCGP LUE), which applies to any single-family residential unit with a land use designation of Single Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), or Rural Mobile Home (RMH) in all communities except June Lake and subject to area plan policies. In June Lake, this chapter applies only to SFR land use designations; short-term rentals in other residential land use designations in June Lake are not permitted. Area plan policies limit or prohibit short-term rentals in specific parts of the County, such as June Lake (various prohibitions and restrictions by neighborhood), Wheeler Crest (prohibited), Mono City (prohibited), and Long Valley (owner-occupied only). Short-term rentals covered by Chapter 25 are subject to a Use Permit, which is heard by the Planning Commission, and a Short-Term Rental Activity Permit under Mono County Code Chapter 5.65, which is heard by the Board of Supervisors. Since 2018, eleven short-term rentals have been approved under Chapter 25, all in 2018, while three have been denied. Two of the denials were in 2020 and one was in 2021. All three were denied due to findings of incompatibility with the neighborhood, not to preserve units for LTR. One application is also currently in process.

Transient rentals are regulated under Chapter 26 of the MCGP LUE, which applies to any single-family or multi-family residential unit in a non-residential land use designation or Multi-Family Residential-High (MFR-H). Transient rentals are subject to a Use Permit or Director Review Permit depending on the land use designation, and a Vacation Home Rental (VHR) Permit under Chapter 26, which is valid until the property is sold. Use Permits are heard by the Planning Commission and Director Review Permits are issued at the staff level after public review by the Land Development Technical Advisory Committee (LDTAC). These approvals are only brought before the Board if the decisions are appealed to that level. Since 2018, ten transient rentals have been approved under Chapter 26, three of which were within the last month. Three applications for transient rentals are currently in process.

## PLANNING COMMISSION INPUT

At the January meeting, the Planning Commission briefly discussed the moratorium and provided the following input which will be conveyed to the Board:

- Request funding for a study on the impacts of STRs on LTR housing stock so that STR policies are informed by data.
- The most common reason units are rented on a short-term basis is that the second homeowner wants to use the unit intermittently, and so they wouldn't rent the unit long term regardless. Even with a moratorium, second homeowners may leave the unit vacant rather than rent long term.
- Homeowners may be incentivized to rent short term due a perception that more money can be made.
- Would a moratorium reduce housing prices so that a year-round resident could purchase a home? Data is needed.
- A combination of incentives and restrictions is needed to encourage LTRs. A Vacancy Tax was suggested.
- Some Commissioners were supportive of a moratorium, at least one Commissioner was opposed. The Commissioner not in favor noted that the Commission is approving STR applications under Chapter 25 when appropriate and compatible with the community, and not approving when in conflict. In essence, the current permitting system and policies are working.
- At least one Commissioner had the impression that a lot of LTRs have been converted into STRs recently; further discussion clarified that these units were in the June Lake Village area which isintended to provide visitor lodging based on the land use designations, and not in residential land use designations.

## DISCUSSION

Three options are presented to the Board of Supervisors for consideration:

### 1. Do not impose a moratorium.

Short-term rentals and transient rentals would continue to be processed through Chapter 25 and Chapter 26. All short-term rentals would continue to require a Use Permit approved by the Planning Commission and a Short-Term Rental Activity Permit approved by the Board (and renewed annually by staff). Transient rentals would continue to be processed through a Use Permit or Director Review, and subject to a Vacation Home Rental (VHR) Permit. This option is appropriate if the current permitting system and policies are working as originally intended to allow STRs when appropriate and deny them when not, through a discretionary review process.

In lieu of (or in combination with) a moratorium, the Board could explore more options to incentivize long-term rentals and disincentivize short-term rentals. Current incentives include Housing Mitigation Ordinance (HMO) fee waivers for new SFR units that waive STR eligibility, and density bonuses and HMO fee waivers for projects that include deed-restricted long-term housing. Disincentives include a prohibition on short-term rentals in ADUs , HMO fees on new units retaining STR eligibility, and an extensive discretionary permitting process for new short-term rental applications in most residential land use designations. At the January 20 Planning Commission meeting, the Commission suggested exploring a possible vacancy tax. A vacancy tax would apply to units that are not occupied for a percentage of the year. In conjunction with direction on a potential moratorium, the Board may wish to provide direction on incentives/disincentives to develop further.

### 2. Impose a moratorium on new (not existing) short-term rentals covered under Chapter 25.

The County would not accept new applications for short-term rentals subject to MCGP LUE Chapter 25. Existing approvals would continue to operate, subject to annual renewal. Transient rentals on non-residential land use designations and MFR-H would continue to be processed through a Use Permit or Director Review, and subject to a VHR Permit. This strategy would target limiting new short-term rentals in most residential land use designations but continue to permit STRs in land use designations intended for more intensive commercial and visitor support uses.

**3. Impose a moratorium on new short-term rentals and transient rentals on all single-family residential units covered under Chapter 25 and Chapter 26.**

The County would not accept new applications for short-term rentals or transient rentals in any single-family unit on all land use designations. Multi-family units would continue to be processed under Chapter 26. Existing approvals would continue to operate under annual renewal procedures.

A variation of this option (3A) is to include all multi-family units processed under Chapter 26 in the moratorium.

Options (3) and Option (3A) would address an intent to preserve single-family and potentially multi-family units for long-term housing stock regardless of land use designation. The rationale is that if the housing problem is caused by limited availability of residential housing units, then all of those units should be preserved for long-term use regardless of their location and primary land use intent.

Moratorium Options

To implement a moratorium on new short-term rentals and transient rentals, the Board would be able to adopt an urgency ordinance pursuant to Government Code Section 65858 in one of two ways:

1. The Board could adopt by four-fifths vote an urgency ordinance that would put a moratorium into effect for 45 days. Then, after a public hearing, the Board could extend the interim ordinance for 10 months and 15 days, and then extend the ordinance again after a public hearing for an additional one-year period.
2. The Board could adopt by four-fifths vote an interim ordinance after notice and a public hearing, which is also effective for 45 days. Then, after an additional public hearing, the Board could extend the interim ordinance for 22 months and 15 days.

**ATTACHMENTS:**

1. MCGP LUE Chapter 25, Short-term rentals
2. MCGP LUE Chapter 26, Transient rentals
3. Mono County Code, Chapter 5.65

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**DEVELOPMENT STANDARDS**
**CHAPTER 25 – SHORT-TERM RENTALS****Sections:**

- 25.010 Intent.**
- 25.015 General Requirements and Applicability.**
- 25.018 Exemptions**
- 25.020 Establishment of Owner-Occupied Short-Term Rentals.**
- 25.035 Establishment of Not Owner-Occupied Short-Term Rentals.**
- 25.040 Notice requirements.**
- 25.050 Uses permitted.**
- 25.060 Uses permitted subject to director review**
- 25.070 Uses permitted subject to use permit**
- 25.080 Additional requirements**

**25.010 Intent.**

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

**25.015 General Requirements and Applicability.**

- A. This Chapter applies to short-terms rental in any single-family unit with a land use designation(s) of SFR, ER, RR, or RMH in all communities except June Lake. In June Lake, this chapter applies only to SFR designations; short-term rentals in other residential land use designations in June Lake are not permitted.
- B. Short-term rentals covered by this Chapter are subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65 unless otherwise exempted.
- C. Unless explicitly states otherwise in this Chapter, short-term rentals covered by this Chapter shall operate in compliance with this Chapter, Chapter 5.65 of the Mono County Code, and all applicable Area Plan policies,<sup>14</sup> and must exhibit no reasonable opposition from neighbors within 500 feet of the subject parcel.
- D. Pursuant to Chapter 5.65 of the Mono County Code and the required Short-Term Rental Activity Permit, short-term rentals covered by this Chapter shall be specific to the owner and shall terminate upon a change of ownership.

**25.018 Exemptions**

- A. Short-term rentals approved under previous regulations are considered existing non-conforming uses subject to the provisions of Chapter 34 and are therefore exempt from this Chapter. The regulations under which the use was approved continue to apply. These approvals include, but may not be limited to, the following parcels:
  - i. APNs under Transient Rental Overlay Districts (TRODs): 016-094-012, 016-094-011, 016-094-010, 016-098-016 (GPA 13-001), 019-140-011, 016-098-011, 016-096-005 (GPA 13-002); 015-140-035, 015-140-034, 015-140-033, 015-140-032 (GPA 13-004); 016-102-052 (GPA 14-001); 015-010-080, 015-300-006 (GPA 14-002).
  - ii. APNs under Use Permits: 060-120-005 (UP 17-004), 008-132-027 & 008-132-017 (UP 17-005), 060-210-062 (UP 17-011), 060-180-018 (UP 17-012), 060-240-010 (UP 17-013).

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<sup>14</sup> See Antelope Valley, Mono Basin, June Lake, Crowley Lake/Long Valley, Wheeler Crest, Paradise, and Tri-Valley (Benton, Hammil Valley and Chalfant Valley) Area Plan policies. This list is current as of Jan. 2019.

**25.020 Establishment of Owner-Occupied Short-Term Rental**

Owner-occupied short-term rentals require the owner to live on site, or the unit must be associated with an owner-occupied principal residence on the same parcel or a physically contiguous adjacent parcel. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). To rent a detached and separate unit, the property owner must occupy the other unit. Rental is limited to a single party of individuals, and the owner is required to be present during the rental.

**25.030 Establishment of Not Owner-Occupied Short-Term Rental**

Not owner-occupied short-term rentals include rental of an entire dwelling unit or any part thereof that is not concurrently occupied by the owner or on the same parcel or on a physically contiguous parcel as a principal residence concurrently occupied by the owner.

**25.040 Notice requirements.**

- A. Notice of a short-term rental application shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.
- B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius measured from the nearest limits of the project parcel that is the subject of the land use application. If a contiguous parcel (or parcels) is under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed at the discretion of the Community Development Department. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice if they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given at least 10 days in advance of the hearing by mail, electronic mail, or other noticing means pursuant to the California Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have made a written request for notice under this section.

**25.050 Uses permitted.**

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

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

**25.060 Uses permitted subject to director review.**

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

**25.070 Uses permitted subject to use permit.**

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

**25.080 Additional requirements.**

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family residence approved pursuant to this chapter, for a period of fewer than thirty (30) days, must first obtain a Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65 and comply with all applicable requirements of that permit prior to operating.

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

Any form of advertising or listing for rent for an unpermitted short-term rental unit is in violation of this chapter.

## DEVELOPMENT STANDARDS

### CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT IN NONRESIDENTIAL AND MFR-H LAND USE DESIGNATIONS AND TRODS

#### Sections:

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

#### **26.010 Purpose and Findings.**

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

#### **26.015 Applicability**

This chapter shall apply to Transient Rental Overlay Districts, nonresidential land use designations where short-term rentals are permitted by Director Review or Use Permit, and Multi-Family Residential – High land use designations where short-term rentals are permitted by Use Permit.

#### **26.020 Vacation Home Rental Permit.**

Any person who rents a residential structure that is not a condominium (hereinafter “rental unit” or “property”) within an area of the county designated as a transient overlay district or in a non-residential land use designation and MFR-H where the use is listed shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental, or advertisement of a transient rental, of a private residence within a transient overlay district or in a non-residential land use designation, including MFR-H, without a valid vacation home rental permit is a violation of this chapter.

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

- A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.
- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:
1. The rental unit must be located within an area of the County designated as a transient overlay district or a non-residential land use designation or MFR-H where the use is listed;
  2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
  3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed and shall be in good standing with the County. A person or organization in good standing is regarded as having complied with all their explicit obligations, while not being subject to any form of sanction, suspension or disciplinary censure. Alternatively, the property owner may serve as the property manager;
  4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
  5. A Mono County business license must be obtained by the owner and must remain active during all times that the property is used as a transient rental;
  6. Any required fees must be paid in full;
  7. A Mono County Transient Occupancy Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met; and
  8. The Vacation Home Rental permit number shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.

**26.040 Standards and Requirements.**

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

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



to firefighters and emergency responders during emergency operations. These standards include without limitation:

1. The address of the rental unit must be clearly visible;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of three feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
  - a. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
6. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
7. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit;
8. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
9. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
10. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
11. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;

12. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
13. There shall be at least one screened window per bedroom to allow proper ventilation;
14. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources;
15. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
16. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
17. Exits shall be kept free from storage items, debris or any impediments at all times;
18. No tree limbs are allowed within 10 feet of any chimney or flue openings;
19. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
20. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

#### B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted while the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
  - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit; and
  - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
  - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;

- c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
  - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department; and
  - f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.
- C. **Occupancy.** The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
- D. **Parking.** Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.
- E. **Trash and Solid Waste Removal.** A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
- F. **Snow Removal.** Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.
- G. **Exterior lighting fixtures** shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply.

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

- A. **Rental Agreement.** The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify

the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs from their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

#### B. Owner Responsibility.

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

#### **26.060 Compliance with Transient Occupancy Tax Requirements.**

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

#### **26.070 Enforcement.**

- A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter

1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use requirements in any other land use designation of the County shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing.

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

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

**26.080 Unauthorized Rentals Prohibited.**

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

## Chapter 5.65 - SHORT-TERM RENTALS IN RESIDENTIAL AREAS

## 5.65.010 - Purpose.

This chapter provides regulations for the local permitting of short-term rentals under specified conditions within the following residential land use designations when authorized by a land use permit issued pursuant to Chapter 25 of the Mono County General Plan Land Use Element: Single-family residential (SFR), estate residential (ER), rural residential (RR), multi-family residential low (MFR-L), and rural mobile home (RMH).

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

## 5.65.020 - Applicability.

This chapter applies to any person renting, intending to rent or advertising for rent, on a short-term basis, a residential structure, that is not a condominium, within the unincorporated area of the county and within the following residential land use designations: SFR, ER, RR, MFR-L or RMH.

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

## 5.65.030 - Definitions.

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

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

7. "Property owner" or "owner" means the individual, group of individuals or entity who is the record owner of the or premises where short-term rentals are located or are proposed to be located.
8. "Short-term rental(s)" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy, on a short-term basis for purposes of sleeping, lodging or similar reasons. "Short-term" means occupancy by persons other than the owner, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of thirty or fewer consecutive calendar days. See the Mono County General Plan Land Use Element, Chapter 2, Section 02.1035.

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

#### 5.65.040 - Permits required.

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

- A. It is unlawful for any person to conduct, engage in, or allow to be conducted or engaged in, short-term rentals in SFR, ER, RR, MFR-L or RMH land use designations in the unincorporated portion of Mono County, unless the county has issued such person a short-term rental (STR) activity permit under this chapter and the permit is in effect. The fact that an owner possesses other types of state or county licenses or permits shall not exempt the owner from obtaining an STR activity permit under this chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this chapter.
- B. An STR activity permit pursuant to this chapter shall be required for all short-term rentals in the following residential land use designations: SFR, ER, RR, MFR-L and RMH. Non-residential designations and MFR-H are regulated by their land use designation and the general plan land use element (including, but not limited to, Chapter 26).
- C. Only the property owner is eligible to apply for, and be issued, an STR activity permit, and the owner shall be directly responsible for the management of the unit.
- D. STR activity permits shall be limited to one per parcel and one per person regardless of whether the ownership interest is in whole or in part. In other words, an STR activity permit shall not be approved if a person with an ownership interest in the property, whether in whole or in part, has an existing STR activity permit on another property within Mono County.
- E. STR activity permits are prohibited as follows in the community of June Lake: all Type II rentals, all rental types in the Williams Tract and Petersen Tract, and Type III rentals in South Highway 158. (See general plan maps in the land use element for definitions of the neighborhood areas.)
- F. A use permit shall be required for all short-term rentals in the following residential land use designations: SFR, ER, RR, MFR-L and RMH. The application for a use permit, and for amendments thereto and extensions thereof, shall be processed in accordance with Chapter 25 of the Mono County General Plan Land Use Element. The Planning Commission is the governing body authorized to consider and approve a use permit for short-term rentals and to consider extensions of and amendments to such use permits. Appeals from the decision of the planning commission are set forth in Chapter 47 of the Mono County General Plan Land Use Element.
- G. Applications for an STR activity permit under this chapter and a use permit or other land use entitlement for



the same subject property may be submitted simultaneously, however no permit shall be issued under this chapter unless and until the corresponding land use entitlement has been approved.

- H. All short-term rental property owners must obtain a valid business license pursuant to Chapter 5.04.
- I. All owners shall be responsible for obtaining a transient occupancy tax certificate and for complying with Chapter 3.28 "Transient Occupancy Tax". An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.
- J. All owners shall conduct short-term rentals in compliance with all required county permits, licenses, and regulations. The owner shall be responsible for the payment of all required inspection fees, permit fees, and taxes.

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

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

- A. The number of Type I STR activity permits issued by the county under this chapter in the upper Clark Tract of June Lake (excluding Nevada Street/Silver Meadow) shall not exceed eight parcels total (three percent of existing parcels), including existing transient rental overlay districts (TRODs).
- B. The Mono County Board of Supervisors, in its discretion, may at any time, determine by resolution, that the number of STR activity permits should stay the same, be reduced, or be expanded in any area within the unincorporated portion of the county in order to protect neighborhood character and reduce adverse impacts. In no case shall the number of STR activity permits issued exceed the number of rentals authorized by general plan policies and regulations. STR activity permits shall be issued on a first-come, first-served basis within the established caps or limits.
- C. This section is only intended to create a maximum number of STR activity permits that may be issued within the county. Nothing in this chapter creates a mandate that the county must issue any or all of the permits allowed under this chapter if it is determined that it is in the best interest of the county to issue less than the maximum number, or if the owners or the property do not meet the standards which are established in the application requirements.

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

#### 5.65.060 - Short-term rental activity permit nontransferable.

An STR activity permit does not create any property interest in the property owner, is not transferable, and automatically terminates upon the transfer or upon revocation of any corresponding use permit.

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

#### 5.65.070 - Application process.

- A. Applications for an STR activity permit may be obtained at the Mono County Community Development Department. Completed applications shall be submitted to the department and owners for short-term rentals in the upper Clark Tract should request a date-stamped receipt.
- B. An applicant for an STR activity permit must be the owner of record of the subject property.

- C. In all cases, the application for an STR activity permit shall contain, without limitation, the following information, attestations and confirmations:
1. The full name and contact information for all property owners. If the owner is a business entity or any form of legal entity, information regarding the entity, including but not limited to, a list of owners including shareholders or persons with ownership interest in the entity, its legal status, and proof of registration with the Secretary of State, as applicable.
  2. Verification that the rental unit is located on a property with the appropriate land use approvals or, if the approvals are being sought simultaneously, a statement so indicating;
  3. The rental unit complies with all requirements of this chapter, including but not limited to Section 5.65.110, and the Mono County General Plan. Verification of compliance with such requirements shall be the responsibility of the owner. The owner shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards;
  4. Contact information for any management company or property manager responsible for the rental unit who will be available on a twenty-four-hour basis to address any problems that may be associated with the property. For Type I rentals, the property owner may serve as the property manager, or may hire a duly-licensed property manager. For non-owner occupied rentals, a separate duly-licensed management company or property manager shall be required. A property manager or company that is duly licensed shall maintain a California real estate license and certified property manager credentials. The owner shall immediately notify the community development department of any changes to management contact information;
  5. The owner has obtained, or is in the process of obtaining, a Mono County business license;
  6. The owner has obtained, or is in the process of obtaining, a Mono County Transient Occupancy Tax Certificate from the department of finance; and.
  7. All required fees have been paid in full.

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

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

- A. All completed applications for an STR activity permit shall be reviewed and processed for approval. This includes review by all departments having regulatory or enforcement authority over the proposed short-term rental. If the Director of the Mono County Community Development Department (Director) or any other department having regulatory or enforcement authority, determines at any time during this review and processing period that additional information or materials are required, then he or she shall send notice to the owner pursuant to Section 5.65.150 of the required/missing items or information and the property owner must provide the requested items or information before processing resumes. If any application is inactive for six months, it shall be deemed expired.
- B. Upon completion of staff review, internal processing, and approval of the associated use permit, the director shall set the matter for decision by the approval authority at a duly noticed public hearing during which the approval authority shall receive and consider the input and recommendations of staff, the owner and any interested persons. For purposes of this hearing, notice shall be given to any persons requesting such notice by mail or electronic mail and published in a newspaper of general circulation ten days in advance.
1. If a property for which an STR activity permit has been issued under this chapter changes ownership, the new owner may apply for a new STR activity permit under the existing use permit approval. The new STR activity

permit shall be evaluated and considered at the duly-noticed public hearing described in this section.

- C. Following the noticed public hearing to consider the approval of an STR activity permit, the approval authority may issue the STR activity permit if:
1. The short-term rental, as proposed, will comply with the requirements of state law and regulation, the Mono County General Plan, the Mono County Code and this chapter.
  2. The property has all necessary land use entitlements as required by the Mono County General Plan.
  3. The owner has demonstrated to the satisfaction of the approval authority the ability to comply with state law and regulation, the Mono County General Plan, the Mono County Code and this chapter.
  4. The approval authority determines that issuance of the permit is in the best interests of the community, the county and the citizens of and visitors to Mono County based on the following factors:
    - a. Whether there are specific and articulable positive or negative impacts on the surrounding community or adjacent properties from the proposed short-term rental;
    - b. Whether the property owner has demonstrated to the satisfaction of the approval authority the ability and capacity to manage the short-term rental in a way that minimizes articulable negative impacts on the surrounding community or adjacent properties, and be responsive to community concerns and complaints; and
    - c. The potential for the short-term rental to impact other community needs and issues, such as the availability of workforce housing units.
- D. The approval authority shall deny an application that meets any of the following criteria:
1. The owner has knowingly made a false statement of material fact, or has knowingly omitted a material fact, from the application.
  2. A previous STR activity permit issued under this chapter involving the same owner or any person having partial ownership as described in subsection 5.65.070(C)(1), has been revoked by the county within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
  3. The owner, including any person with partial ownership as described in subsection 5.65.070(C)(1), has been determined, by an administrative hearing body or a court of competent jurisdiction, to have engaged in short term rentals in violation of state or local law within the two years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
  4. A person with an ownership interest in the property, as described in subsection 5.65.070(C)(1), has an existing STR activity permit on another property within Mono County.
- E. If the approval authority denies the application, it shall specify the reasons for the denial on the record or by a subsequently issued written decision, which written decision shall be sent to the owner in accordance with Section 5.65.150 and applicable law.
- F. An STR activity permit issued under this chapter is an annual permit and shall expire on August 31st of each year (unless renewed or revoked in accordance with this chapter). Permits granted within three months prior to the expiration date shall skip the first renewal cycle and instead shall expire on August 31st of the following year.

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

## 5.65.090 - Renewal/modification process.

- A. An STR activity permit may be renewed and/or modified in accordance with this section.
- B. An application for renewal and/or modification shall be filed with the Mono County Community Development Department (Department), on the form(s) and in the manner prescribed by the Department, at least thirty calendar days before expiration of the permit, accompanied by the required renewal/modification fee. If any of the documentation and information supplied by the property owner pursuant to Section 5.65.070 has changed since the grant of the permit, the owner shall submit updated information and documentation with the application for renewal and shall provide such other information as the director of the Mono County Community Development Department (Director) may require. If the owner fails to submit the renewal application and all associated fees thirty days before August 31st, the STR activity permit may not be timely renewed and operations shall be suspended unless/until the renewal is approved.
- C. If the renewal/modification application is incomplete, or if the director determines that additional information is required, the director will send notice to the owner in accordance with Section 5.65.150 listing the items or information to be provided. The owner shall have fifteen business days from the postmark or, if the applicant consents to email notice, email date of the notice to submit the listed items. If the owner fails to timely provide the items or information listed in a notice, then the renewal application will be denied as incomplete.
- D. Upon the timely filing of a renewal/modification application and timely provision of any missing or supplemental information under subsection C, short-term rentals under the existing permit may continue until the director has made a final determination on the application, unless the permit is otherwise revoked or suspended pursuant to this chapter.
- E. A permit shall be renewed/modified by the director upon determination that the short-term rental meets the standards for grant of the application under Sections 5.65.070 and 5.65.080 and none of the conditions for denial set forth below are present.
- F. Grounds for denial:
  - 1. The permittee or short-term rental fails to conform to the criteria set forth in this chapter;
  - 2. The permittee is delinquent in payment of applicable county taxes or fees or charge; or
  - 3. The permit is suspended or revoked or there is an enforcement proceeding pending at the time of the application.
- G. The director shall specify in writing the reason(s) for any denial of the renewal/modification and shall send the written decision to the permittee in accordance with Section 5.65.150 with an explanation that the decision shall become final in ten calendar days of the postmark or, if the applicant consents to email notice, email date of the decision, unless the owner submits a completed appeal form to the department requesting a hearing. The appeal form may be obtained from the Mono County Community Development Department office. Failure to submit a written request for an appeal hearing within ten calendar days of postmark or, if the applicant consents to email notice, email date of the notice of denial of the renewal/modification shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.
- H. Upon timely receipt of a written request for an appeal hearing, the director shall set the matter for hearing before the approval authority. The determination of the director shall be stayed pending appeal, unless the violation poses an immediate threat to public health and safety, as determined by the director and stated in the written denial.

I. If a renewal/modification application is denied, an owner may file a new application pursuant to this chapter.

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

#### 5.65.100 - Fees.

The filing of an application for an STR activity permit, for renewal of an STR activity permit, or a written request for an appeal hearing shall be accompanied by payment of such fees as the board of supervisors may establish to recover the cost of administration of this chapter. Property owners are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this chapter.

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

#### 5.65.110 - Short-term rental (STR) standards and requirements.

Throughout the term of STR activity permit, each permittee shall comply with this chapter and all other applicable county regulations, including but not limited to, the following:

##### A. Health and Safety Standards.

1. The address of the rental unit must be unobstructed at all times and clearly visible by passersby;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than seventy-five feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between three and five feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of three feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
7. Furniture and any other material that may be flammable shall be kept a minimum of fifty-four inches from any fireplace opening and thirty inches from any wall or floor heaters;
8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit or any attached structure;
9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine

needles, weeds, and other combustible materials;

10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than three thousand square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
  11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
  12. Landline telephone service is required. A telephone shall be connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. The rental agreement shall disclose limitations to cell phone coverage and service providers;
  13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
  14. There shall be at least one screened window per bedroom to allow for proper ventilation;
  15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources;
  16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
  17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
  18. Exits shall be kept free from storage items, debris or any impediments at all times;
  19. No tree limbs are allowed within ten feet of any chimney or flue openings;
  20. Spark arresters of a minimum opening size of three-eighths-inch and a maximum opening size of one-half-inch shall be required on all fireplace flue openings; and
  21. If any applicable law, rule, or regulation imposes requirements more stringent than those set forth herein, such requirements shall apply.
- B. Sign, Notification and Advertising Requirements.
1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed eight and one-half inches by eleven inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
    - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a twenty-four-hour basis;
    - b. The maximum number of occupants permitted to stay in the unit; and
    - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
  2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:

- a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
  - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the rental agreement may be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department; and
  - f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.
3. The STR activity permit number, which shall be assigned at the time the permit is issued, shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.
  4. Any form of advertising for an unpermitted short-term rental unit is prohibited.
- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons per bedroom plus two additional persons. In no event shall the maximum occupancy exceed ten persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
  - D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.
  - E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with county standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
  - F. Snow Removal. The property owner or manager shall ensure that snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways,

pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

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

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

#### 5.65.120 - Rental agreement and owner responsibility.

- A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the STR activity permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for management person/entity, and any other information required by the county. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The owner, managing agency and/or property manager shall keep a list of the names and contact information of the adult guests staying in the unit.
1. Within the Clark Tract in June Lake, to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: A description of rough road conditions; and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.
- B. Owner Responsibility.
1. The owner shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.
  2. An owner, managing agency, and/or property manager shall be personally available by telephone on a twenty-four-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the STR activity permit and business license.
  3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all



contact and license information in the application for an STR activity permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this chapter.

4. The owner shall maintain property insurance coverage specific to short-term rentals that covers, but is not limited to, fire and liability, including injury and damage to hosts, guests, and others, in an appropriate amount and shall provide proof of such insurance to county upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the county harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, managing agency and/or property manager, or other agent of the owner is informed about any violation of this chapter, the owner, managing agency and/or property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

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

#### 5.65.130 - Suspension or revocation of short-term rental activity permit.

Any of the following shall be grounds for suspension or revocation of an STR activity permit, following the procedures in Section 5.65.140 of this chapter.

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

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

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

- A. If the Director determines that grounds for suspension or revocation of the STR activity permit exist, he or she shall issue a written notice of intention to suspend or revoke the permit, as applicable. The notice of intention shall be served in accordance with Section 5.65.150 on the property owner, as reported on the permit. The notice of intention shall describe the property, the intention to revoke or suspend the permit, the grounds for suspension or revocation, the action necessary to correct or abate the violation and a reasonable time limit for compliance.
- B. If the violation has not been corrected within the period specified in the notice of intention, the director may issue a notice of suspension or revocation, as applicable. The notice of suspension or revocation shall be served in the same manner and upon the same persons as described above for service of the notice of intention and

shall be effective ten calendar days from the date it is postmarked or, if the owner has consented in the permit application to email notice, emailed, unless a request for hearing is submitted as described in subsection C.

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

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

5.65.150 - Service requirements.

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

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

#### 5.65.160 - Enforcement.

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

- A. Any violation of this chapter, the Mono County General Plan, use permit or state law or regulation may be enforced through administrative citation and penalty as provided in Chapter 1.12 of the Mono County Code except that the amount of the administrative penalty shall be one thousand dollars for the first violation and two thousand dollars for a second or subsequent violation within three years.
- B. Any condition caused or allowed to exist in violation of any of the provisions of this chapter, the Mono County General Plan, use permit, or applicable state law or regulation is a public nuisance which shall, at the discretion of the county, be subject to abatement or other relief pursuant to Chapter 7.20 of the Mono County Code.
- C. Each and every violation of this chapter, the Mono County General Plan, or applicable state law or regulation shall constitute a separate violation per day and shall be subject to all remedies and enforcement measures authorized by the Mono County Code or otherwise authorized by law. Additionally, any violation shall be subject to injunctive relief, disgorgement to the county of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, restitution, and any other relief or remedy available at law or in equity. The county, including the office of the district attorney and the office of the county counsel, may pursue any and all remedies and actions available and applicable under state and local laws for any violations.

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

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

Any lawful use of property as a short-term rental, or subsequently authorized, in a non-residential land use designation, or MFR-H, that permits such uses (or permits such uses subject to use permit or director review approval) shall be exempt from the provisions of this chapter.

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

#### 5.65.180 - Severability.

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

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

## Director Report: February 17, 2022

Completed Since Last Commission Meeting		
Permit Type/Project Name	Community	Description
DR	Long Valley	Cargo container on residential property
DR	Antelope Valley	Secondary use prior to main
DR	Antelope Valley	Secondary use prior to main
DR/VHR	Bridgeport	Transient rental in Commercial LUD
DR/VHR	June Lake	Transient Rental on Mixed Use LUD
DR/VHR	June Lake	Transient Rental on Mixed Use LUD

Active Permit Applications (excluding building permits)		
Permit Type	Community	Description
SP/Cannabis UP	Tri-Valley	cannabis cultivation, convert RR to AG
GPA	Bridgeport	STR compliance case, convert MFR-M to MU
GPA/UP	Mono Basin	waste transfer station
CEQA	Mono Basin	Mono County waste management transition
SP	Mono Basin	STRs & campground
SP Amendment	Paradise	RV/campground, commercial ag
UP/Cannabis	Antelope Valley	cultivation, distribution, non-storefront retail
Reclamation Plan Modification	Mono Basin	Change in mining operations plan, CEQA
UP/STR	Bridgeport	STR in Twin Lakes
Parcel Map Mod/LM	Tri-Valley	Eliminate road and drainage improvements, County vacate road, rescind Subdivision Improvement Agreement, lot merger
DR/VHR	June Lake	Transient Rental on Mixed Use LUD
DR	June Lake	Overhead power installation
DR/VHR	Topaz	Transient Rental on Mixed Use LUD
DR	Hammil Valley	Well prior to main use
DR	Bridgeport	Transient Rental on Commercial LUD
LLA	Bridgeport	adjust lot line
LLA	Bridgeport	adjust lot line
LLA	Lee Vining	adjust lot line

Active Policy/Planning Projects		
Name	Community	Description
GHG/VMT CEQA Streamlining	Countywide	Update to County's GHG emissions inventory and CEQA streamlining for VMT analysis
Accessory Dwelling Units (ADUs)	Countywide + Mammoth Lakes	Prescriptive designs for study, 1 & 2 bedroom ADUs
North County Water Transfer	North County	Policies applicable to programs to sell/lease water for the benefit of Walker Lake
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	Study of special district capacity to support increased housing

<b>Active Policy/Planning Projects</b>		
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead
June Lake Active Transportation Plan	June Lake	Grant for community planning process to increase active transportation/walkability
West Walker River Parkway	Antelope Valley	Assisting with public outreach to complete enhance park plan, assist with application for grant funding
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Annual General Plan Update	Countywide	Continuously track minor changes for an annual update
Update General Plan Map Layers	Countywide	Update online

**Acronyms:**

AG	Agriculture
CEQA	California Environmental Quality Act
DR	Director Review
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MU	Mixed Use
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled