



# AGENDA

## BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes Suite Z, 237 Old Mammoth Rd, Suite Z, Mammoth Lakes, CA 93546

### Regular Meeting April 17, 2018

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#### TELECONFERENCE LOCATIONS:

1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517.

Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

***UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.***

9:00 AM Call meeting to Order

Pledge of Allegiance

#### 1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board.  
(Speakers may be limited in speaking time dependent upon the press of business)

and number of persons wishing to address the Board.)

**2. RECOGNITIONS - NONE**

**3. COUNTY ADMINISTRATIVE OFFICE**

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

**4. DEPARTMENT/COMMISSION REPORTS**

**5. CONSENT AGENDA**

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

**A. Board Minutes**

Departments: Clerk of the Board

Approval of Board minutes for the regular meeting of March 20, 2018.

**Recommended Action:** Approve the Board minutes for the regular meeting of March 20, 2018.

**Fiscal Impact:** None.

**B. Board Minutes**

Departments: Clerk of the Board

Approval of Board minutes for the special meeting of April 2, 2018.

**Recommended Action:** Approve the Board minutes for the special meeting of April 2, 2018.

**Fiscal Impact:** None.

**C. Ordinance Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy**

Departments: Public Health

During the April 10, 2018 meeting, the Board approved moving forward with the proposed amendments to MCC 7.92 with a placeholder for the multi-unit housing component.

**Recommended Action:** Adopt the Ordinance of the Mono County Board of Supervisors Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy.

**Fiscal Impact:** There is no impact to the Mono County General Fund.

Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

**6. CORRESPONDENCE RECEIVED**

All items listed are located in the Office of the Clerk of the Board, and are available for review. Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

**A. June Lake Transient Occupancy Rental Overlay Plan Letters**

Letters regarding the June Lake Transient Overlay Plan.

**7. REGULAR AGENDA - MORNING**

**A. High Sierra Tri Club Proposed Road Closure on Pinecliff Drive**

Departments: County Administrative Office

15 minutes (5 minute presentation, 10 minute discussion)

(Alana Levin) - Proposed resolution authorizing the temporary closure of a portion of a county road in June Lake for the Annual June Lake Triathlon to be held on July 7, 2018.

**Recommended Action:** Adopt proposed resolution R18-\_\_\_\_, Authorizing the temporary closure of a portion of a county road in June Lake for the annual June Lake Triathlon to be held on Saturday, July 7, 2018. Provide any desired direction to staff.

**Fiscal Impact:** None.

**B. Proclamations designating the month of April 2018 as Sexual Assault Awareness Month and Child Abuse Prevention Month**

Departments: Clerk of the Board

10 Minutes (5 minute presentation; 5 minute discussion)

(Susi Bains; Wild Iris Director) - April is nationally recognized as Sexual Assault Awareness Month and Child Abuse Prevention Month. Wild Iris is asking for county-wide participation to prevent sexual violence and child abuse, and is asking the Board of Supervisors to approve official proclamations to recognize April as Sexual Assault Awareness Month and Child Abuse Prevention Month. This is a recurring item, requested by Wild Iris every year.

**Recommended Action:** Approve proclamations.

**Fiscal Impact:** None.

**C. Goldfarb & Lipman LLP Engagement Letter**

Departments: County Counsel

5 minutes (2 minute presentation; 3 minute discussion)

(Stacey Simon) - Engagement Letter with Goldfarb & Lipman LLC to provide assistance in the efforts of Mono County Behavioral Health to facilitate and assist in the development of permanent supportive and affordable housing in Mono County.

**Recommended Action:** Approve and authorize the Chair to sign engagement letter. Provide any desired direction to staff.

**Fiscal Impact:** The services would be paid for with Mental Health Services Act (MHSA) funds. There would be no impact to the General Fund. Estimated total costs are between \$10,000 and \$40,000.

**D. Agriculture Industry Economic Study Workshop**

Departments: Agricultural Commissioner

30 minutes

(Nathan D. Reade, Agricultural Commissioner) - In 2017 the specialty consultant firm Agriculture Impact Associates was commissioned to complete an economic study that looked into several aspects of the agricultural economy of Inyo and Mono counties. The study includes an examination of the induced impacts of agriculture on the local economy and detailed strategies to address the region's economic constraints. The complete study can be viewed online at: <http://www.inyomonoagriculture.com/useful-linksformsreports.html>

**Recommended Action:** Receive presentation about a recently completed Inyo & Mono County Agriculture Economic Study and provide any desired direction to staff.

**Fiscal Impact:** The cost of the study was included in the FY16/17 budget and partially paid for with grant funding. No additional fiscal impacts beyond staff time for any desired follow up.

**E. Social Services Department Presentation**

Departments: Social Services

1 hour (50 minute presentation, 10 minute discussion)

(Kathryn Peterson and Michelle Raust) - This item will provide an overview of the Department of Social Services functions and programs, associated progress-to-date on goals set during the 2017-18 budget process, and opportunities to further Mono County's Strategic Priorities during the coming fiscal year. In addition, staff will provide a detailed look at the Child Welfare Services division within the department.

**Recommended Action:** Information item only.

**Fiscal Impact:** None.

**F. South County Facility - Options Analysis**

Departments: CAO

1 hour (30 minute presentation, 30 minute discussion)

(Tony Dublino) - Presentation and discussion regarding progress towards a solution for a safe comfortable and modest facility for citizens, customers and staff.

**Recommended Action:** Hear presentation regarding progress on the South County facility project and provide direction to staff.

**Fiscal Impact:** None at this time.

**8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

**9. CLOSED SESSION**

**A. Closed Session--Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, Dave Butters, Janet Dutcher, and Anne Larsen. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**B. Closed Session -- Exposure to Litigation**

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: One.

**C. Closed Session - Real Property Negotiations, 126 Old Mammoth Rd**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Mammoth Mall, 126 Old Mammoth Rd., Mammoth Lakes, CA. Negotiating Parties: Mono County and Greenlaw Partners. Agency negotiators: Leslie Chapman, Stacey Simon and Tony Dublino

**THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.**

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

## 11. **REGULAR AGENDA - AFTERNOON**

### A. **General Plan Amendment 18-01**

Departments: CDD

PUBLIC HEARING - 1 PM -(3 hours)

(Wendy Sugimura) - Public hearing regarding General Plan Amendment 18-01, consisting of four parts: A) Commercial cannabis, B) Short-term rentals, C) Housing policies, D) Transportation/Circulation Element.

**Recommended Action:** Following public hearing, introduce, read title, and waive further reading of proposed ordinance ORD18-\_\_ adopting General Plan Amendment 18-01 with any desired changes, and accept the exemption under Business and Professions Code §26055(h) for commercial cannabis and the addenda to the existing General Plan EIR for short-term rental policies and regulations, housing policies, and technical amendments to the Regional Transportation Plan in the Circulation Element.

**Fiscal Impact:** Unknown pending the scale, number and type of cannabis applications; the vote on the cannabis tax; number of short-term rental applications; and enforcement/compliance costs. Fees will be charged for permit and business license processing, and short-term rentals may increase TOT revenue.

### B. **2018 SB 1 Road Project List and Proposition 69**

Departments: Public Works - Engineering Division

30 minutes

(Garrett Higerd) - An annual SB 1 project list must be adopted to receive SB 1 revenues. Proposition 69 would add protections for taxpayers by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes.

**Recommended Action:** 1. Approve Resolution R18-\_\_ , Adopting a list of projects for 2018-19 funded by SB 1: The Road Repair and Accountability Act. 2. Approve Resolution R18-\_\_, Supporting Proposition 69 and opposing SB 1 repeal.

**Fiscal Impact:** All revenues from SB 1 for 2018-2019 is estimated at \$1,761,966. The Road Maintenance and Rehabilitation Account (RMRA) revenue is estimated at \$1,649,073. The list of projects presented today will be included in the upcoming budget process.

## 12. **BOARD MEMBER REPORTS**

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

**ADJOURN**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** April 17, 2018

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approval of Board minutes for the regular meeting of March 20, 2018.

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### RECOMMENDED ACTION:

Approve the Board minutes for the regular meeting of March 20, 2018.

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### FISCAL IMPACT:

None.

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**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)

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### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

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### ATTACHMENTS:

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[3-20-18 Draft Minutes](#)

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### History

Time	Who	Approval
4/12/2018 5:13 AM	County Administrative Office	Yes
4/10/2018 11:28 AM	County Counsel	Yes
4/5/2018 2:22 PM	Finance	Yes





**DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes Suite Z, 237 Old Mammoth Rd, Suite Z, Mammoth Lakes, CA 93546

**Regular Meeting  
March 20, 2018**

<b>Flash Drive</b>	<b>Portable Recorder</b>
<b>Minute Orders</b>	<b>M18-52 – M18-55</b>
<b>Resolutions</b>	<b>R18-17 – R18-18</b>
<b>Ordinance</b>	<b>ORD18-03 Not Used</b>

9:01 AM Meeting called to order by Chair Gardner.  
*Supervisors Present: Corless, Gardner, Peters, and Stump.*

**The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>**

Pledge of Allegiance led by Supervisor Peters.

**Supervisor Stump:**

- Requested that today's meeting be adjourned in memory of Michael Grossblatt.

**Supervisor Gardner:**

- Requested that today's meeting also be adjourned in memory of Supervisor Larry K. Johnston.

**1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Pam Bold, High Sierra Energy Fund:**

- Mammoth Middle School Students - Water Super Heroes.
- McConkey Foundation EcoChallenge Entry.
- Before you twist the cap, try the tap.
- Board members partook in water taste test (available in additional documents).
- Attending the meeting at the lodging association asking them to put them in rooms.

**2. RECOGNITIONS**

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

## **A. Memories in Honor of Supervisor Larry K. Johnston**

Departments: CAO

Recognizing Supervisor Larry Johnston.

Board / Staff / Public spoke, discussing memories of Supervisor Johnston.

### **Supervisor Corless:**

- We carpooled (just like he and Byng Hunt did before me), and driving to Bridgeport together, he always had to stop at Mono Market, he loved the coffee.
- Local Transportation Commission was one of his assignments, and he'd give me details of Caltrans projects, like the retaining wall south of Lee Vining and the discussion/controversy of what to plant (he'd point out when the vines planted on the wall were greening up/growing).
- Talked about his cycling adventures, and always advocated for bike lands/multi-modal transportation.
- He advocated for vehicle-wildlife collision reduction measures (and had a plan for deer fences); I'd like to see the Caltrans proposed project move forward in his honor.

### **Supervisor Gardner:**

- I only sat on this Board for a few months with Larry, but in that short time I learned much from him. Larry cared deeply about Mono County and its citizens. He was committed to making life better for our residents, and to making the government that served them better. He was creative in his ideas and aggressive in wanting to get things done. These are important examples for those of us on this Board, and for anyone in public service. His legacy of bringing constant energy and devotion to serving as a County Supervisor is one I will always remember. Our thoughts and prayers go to Karen and the rest of Larry's family in their loss.

### **Supervisor Peters:**

- I first met Larry sometime back in the early 2000's as we were both volunteers helping to support Little League in Mono County. Many years passed until I had the privilege to reacquaint myself with Larry as a colleague on the Mono County Board of Supervisors. Although the time was short I will always value our professional relationship. I never knew Larry the husband, Larry the father or Larry the sports enthusiast but I treasure the time we shared as colleagues.
- To the Mono County Supervisors: We are so sad to here of Larry Johnston's passing. I would like to express how Larry did touch our lives, as small as it may sound, he made an impression on us. We (my husband and I) were going through a situation that we had to bring attention to the board. We went to the board of Supervisors meetings, pleated our case time and time again. I was getting quite good at writing letters and we even were getting to know all the board of supervisors and their different personalities. There was one of the board members that really stuck out and that was Larry Johnston. All of the Supervisors were great and they all seemed to understand our situation and we do appreciate their support, but Larry Johnston took it one step further. On one of the numerous meetings that we went to, we had to present our case and again we found ourselves disappointed and confused at the outcome. It seemed to both of us that one of the only Supervisors that didn't seem to side with us on anything was Larry Johnston. What happened next was a real shocker, he came to our house after the meeting was over to express his concern and that he wanted us to be successful. While at our house, he continued to try to come up with a solution to our problem. My husband and I were amazed, number one, that he took the time after a long meeting, to come

### **Note:**

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over to speak with us at our house, and number two, to help us brainstorm to come up with a solution. We had underestimated what a nice person he really was. In our opinion Larry showed a real genuine concern to try to help us. Yes, we all heard the fire in his voice at the meetings but when you are representing the people you need to sometimes show that fire to get things done. Again, we would like to express to all of you and especially Larry's family how sorry we are for your loss. We just want to let you know. Dear Mr. Peters, It's up to you if you want to read this tomorrow at the meeting I just felt like I needed to reach out. Thanks so much. Sincerely, Jeff and Donna

**Supervisor Stump:**

- This story is about Larry's ethics and honesty. Early in 2014, when Larry was Board Chair, the Board became aware that some County Elected officials who were going to run for reelection were taking their signature in lieu of filing fees petitions to County Staff meetings and were asking County employees to sign their petitions. There was no prohibition on doing that at the time, in fact there still is no prohibition. Larry considered that this practice was crossing the line between work and campaigning and objected. He had an ordinance drafted by the County Counsel to restrict this practice. The idea was that using work time or position to campaign created unfair advantage above that already enjoyed by incumbents. Larry was running for reelection himself and pushed this forward anyway because he thought it was the right thing to do. Eventually the Ordinance failed by a 3 to 2 vote. The three Board members that voted no are no longer on the Board. This is only one example of the ethical standards Larry brought to the Board and the County. He applied those standards regardless of party affiliation, philosophy, agenda, or position. He practiced what he preached.
- I also admired Larry's ability to dissect documents. I learned this early on as a Board member. In 2013, my first year on the Board, the Bi-State Sage Grouse was being considered by US Fish and Wildlife for listing as endangered. The Board held a Special Meeting with US F&W to consider the issue including a review of their proposed planning/environmental document. When Larry's turn to speak with US F&W representatives came he gave an extremely thorough and complete analysis of the document including how several of the proposed actions had already been incorporated locally, including in the County General Plan. Other sections of the document received thoughtful comments on their validity. I believe that Larry's exhibition of knowledge created a positive atmosphere at the meeting and led to US F&W giving Mono County responses serious considerations. He had quite the mental gift in this area.

**3. COUNTY ADMINISTRATIVE OFFICE**

**CAO Report regarding Board Assignments**

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

**Leslie Chapman, CAO:**

- Last Wednesday, invited to attend a training put on by the judicial council for our Social Services. Very educational.
- Following day, leadership training put on by Great Basin Unified Air Pollution Control District. Met with Kevin Carunchio (CAO Inyo County).
- Yesterday, attended Land TAC meeting.
- New Interim Public Works Director started yesterday.
- Later today, there is a staff meeting regarding the county line adjustment.
- We have invitation to attend meeting about 2-1-1 services. Nate Greenberg, Sheriff, and I will be sitting in on that meeting tomorrow.
- Next segment is a progressive discipline training. One in Mammoth, one in Bridgeport.

**Note:**

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- A group is forming to come up with a plan and recommendations on how to further some worksite wellness programs.

#### 4. DEPARTMENT/COMMISSION REPORTS

**Kathy Peterson, Social Services:**

- Visit from California Judicial Council. Come out every couple of years to review court cases for dependency and delinquency court.
- Cathy Young has asked for, and will be receiving from American Red Cross a new emergency disaster shelter trailer with enough supplies for a 100-person shelter.

**Stacey Simon, County Counsel:**

- Lee Vining High School Mock Trial team state finals.

**Alicia Vennos, Economic Development Director:**

- The County was well-represented at the CALED (California Association for Local Economic Development) Conference this week.

**Justin Nalder, Solid Waste Supervisor:**

- Solid Waste Task force will be meeting to discuss preparation of an RFQ on regional services.
- Extend invitation to Board Members to come out and see operations at the Benton Cross Landfill.

#### 5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

##### A. Board Minutes

Departments: Clerk of the Board

Approval of Board minutes from the regular meeting of February 20, 2018.

**Action:** Approve the Board minutes from the regular meeting of February 20, 2018, as amended.

**Stump moved; Peters seconded**

**Vote: 4 yes; 0 no**

**M18-52**

**Supervisor Stump:**

- Meeting called to order by Chair Gardner, not Corless.

##### B. Board Minutes

Departments: Clerk of the Board

Approval of Board minutes from the Adjourned Regular meeting of March 9, 2018.

**Action:** Approve the Board minutes from the Adjourned Regular meeting of March 9, 2018.

**Peters moved; Corless seconded**

**Vote: 4 yes; 0 no;**

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

**M18-53**

**C. First 5 Mono County Children and Families Commission Appointment**

Departments: Clerk of the Board

Request for Board of Supervisors to appoint Dr. Tom Boo, Mono County Health Officer, to the First 5 Mono County Children and Families Commission.

**Action:** Appoint Dr. Boo to the First 5 Mono County Children and Families Commission indefinitely, or until he no longer holds the position of County Health Officer. Mono County Code requires that one member of the Commission be the county health officer.

**Peters moved; Corless seconded**

**Vote: 4 yes; 0 no**

**M18-54**

**6. CORRESPONDENCE RECEIVED - NONE**

All items listed are located in the Office of the Clerk of the Board, and are available for review. Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

**7. REGULAR AGENDA - MORNING**

**A. Behavioral Health Department Presentation**

Departments: Behavioral Health

(Robin Roberts) - Presentation by Robin Roberts about Mono County Behavioral Health Department. This presentation will cover the Fiscal Year 2017/2018 goals, as well as an overview of the general operations of the Behavioral Health Department including: current projects, state and federal requirements and mandates, policy changes and innovation.

**Action:** Presentation only.

**Robin Roberts, Behavioral Health Director:**

- Went through presentation.
- Overview of the department.

**Supervisor Corless:**

- Behavioral Health Advisory Board, way for people to get involved.

*Break: 10:36 AM*

*Reconvene: 10:47 AM*

**B. Update on Supportive/Affordable Housing Projects**

Departments: Behavioral Health

(Robin Roberts or Amanda Greenberg) - Presentation by Robin Roberts and Amanda Greenberg regarding 71 Davison Street property, Mammoth Lakes housing options for people in need of supportive housing, and the Walker area

**Note:**

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housing project.

**Action:** None (informational only). Provide any desired direction to staff.

**Amanda Greenberg, Mental Health Services Act Coordinator:**

- Went through presentation.

Board consensus to give direction for Walker and Mammoth projects.

Moved to item E.

### **C. Information Technology Year-in-Review: Fiscal Year 17-18**

Departments: Information Technology

(Nate Greenberg) - This item will provide a review of the work efforts from the Information Technology (IT) Department, including Geographic Information Systems (GIS), and Radio & Communications during Fiscal Year 2017 – 2018. In addition, an overview of the strategic planning process for IT/GIS will be discussed as it relates to the existing and future strategic plans.

**Action:** Information item only.

**Nate Greenberg, IT Director:**

- Overview of the department.

### **D. Replace Cadastral Analyst position with GIS Analyst within the IT Department**

Departments: Information Technology

(Nate Greenberg) - With recent staffing changes and vacancies in the GIS Division of the IT Department, it has been determined that the staffing needs are better supported by a GIS Analyst rather than the existing Cadastral Analyst. This is a new position within the organizational structure which fills a large gap between the GIS Technician and GIS Specialist series.

**Action:** Approve Resolution #R18-17, Authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to reflect the addition of a GIS Analyst and the deletion of a Cadastral Analyst in the Information Technology department.

**Corless moved; Peters seconded**

**Vote: 4 yes; 0 no**

**R18-17**

**Nate Greenberg, IT Director:**

- Described position.

Moved to item F.

### **E. White Mountain Fire Protection District Proposal to Provide EMS**

Departments: EMS

(Chris Mokracek, EMS Chief, Dave Doonan, WMFPD Fire Chief, Chris Carter, WMFPD Fire Commissioner) - Presentation by Fire Chief Dave Doonan and

**Note:**

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Fire Commissioner Chris Carter of White Mountain Fire Protection District regarding a proposal to provide 24/7 BLS ambulance to the District and surrounding areas.

**Action:** None (informational only). Provide any desired direction to staff.

**Chris Carter, White Mountain Fire Protection District Board member:**

- Acknowledged people in the room, thanked Board and staff

**Dave Noonan, DVM:**

- Went through presentation, with Chris Carter.

Public Comment:

**John Almeida, Mono County EMS:**

- Offered support.

**Supervisor Stump:**

- Wishes Board would give staff direction to continue to move forward on this.

**Leslie Chapman, CAO:**

- Appropriate time to bring back this item is during the budget process, Special meetings of May 21, 22, and 23.
- This is an ongoing expense, not a one-time expense.
- Haven't made a final decision on what we will recommend to the Board. Grant opportunities are being discussed.

Moved to Closed Session.

## **F. Employment Agreement with Renn Nolan for Election Advisor to Mono County**

Departments: Elections

Proposed resolution approving a contract with Renn Nolan as Election Advisor for Mono County, and prescribing the compensation, appointment and conditions of said employment.

**Action:** Announce Fiscal Impact announced by Supervisor Gardner. Approve Resolution #R18-18, approving a contract with Renn Nolan as Election Advisor for Mono County, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** Total fiscal cost of this contract is \$33,600, of which \$11,170 is anticipated for FY 2017-2018 and was included in the Elections budget. \$25,000 is estimated for FY 2018-2019 and the Department plans to include this amount in their Department requested amount.

**Stump moved; Corless seconded**

**Vote: 4 yes; 0 no**

**R18-18**

**Shannon Kendall, Clerk-Recorder:**

- Presented item.

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

## **G. Argument in Favor of County Cannabis Business Tax**

Departments: Finance and CAO

(Janet Dutcher and Leslie Chapman) - Argument in favor of proposed Mono County Cannabis Business Tax (Measure D, June 2018), and rebuttal to argument against Measure D (if applicable).

**Action:** Review and approve argument in favor of Measure D as presented, or as revised by Board. Authorize County Administrative Officer to prepare and submit a rebuttal to the argument against Measure D, if one is submitted. Provide any desired direction to staff.

**Stump moved; Peters seconded**

**Vote: 4 yes; 0 no**

**M18-55**

**Leslie Chapman, CAO:**

- For the Cannabis Ballot Measure. Must be in by March 30.

## **8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one spoke.

Moved to Board reports.

## **9. CLOSED SESSION**

*Closed Session: 12:41 PM*

*Reconvene: 1:35 PM*

Nothing to report out of Closed Session

### **A. Closed Session--Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, Dave Butters, Janet Dutcher, and Anne Larsen. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

### **B. Closed Session - Real Property Negotiations, 126 Old Mammoth Rd.**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Mammoth Mall, 126 Old Mammoth Rd., Mammoth Lakes, CA. Negotiating Parties: Mono County and Greenlaw Partners. Agency negotiators: Leslie Chapman, Stacey Simon and Tony Dublino.

## **10. BOARD MEMBER REPORTS**

**Note:**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

**Supervisor Corless:**

- 3/8 Mammoth Lakes Foundation: attended presentation on plans for the performing arts center. The project has significant funding in place and MLF hopes to break ground this year (plan available in additional documents).
- 3/10: Project Bighorn: Mammoth's Girl Scout Troop 580 hosted an open house to educate/raise awareness about Sierra Nevada Bighorn Sheep, they had some 200 attendees participate.
- 3/12: Local Transportation Commission—noted that there will be a ground breaking for the Highway 14 Freeman Gulch project; Caltrans expecting large number of retirees over next five years.
- 3/14: RCRC board meeting—I did not attend, given the weather forecast, but have included meeting highlights for review (available in additional documents). Board did approve supporting some June ballot measures, including proposition 70 regarding cap and trade spending.
- 3/15: CSAC agriculture, environment, natural resources committee—discussion of Prop 68, unfortunately the committee was not inclined to take a “support” position, so voted to take a “no position” position; this recommendation will go to the CSAC board in May.
- 3/19: Mammoth Lakes Housing: Special meeting to discuss Executive Director transition planning. It's a critical time for the organization, and the board agreed that the ED transition needs to consider MLH's ability to provide uninterrupted service, negotiate with the town on a new contract that will include fulfilling elements of the housing action plan, along with the uncertainties of election outcomes, expanding the board during a time of heightened interest in/focus on housing. The town offered to assist with ED recruitment planning efforts.
- Future Agenda Items: Mammoth Community Water District report and public relations campaign regarding geothermal impacts on Mammoth's water supply—I've requested an agenda item, letting board know.

**Supervisor Gardner:**

- On March 12, I attended the meeting of the Mono Basin Fire Safe Council. This group continues to get organized and set up activities like other fire prevention groups in the county.
- On March 14, I participated in the Mono Basin RPAC meeting. The meeting included a good discussion of several potential projects the County could fund with the recreation dollars included in this year's budget.
- On Thursday, March 15, I attended the First 5 meeting in Mammoth. This Commission continues to accomplish much, focused on improving the lives of our youngest residents. We are fortunate to have this organization and its resources in Mono County.
- On Friday, March 16, I attended the monthly meeting of the Eastern Sierra Transit Authority Board. The Board is reviewing candidates for a new Executive Director and has received several strong possibilities.
- Yesterday, I participated with Supervisor Corless in a meeting about the joint recreation position with the Town of Mammoth Lakes. We are making progress on this position. We expect the position will be jointly funded by both entities and housed in the Mammoth Lakes Recreation organization. The goal is for the position to be filled by this fall.

**Supervisor Peters:**

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- Met with Bridgeport Tribe over the Cannabis issue
- Continued support and advice for the Northern Mono Hospice
- 10<sup>th</sup> Yerington Lions Club
- 12<sup>th</sup> LTC
- 12<sup>th</sup> Wendy and Bentley
- 13<sup>th</sup> BP Chamber 13<sup>th</sup>
- 13<sup>th</sup> BP RPAC 13<sup>th</sup>
- 14<sup>th</sup> IT Brownbag Lunch
- 15<sup>th</sup> Coffee With Coworkers
- 17<sup>th</sup> Retirement Celebration Joe Burbine ,PSO, Former Marine and neighbor
- Tony Dublino several topics including Recreation position and Virginia Lakes Road
- **Upcoming:** Town Hall April 11<sup>th</sup>

**Supervisor Stump:**

- 3-8: Attended the Owens Valley Groundwater Authority meeting. Mono County wound up with 6 and 2\3 votes.
- 3-12: Attended the Local Transportation Commission Meeting. Cal Trans gave an update on upcoming construction projects this summer. 395 between Bridgeport and Walker will have a couple.

**ADJOURNED in memory of Michael Grossblatt and Supervisor Johnston  
at 1:47 PM**

**ATTEST**

---

**BOB GARDNER  
CHAIR OF THE BOARD**

---

**SCHEEREN DEDMAN  
SR. DEPUTY CLERK**



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approval of Board minutes for the special meeting of April 2, 2018.

**RECOMMENDED ACTION:**

Approve the Board minutes for the special meeting of April 2, 2018.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / sdedman@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">4-2-18 Draft special minutes</a>

**History**

Time	Who	Approval
4/12/2018 4:45 AM	County Administrative Office	Yes
4/10/2018 11:46 AM	County Counsel	Yes
4/5/2018 2:22 PM	Finance	Yes



**DRAFT SPECIAL MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Memorial Hall, 73 N. School St. Bridgeport, CA 93517

**Special Meeting  
April 2, 2018**

<b>Flash Drive</b>	<b>Portable Recorder</b>
<b>Minute Orders</b>	<b>M18-56 Not Used</b>
<b>Resolutions</b>	<b>R18-17 Not Used</b>
<b>Ordinance</b>	<b>ORD18-03 Not Used</b>

10:01 AM Meeting called to order by Chair Gardner

Pledge of Allegiance led by Supervisor Stump.

**1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one spoke.

**2. AGENDA ITEMS**

**A. Board Governance Workshop**

Departments: CAO

(Bill Chiat) - Board governance workshop facilitated by Bill Chiat of the Alta Mesa Group, LLC beginning with a review of progress since the last workshop followed by discussion and goal setting regarding the characteristics of a highly functioning board and how its members interact with one another, staff and the community.

**Action:** Conduct workshop and provide direction to staff.

Bill Chiat, Alta Mesa Group

Progress of Mono Board of Supervisors

The Board's Responsibilities:

- Listen and be a voice for communities.
- Maintain and increase quality of life.
- Build the economy – support.
- Provide safety net.
- Maintain good place to live.
- Be fiscally prudent.

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- Protect life and property.
- Balance services across county for all.
- Maintain relationships with Mammoth Lakes and other agencies.
- Better understand work of the staff.

*Break: 11:23 am*

*Reconvene: 11:32 AM*

Rules for Board behavior:

- Come to Board meetings prepared, ask staff in advance.
- Manage agenda; watch time; keep comments brief.
- Show respect for Board, staff, public; avoid personal attacks.
- Don't debate with speakers.
- Prior Board decisions are not revisited.
- Each member has permission to ask Chair for process.

*Lunch: 12:27 PM*

*Reconvene: 12:58 PM*

Relationships with Staff and Community

Quotable Quotes exercise

Board – Staff Relationships:

- Minimize blindsiding / unexpected questions.
- Know when to butt –out.
- Trust: Consistent information, message, not unfavorable.
- Open to receiving bad news or things they may not want to hear.
- “Spread the love” with departments that don't get to the Board often.
- Desire to see others succeed.
- Coat of authority.
- Respect staff expertise.
- Strive to give good policy direction.
- Importance of being heard.

What can the staff do to build a relationship with the Board?

- Best professional advice.
- What are others doing.
- Are “best practices.”
- Impacts of consequences of recommendation.
- Expected outcomes and measurement.
- Opportunity for collaboration.
- Compilation of data.
- Is it feasible with current workload.

How should a Board member handle a situation when they have a question and no time to ask before a meeting:

- Board member requests for information / attendance / new projects.
- Timeframe, amount of time, impact on priorities, other options, keep CAO in the loop.

*Break: 2:30 PM*

*Reconvene: 2:43 PM*

Community Relationships:

- Consultation on website / social media content – consistent message?

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- Communication with those note e-connected.
- Create a clear County message – what information would be valuable to our community?
- Leverage existing opportunities.
- Workshop on how much is enough?
- Supervisor role in getting information out.

**ADJOURNED at 4:06 PM**

**ATTEST**

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**BOB GARDNER**  
**CHAIR OF THE BOARD**

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**SCHEEREN DEDMAN**  
**SR. DEPUTY CLERK**

**Note:**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** April 17, 2018

**Departments: Public Health**

**TIME REQUIRED**

**SUBJECT** Ordinance Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

During the April 10, 2018 meeting, the Board approved moving forward with the proposed amendments to MCC 7.92 with a placeholder for the multi-unit housing component.

---

### RECOMMENDED ACTION:

Adopt the Ordinance of the Mono County Board of Supervisors Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy.

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### FISCAL IMPACT:

There is no impact to the Mono County General Fund. Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

---

**CONTACT NAME:** Nancy Mahannah

**PHONE/EMAIL:** 760.924.4621 / nmahannah@mono.ca.gov

---

### SEND COPIES TO:

Sandra Pearce

Nancy Mahannah

Dustlyne Beavers

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[BOS Staff Report](#)

[Ordinance](#)

[Ordinance Attachment A](#)

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### History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
4/12/2018 5:16 AM	County Administrative Office	Yes
4/12/2018 1:41 PM	County Counsel	Yes
4/12/2018 2:10 PM	Finance	Yes





# MONO COUNTY HEALTH DEPARTMENT

## Public Health

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

**DATE:** April 17, 2018  
**TO:** Honorable Board of Supervisors  
**FROM:** Nancy Mahannah, Public Health Program Manager  
**SUBJECT:** Ordinance of the Mono County Board of Supervisors Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy

### Recommendation

Adopt the Ordinance of the Mono County Board of Supervisors Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy.

### Discussion

Mono County already has an established Tobacco Ordinance (MCC Chapter 7.92, adopted 7/02), which prohibits smoking within 20 feet from County buildings.

During the September 5, 2017 presentation to the Board, state and local background research findings and the results of local surveys were presented, which presentation can be found at the link below:

[https://www.monocounty.ca.gov/sites/default/files/fileattachments/board\\_of\\_supervisors/meeting/16637/09\\_september\\_05\\_2017.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/meeting/16637/09_september_05_2017.pdf) (pages 150-255).

During the February 13, 2018 presentation to the Board, local background research findings and the results of local surveys were presented, which presentation can be found at the link below:

<https://monohealth.com/public-health/page/tobacco-education-program>

Following the March 13, 2018 presentation to the Board and pursuant to Board direction, staff brought back two variations of amended MCC 7.92 pertaining to smoking policies (one with regulations pertaining to multi-unit housing and one without). Both variations included the creation of smoke free zones 20 feet from business doorways, windows and ventilation systems and in outdoor dining; inclusion of electronic cigarettes and vaping in the definition of smoking; and the elimination of flavored and menthol tobacco sales in the county.

During the April 10, 2018 meeting, the Board approved moving forward with the proposed amendments to MCC 7.92 with a placeholder for the multi-unit housing component to be revisited at a later date.

**Fiscal impact**

There is no impact to the Mono County General Fund.

Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

For questions regarding this item, please call Nancy Mahannah at (760) 924-4621.

Submitted by: Nancy Mahannah, Public Health Program Manager

Reviewed by: Sandra Pearce, Public Health Director



ORDINANCE NO. ORD18-\_\_

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS  
AMENDING CHAPTER 7.92 OF THE MONO COUNTY CODE  
PERTAINING TO THE COUNTY'S SMOKING  
AND TOBACCO POLICY**

**WHEREAS**, Chapter 7.92 of the Mono County Code contains regulations and prohibitions pertaining to second-hand smoke and tobacco; and

**WHEREAS**, the National Institute on Drug Abuse has concluded that nicotine in tobacco products is a powerfully addictive drug, which has been identified as the most widespread example of drug dependence in the U.S.; and

**WHEREAS**, the Mono County Board of Supervisors acknowledges that substantial scientific evidence exists that shows a causal relationship between smoking and/or exposure to second-hand smoke and serious health conditions; and

**WHEREAS**, the Mono County Board of Supervisors acknowledges that secondhand aerosol emitted from electronic smoking devices and secondhand marijuana smoke has been identified by the Office of Environmental Health Hazard Assessment's (OEHHA) Reproductive and Cancer Hazard Assessment Branch as a health hazard; and

**WHEREAS**, the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes, largely because these flavored products were marketed to youth and young adults; and

**WHEREAS**, it is in the public interest to ban the sale of such flavored tobacco products in the unincorporated areas of Mono County; and

**WHEREAS**, the Mono County Board of Supervisors now wishes to update Chapter 7.92 of the Mono County Code to reflect these and other findings.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS** as follows:

**SECTION ONE:** Chapter 7.92 of the Mono County Code is hereby amended in its entirety to read as set forth in Attachment "A", attached hereto and incorporated herein by this reference.

**SECTION TWO:** This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than 15 days after the date of its adoption and final passage. If the

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Clerk fails to so publish this ordinance within said 15-day period, then the ordinance shall not take effect until 30 days after the date of publication.

**PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:**

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

\_\_\_\_\_  
**Bob Gardner, Chair  
Mono County Board of Supervisors**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**County Counsel**

**SMOKING POLICIES AND RESTRICTIONS**

**Sections:**

- 7.92.010**      **Definitions.**
- 7.92.020**      **Prohibitions – locations where smoking is prohibited.**
- 7.92.030**      **Reasonable smoking distance required – 20 feet.**
- 7.92.040**      **PLACEHOLDER.**
- 7.92.050**      **Signage.**
- 7.92.060**      **Duty of person, employer, business or nonprofit entity.**
- 7.92.070**      **Sale of flavored tobacco products prohibited.**
- 7.92.80.1**     **Penalties and enforcement.**

**7.92.010**      **Definitions.**

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from Cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
- B. “County” shall mean the County of Mono.
- C. “County Building” shall mean any County-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the County road shops and all community and senior centers.
- D. “Business” means any sole proprietorship, partnership, joint venture, corporation, association, or any other entity formed for profit-making purposes or that has an Employee, as defined in this section.
- E. “Characterizing Flavor” means a distinguishable taste or aroma, other than the taste or aroma of Tobacco, imparted by Tobacco, either prior to or during use of the Tobacco Product or any byproduct produced by the Tobacco Product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, nut or spice; provided, however, that a Tobacco Product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information.

## ATTACHMENT A

- F. "Dining Area" means any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.
- G. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, Tobacco, Cannabis, or any other substances, including any component, part or accessory of such a device, whether or not sold separately.
- H. "Employee" means any Person who is employed; retained as an independent contractor by any Employer, as defined in this section; or any Person who volunteers his or her services for an Employer, association, nonprofit, or volunteer entity.
- I. "Employer" means any Person, partnership, corporation, association, nonprofit or other entity which employs or retains the service of one or more Persons, or supervises volunteers.
- J. "Enclosed Area" means:
  - 1. an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
    - a. any type of overhead cover whether or not that cover includes vents or other openings and at least three walls or other vertical constraints to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
    - b. four walls or other vertical constraints to airflow including, but not limited to, vegetation that exceeds six feet in height, whether or not those boundaries include vents or other openings.
- K. "Flavored Tobacco Product" means any Tobacco Product that imparts a Characterizing Flavor.
- L. "Labeling" means written, printed, or graphic matter upon any Tobacco Product or any of its Packaging, or accompanying such Tobacco Product.
- M. "Manufacturer" means any Person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a Tobacco Product; or imports a finished Tobacco Product for sale or distribution into the United States.
- N. "Multi-Unit Residence" means any residential structure with two (2) or more Units and has at least one or more shared walls, floors, or ceilings. Additionally, a residential structure that has two (2) or more Units and has a shared ventilation system is considered a Multi-Unit Residence.

A Multi-Unit Residence **does not** include the following:

- 1. a single-family residence with a detached in-law or secondary dwelling unit;
- 2. a single, contiguous residence in which rent is shared by the residents; and

## ATTACHMENT A

3. A hotel or motel that meets the requirements of California Civil Code section 1940, subdivision (b) (2).
- O. "Multi-Unit Residence Common Area" means any indoor or outdoor common area of a Multi-Unit Residence accessible to and usable by more than one residence, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play areas, swimming pools and recreation areas.
  - P. "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a Nonprofit Entity within the meaning of this section.
  - Q. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold or offered for sale to a consumer.
  - R. "Place of Employment" means any area under the legal or de facto control of an Employer, Business or Nonprofit Entity that an Employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for Business purposes, taxis, Employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, and private residences that are used as childcare or health care facilities subject to licensing requirements.
  - S. "Person" means any natural Person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
  - T. "Playground" means any park or Recreational Area designated in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on County property.
  - U. "Public Place" means any place, public or private, open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, Playgrounds, taxis and buses.
  - V. "Reasonable Distance" means a distance of at least twenty (20) feet to ensure that occupants of a building and those entering or existing the building are not exposed to secondhand smoke created by smokers outside of the building.
  - W. "Recreational Area" means any area, public or private, open to the public for recreational purposes regardless of any fee requirement, including, for example, parks, gardens, sporting facilities, stadiums, and Playgrounds, but excluding those areas where the County lacks jurisdictional authority to regulate.

## ATTACHMENT A

- X. "Service Area" means any area designed to be or regularly used by one or more Persons to receive or wait to receive a service, enter a Public Place, or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.
- Y. "Smoke" or "Smoking" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated Tobacco Product or Cannabis intended for inhalation, whether natural or synthetic, in any manner or in any form including but not limited to a cigar, cigarette, cigarillo, vaporizer, joint, pipe, hookah or Electronic Smoking Device. "Smoke" includes the use of an Electronic Smoking Device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.
- Z. "Smoking Product" means any substance or product containing nicotine, Tobacco or Cannabis that is meant to be used in conjunction with an e-cigarette or any other type of smoking or vaporizing contraption including but not limited to joints, cigarettes, cigars, bongos or pipes. "Smoking Product" also means, Indian cigarettes called "bidis", and cartridges and liquid solutions for e-cigarettes, which may be utilized for smoking, chewing, inhaling or other manner of ingestion.
- AA. "Tobacco Paraphernalia" means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.
- BB. "Tobacco" or "Tobacco Product" means:
1. Any product containing, made, or derived from tobacco leaf or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff.
  2. Any electronic device that delivers nicotine or other similar substances to the Person inhaling from the device, including, but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
  3. Notwithstanding any provision of subsections (a) and (b) to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- CC. "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, Tobacco, Tobacco Products or Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products or Tobacco



## ATTACHMENT A

Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

DD. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or unenclosed area, such as for example, a private balcony, porch, deck or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a motel or hotel; a dormitory room.

### **7.92.020 Prohibitions – locations where smoking is prohibited.**

A. Except as otherwise provided in this Chapter, Smoking is prohibited in the following enclosed and unenclosed locations in the County:

1. All areas where smoking is prohibited by state or federal law, including, but not limited to, indoor workplaces, bars and restaurants (California Labor Code Section 6404.5); state, County, and city buildings (California Government Code Sections 7596 through 7598); tot lots and Playgrounds (California Health and Safety Code Section 104495); and pursuant to (California Health and Safety Code Section 11362.3).
2. County vehicles.
3. Public parks.
4. Recreational Areas.
5. Service Areas.
6. Dining Areas.
7. Public Places, when being used for a public event, including a sporting event, farmer's market, parade, craft fair, or any event which may be open to or attended by the general public, provided that Smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.

B. Nothing in this Chapter prohibits any Person or Employer with legal control over any property from prohibiting Smoking on any part of such property.

### **7.92.030 Reasonable smoking distance required – 20 Feet.**

Smoking shall occur at a Reasonable Distance of at least twenty (20) feet outside any Enclosed Area and from entrances, operable windows, and ventilation systems of Enclosed Areas where Smoking is prohibited, to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems or any other means so that those indoors and those entering or leaving the building are not involuntarily exposed to secondhand smoke, including any secondhand smoke from an Electronic Smoking Device or vapor.

### **7.92.040 PLACEHOLDER.**

## ATTACHMENT A

### **7.92.050 Posting of signs.**

Posting of signs shall be the responsibility of the owner, operator, manager or other Person having control of the place where Smoking is prohibited by this Chapter in cooperation with the Mono County Public Health Department. Except in facilities owned or leased by County, state, or federal governmental entities, "No Smoking" signs with letters of not less than one-half inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly posted where Smoking is prohibited in accordance with this Chapter. Where applicable, all signs shall clearly state that Smoking is prohibited within 20 feet of any Enclosed Area as defined in subsection I of section 7.92.010 and within 20 feet of entrances, operable windows and ventilation systems. Any owner, manager, operator, Employer or Employee or other Person having control of a place where Smoking is prohibited by this Chapter shall not be deemed to be in violation of this Chapter if signs have been posted in a manner consistent with the requirements of this section. For purposes of this Chapter, the Mono County Public Health Department shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the County.

### **7.92.060 Duty of person, employer, business or nonprofit entity.**

Notwithstanding any other provision of this Chapter, any owner, landlord, Employer, Business, Nonprofit Entity, or any other Person who controls any property, establishment, or Place of Employment regulated by this chapter may declare any part of such area in which Smoking would otherwise be permitted to be a nonsmoking area.

### **7.92.070 Sale of flavored tobacco products prohibited.**

- A. Except as provided in subsection D, it shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer's agents or Employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any Flavored Tobacco Product.
- B. There shall be a rebuttable presumption that a Tobacco Retailer in possession of Flavored Tobacco Products, including but not limited to individual Flavored Tobacco Products, packages of Flavored Tobacco Products, or any combination thereof, possesses such Flavored Tobacco Products with the intent to sell or offer them for sale.
- C. There shall be a rebuttable presumption that a Tobacco Product is a Flavored Tobacco Product if a Tobacco Retailer, Manufacturer, or any Employee or agent of a Tobacco Retailer or Manufacturer has:
  1. Made a public statement or claim that the Tobacco Product imparts a Characterizing Flavor;
  2. Used text and/or images on the Tobacco Product's Labeling or Packaging to explicitly or implicitly indicate that the Tobacco Product imparts a Characterizing Flavor; or

## ATTACHMENT A

3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the Tobacco Product imparts a Characterizing Flavor.
- D. Any Tobacco Retailer whose inventory includes Flavored Tobacco Products at the time this Chapter becomes effective may continue to sell the Flavored Tobacco Product(s) until the supply is exhausted but shall not thereafter order new supplies.

### **7.92.080 Penalties and enforcement.**

- A. Unless the applicable section of this Chapter provides that violation is a misdemeanor, any Person or Business violating any provision of this Chapter, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties) of \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for any subsequent violation. For purposes of this Chapter, each day of noncompliance shall be considered a separate violation.
- B. The provisions of this Chapter may be enforced through civil and/or criminal proceedings including, but not limited to, action for nuisance abatement pursuant to Mono County Code Chapter 7.20, administrative citation pursuant to Mono County Code Chapter 1.12, following the procedures set forth in subsection D, and/or injunctive relief. In any enforcement action, the County may seek reimbursement for the costs of investigation, inspection or monitoring leading to the establishment of the violation, and for the reasonable costs of preparing and bringing the enforcement action. The remedies provided by this section 7.92.080 are nonexclusive, cumulative and in addition to any other remedy the County may have at law or in equity.
- C. The Mono County Public Health Director or his/her designee ("Director") is authorized to enforce, on behalf of the County, the provisions of this Chapter, and to refer such enforcement to the Mono County Code Compliance Division as provided in subsection D below. Any Person may request that the Director investigate a violation of this Chapter by filing a written complaint with the Public Health Department.
- D. The following procedures may be followed by the Director upon receipt of a written complaint and shall be followed prior to referring enforcement to Mono County Code Compliance:
  1. The Director shall contact the owner, operator or manager of the establishment, (the "establishment") or Person that is the subject of the complaint to investigate the nature and extent of the violation and may conduct such additional investigation as may be necessary, to determine whether the violation occurred.
  2. If the Director concludes that a violation occurred, he or she shall provide to the owner, operator or manager of the establishment or Person committing the violation a copy of the provisions of this Chapter and such advisory assistance to avoid future violations as may be necessary to achieve compliance.
  3. Upon receipt of a second written complaint involving the same Person or establishment, the Director shall attempt to meet with the owner, operator or manager or Person alleged to have violated this Chapter to further investigate

## ATTACHMENT A

the matter and shall conduct such additional investigation as may be necessary. If it is determined that a subsequent violation has occurred, the Director shall mail, certified mail, postage prepaid, return receipt requested, a written directive to the owner, operator, manager or other Person, explaining in detail the steps required in order to achieve future compliance and advising that the County may initiate enforcement proceedings pursuant to Chapters 1.12 or 7.20, or pursue such other enforcement as is authorized by law, in the event of a subsequent violation.

4. Upon receipt of a third written complaint regarding the same Person or establishment, the Director may refer the matter to Mono County Code Compliance for further investigation and enforcement pursuant to Chapters 1.12 and/or 7.20, provided that the Code Compliance Division confirms that it has sufficient resources available to process the complaint.
  5. Any violation determined by the Code Compliance Division to have occurred following issuance of a Notice of Violation in accordance with Chapter 1.12, shall constitute cause for issuance of an Administrative Citation under that Chapter, except that the amount of the penalty imposed for each violation shall be as set forth in subsection 7.92.080.A. and the hearing officer for any administrative appeal shall be a member of the Board of Supervisors or its designee.
- E. The Director, and Code Compliance Specialist if applicable, shall maintain clear and thorough records and logs of all investigations and communications made in relation to every written complaint filed with the Public Health Department pursuant to this section.



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**TIME REQUIRED**

**SUBJECT** June Lake Transient Occupancy  
Rental Overlay Plan Letters

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letters regarding the June Lake Transient Overlay Plan.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Prince Letter</a>
<a href="#">Stepanian Letter</a>

**History**

Time	Who	Approval
4/12/2018 2:20 PM	County Administrative Office	Yes
4/12/2018 2:19 PM	County Counsel	Yes
4/12/2018 2:19 PM	Finance	Yes

**David L. Prince**  
**7908 Calle Torcido**  
**Bakersfield, CA 93309**  
**Cell: 661-345-6603**  
**Fax: 661-831-2701**

April 11, 2018

Mono County Board of Supervisors: District 1: vacant, District 2: Fred Stump, District 3: Bob Gardner, District 4: John Peters, District 5: Stacy Corless  
c/o The Clerk of The Board  
P.O. Box 715  
Bridgeport, CA 93517

Re: proposed mono county area plan updates addressing vacation rental permitting for June Lake and other Mono County Communities

Dear Supervisors:

We have become informed that the Board will be considering a Transient Occupancy Rental Overlay in your upcoming Board meetings. This particular issue has raised a great deal of dialogue about the best way to achieve a rental overlay, and the vetting that has occurred has been beneficial through the Citizens Advisory Council, The Regional Planning Advisory Committee and the Mono County Planning Commission

We would like to acknowledge the efforts of Wendy Sugimura and her people in the planning division for pulling together this recommendation to resolve the Transient Occupancy Rental Overlay issue. With this implementation it will allow property owners to properly manage their property and provide housing to meet the areas seasonal demands. We strongly believe and endorse such a Transient Occupancy Overlay as it is essential to the economic engine of the community and to the benefit of the numerous visitors that enjoy the June Lake Area other areas within Mono County. We look forward to your support.

Sincerely,  


David & Barbara Prince  
Property Owner: 46 Leonard Avenue

Cc; W.Sugimura Acting Director Mono County Community Planning Dept

---

4/12/18

Mono County Board of Supervisors

District 1: Vacant; District 2: Fred Stump; District 3: Bob Gardner; District 4: John Peters

District 5: Stacy Corless

c/o The Clerk of the Board

P.O. Box 715

Bridgeport, CA 93517

Re: Proposed June Lake local area plan updates re: Vacation Permitting and Regulation

Dear Supervisors,

As a participant in and supporter of the June Lake Transient Occupancy Rental Overlay Plan progress, I understand that the issue has been approved at all the necessary levels and now comes before the Board of Supervisors in your meeting next week for final approval and implementation. May I say that the healthy dialogue that has occurred because of your request/initiative to create a Transient Overlay Plan and vetting as to the best way to achieve a rental overlay plan has been beneficial to the community as a whole through the Citizens Advisory Council, The Regional Planning Advisory Committee and the Mono County Planning Commission.

I would especially like to commend Wendy Sugimura and her team for their thorough and patient work to create the thoughtful June Lake Plan that I strongly endorse. It provides for June Lake property owners to properly offer housing to meet the area's seasonal demands and contribute to a healthy economy for June Lake, the town I have called my home for 30+ years.

I look forward to your support and approval of this plan and its expeditious implementation in time for this summer!

Sincerely,

Lynn Stepanian

27 Carson View Drive, June Lake, CA 93529

&

4130 Dundee Drive, Los Angeles, CA 90027

323 309-4103



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: County Administrative Office**

**TIME REQUIRED** 15 minutes (5 minute presentation, 10 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Alana Levin

**SUBJECT** High Sierra Tri Club Proposed Road Closure on Pinecliff Drive

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution authorizing the temporary closure of a portion of a county road in June Lake for the Annual June Lake Triathlon to be held on July 7, 2018.

**RECOMMENDED ACTION:**

Adopt proposed resolution R18-\_\_\_, Authorizing the temporary closure of a portion of a county road in June Lake for the annual June Lake Triathlon to be held on Saturday, July 7, 2018. Provide any desired direction to staff.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Jay Sloane

**PHONE/EMAIL:** 760-932-5405 / jsloane@mono.ca.gov

**SEND COPIES TO:**

Jay Sloane

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Staff Report Triathlon</a>
<a href="#">Resolution Triathlon</a>

**History**

Time	Who	Approval
4/12/2018 4:56 AM	County Administrative Office	Yes



4/11/2018 3:49 PM

County Counsel

Yes

4/12/2018 2:08 PM

Finance

Yes



# COUNTY OF MONO

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P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5405 • FAX (760) 932-5411

Jay Sloane  
Risk Manager

To: Board of Supervisors  
From: Jay Sloane  
Date: April 17, 2018

## Subject

High Sierra Athletics has requested a temporary road closure on Pinecliff Drive on Saturday, July 7, 2018, from 5:00 a.m. to 5:00 p.m. to ensure participant safety during the annual June Lake Triathlon.

## Recommendation

Consider and potentially adopt proposed resolution approving the temporary road closure.

## Discussion

The June Lake Triathlon turns 12 this year! In 2014, the Mono County Board of Supervisors passed a resolution to close Pinecliff Road during the event. At the post-race meeting, race staff met with permitting and contract agencies including the U.S. Forest Service, Mono County, Caltrans, and CHP, and it was agreed that the road closure and traffic control operated by CHP improved the event's organization and safety.

The event organizers request road closure again this year in the same format as last year:

Intermittent traffic control will occur on Pinecliff Drive from the intersection of Northshore Drive to the Pinecliff Resort Store and Campsites from 5:00 am to 1:00 pm with only 10-15 minute delays for motorists.

Road closure of Pinecliff Drive after the Pinecliff Resort on Saturday, July 7, 2018, from 5:00 am to 5:00 pm, with access to the campground only (but excluding beach access) beginning at 1:00 pm.

In anticipation of this request and upcoming event, June Lake Triathlon has rented out the entire Oh Ridge Campground for racers and staff to camp and therefore will not be impacting any potential income for the Inyo National Forest or for the concessionaire, Inyo Recreation.

## Fiscal Impact

None. Any traffic control expense such as CHP is provided and paid for by the June Lake Triathlon.

Attached:  
Traffic Control Plan



RESOLUTION NO. R18-\_\_\_

**A RESOLUTION OF THE MONO COUNTY BOARD  
OF SUPERVISORS AUTHORIZING THE TEMPORARY  
CLOSURE OF A PORTION OF A COUNTY ROAD IN  
JUNE LAKE FOR THE ANNUAL JUNE LAKE TRIATHLON  
TO BE HELD ON SATURDAY JULY 7, 2018**

**WHEREAS**, the High Sierra Athletics has requested the temporary closure and use of a portion of Pinecliff Drive in June Lake to facilitate activities associated with the annual June Lake Triathlon to be held Saturday, July 7, 2018; and

**WHEREAS**, in conformance with Section 982 of the California Streets and Highways Code, the Board of Supervisors is authorized to temporarily close County roads and grant the use thereof to the managers of said functions; and

**WHEREAS**, for the past several years the June Lake Triathlon, sponsored by the High Sierra Triathlon Club, has resulted in substantial benefits to the residents, businesses and visitors in Mono County.

**NOW, THEREFORE, BE IT RESOLVED** by the Mono County Board of Supervisors that the following County streets in the community of June Lake may be closed, used for re-routing traffic and/or have restricted parking areas issued in conformance with the County's Special Events Policy (see Chapter 5.50 of the Mono County Code) and made available to the High Sierra Triathlon Club consistent with the times and dates listed below:

1. Intermittent traffic control on Pinecliff Drive from the intersection of Northshore Drive to the Pinecliff Resort Store and Campsite on Saturday, July 7, 2018, from 5:00 am to 1:00 pm.
2. Road closure of Pinecliff Drive after the Pinecliff Resort on Saturday, July 7, 2018, from 5:00 am to 5:00 pm, with access to the campground only (but excluding beach access) beginning at 1:00 pm.

**BE IT FURTHER RESOLVED** that the Mono County Board of Supervisors authorizes the Director of the Department of Public Works to utilize County equipment and personnel and to work with California Department of Transportation and California Highway Patrol officials to effectuate said road closures and detours.

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**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** April 17, 2018

**Departments: Clerk of the Board**

**TIME REQUIRED** 10 Minutes (5 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Susi Bains; Wild Iris Director

**SUBJECT** Proclamations designating the month of April 2018 as Sexual Assault Awareness Month and Child Abuse Prevention Month

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

April is nationally recognized as Sexual Assault Awareness Month and Child Abuse Prevention Month. Wild Iris is asking for county-wide participation to prevent sexual violence and child abuse, and is asking the Board of Supervisors to approve official proclamations to recognize April as Sexual Assault Awareness Month and Child Abuse Prevention Month. This is a recurring item, requested by Wild Iris every year.

### RECOMMENDED ACTION:

Approve proclamations.

### FISCAL IMPACT:

None.

**CONTACT NAME:** Jiselle Kenny

**PHONE/EMAIL:** /jkenny@wild-iris.org

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download
<a href="#">Staff Report</a>
<a href="#">SAAM Proclamation</a>
<a href="#">CAPM Proclamation</a>

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
4/12/2018 4:46 AM	County Administrative Office	Yes
4/6/2018 3:59 PM	County Counsel	Yes
4/5/2018 2:22 PM	Finance	Yes



Vacant ~ District One    Fred Stump ~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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**BOARD OF SUPERVISORS  
COUNTY OF MONO**

---

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5530 • FAX (760) 932-5531  
*Shannon Kendall, Clerk of the Board*

TO:            Honorable Board of Supervisors  
FROM:        Scheereen Dedman, Senior Deputy Clerk  
DATE:        April 17, 2018

**Subject**

Proclamation designating the Month of April, 2018 as Sexual Assault Awareness Month and Child Abuse Prevention Month.

**Recommendation**

Approve Proclamations.

**Discussion**

April is nationally recognized as Sexual Assault Awareness Month and Child Abuse Prevention Month. Wild Iris is asking for county-wide participation to prevent sexual violence and child abuse, and is asking the Board of Supervisors to approve official proclamations to recognize April as Sexual Assault Awareness Month and Child Abuse Prevention Month. This is a recurring item, requested by Wild Iris every year.

**Fiscal Impact**

None.

**PROCLAMATION BY THE MONO COUNTY BOARD OF SUPERVISORS  
SEXUAL ASSAULT AWARENESS MONTH**

**WHEREAS**, rape, sexual assault and sexual harassment harm our community, and statistics show that 1 in 5 women and 1 in 71 men will experience sexual assault during their lifetime;

**WHEREAS**, child sexual abuse prevention must be a priority to confront the reality that 1 in 6 boys and 1 in 4 girls will experience a sexual assault before age 18;

**WHEREAS**, young people experience heightened rates of sexual violence, and youth ages 12-17 are 2.5 times as likely to be victims of rape or sexual assault;

**WHEREAS**, on campus, 1 in 5 women and 1 in 16 men are sexually assaulted during their time in college;

**WHEREAS**, survivors should have help to find the compassion, comfort, and healing they need, and sexual abusers should be punished to the full extent of the law;

**WHEREAS**, survivors of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can heal from the abuse;

**WHEREAS**, it is important to recognize the compassion and dedication of the individuals who provide services to victims of sexual assault and work to increase public understanding of this significant problem;

**WHEREAS**, we must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions;

**WHEREAS**, prevention is possible through education, awareness and community involvement;

**WHEREAS**, it is time for all residents of Mono County to take action to create a safer environment for all and make ending sexual assault a priority;

**WHEREAS**, Wild Iris requests all residents of Mono County pledge to join advocates and communities across the country in taking action to prevent sexual violence;

**NOW THEREFORE**, in recognition of the important work done by Wild Iris and all victims' service providers, let it be resolved that the Mono County Board of Supervisors proclaims April, 2018, as Sexual Assault Awareness Month.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



**PROCLAMATION BY MONO COUNTY BOARD OF SUPERVISORS  
CHILD ABUSE PREVENTION MONTH**

**WHEREAS**, approximately five children die every day due to child abuse and neglect;

**WHEREAS**, in 2015, there were four million child abuse referrals made;

**WHEREAS**, children are vital to our community's future success and quality of life as well as being our most vulnerable assets;

**WHEREAS**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

**WHEREAS**, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

**WHEREAS**, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope;

**WHEREAS**, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

**WHEREAS**, child abuse and neglect can be reduced in Mono County by making sure each family has the support they need in raising their children in a safe, nurturing environment;

**WHEREAS**, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

**WHEREAS**, Wild Iris has set an important example of how forging collaborative relationships among service agencies and organizations serves to improve the quality of service for those profoundly and directly affected by child abuse, thus providing a model for how the rest of the community might work together to speak out and find solutions to end child abuse;

**WHEREAS**, Wild Iris requests public support and assistance as it continues its effort to bring real hope for ending child abuse in Mono County and creating a future where all children can live free from abuse;

**NOW THEREFORE**, in recognition of the important work done by Wild Iris and all victims' service providers, let it be resolved that the Mono County Board of Supervisors proclaims April, 2018, as Child Abuse Prevention Month.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: County Counsel**

**TIME REQUIRED** 5 minutes (2 minute presentation; 3 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Stacey Simon

**SUBJECT** Goldfarb & Lipman LLP Engagement Letter

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Engagement Letter with Goldfarb & Lipman LLC to provide assistance in the efforts of Mono County Behavioral Health to facilitate and assist in the development of permanent supportive and affordable housing in Mono County.

**RECOMMENDED ACTION:**

Approve and authorize the Chair to sign engagement letter. Provide any desired direction to staff.

**FISCAL IMPACT:**

The services would be paid for with Mental Health Services Act (MHSA) funds. There would be no impact to the General Fund. Estimated total costs are between \$10,000 and \$40,000.

**CONTACT NAME:** Stacey Simon

**PHONE/EMAIL:** 760 924-1704 / ssimon@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Agreement</a>
<input type="checkbox"/> <a href="#">Firm information</a>
<input type="checkbox"/> <a href="#">Supportive housing information</a>

**History**

Time

Who

Approval

4/5/2018 8:24 AM	County Administrative Office	Yes
3/28/2018 9:28 AM	County Counsel	Yes
4/5/2018 9:35 AM	Finance	Yes

**County Counsel**  
Stacey Simon

**Assistant County Counsel**  
Christian E. Milovich

**Deputies**  
Anne M. Larsen  
Jason Canger

**OFFICE OF THE  
COUNTY COUNSEL**

*Mono County*  
South County Offices  
P.O. BOX 2415  
MAMMOTH LAKES, CALIFORNIA 93546

**Telephone**  
760-924-1700

**Facsimile**  
760-924-1701

**Paralegal**  
Jenny Senior

To: Board of Supervisors

From: Stacey Simon

Date: April 17, 2018

Re: Goldfarb & Lipman LLP Engagement Letter

**Recommended Action**

Approve and authorize the Chair to sign engagement letter with Goldfarb & Lipman LLC to provide assistance in the efforts of Mono County Behavioral Health to facilitate and assist in the development of permanent supportive and affordable housing in Mono County.

**Focus Area(s) Met**

Economic Base     Infrastructure     Public Safety  
 Environmental Sustainability     Mono Best Place to Work

**Fiscal Impact**

The cost of services would be paid for with Mental Health Services Act (MHSA) funds. There would be no impact to the General Fund. Estimated total costs are between \$10,000 and \$40,000

**Discussion**

On March 17<sup>th</sup>, the Board received an update from the Behavioral Health department regarding its plans to facilitate and contribute to the development of "permanent supportive" and affordable housing in Mono County and Mammoth Lakes. Specifically, Behavioral Health is proposing to support the development (by a third-party or parties) of approximately fifteen supportive housing units and some number of additional affordable housing units within the Town of Mammoth Lakes and up to four "small house" supportive housing units in the community of Walker.

While there are various funding sources available for the construction and operation of these projects (including funds which would later be secured by the selected third-party developer(s)), Behavioral Health currently has Mental Health Services Act (MHSA) moneys available for the preliminary planning and implementation stages of the project. Necessary tasks associated with these stages include assessing options and developing recommendations for Behavioral Health and Board consideration based on legal requirements and constraints and drafting solicitation documents, contracts, loan and/or grant agreements, leases and other legal materials.

The fields of affordable and supportive housing development are complex and heavily regulated at both the state and federal levels. As such, it is recommended that the County utilize MHSA funds to retain outside counsel specializing in these areas in order to advise and assist with the tasks described above. Based on outreach through the County Counsels' Association, this office has identified the firm of Goldfarb & Lipman LLC (Oakland Office) as having the appropriate knowledge, experience and expertise to provide this assistance.

Attached to this item is a copy of the engagement letter provided by Goldfarb & Lipman LLP for its services, as well as materials describing the firm's experience in general and in the relevant areas.

If you have any questions on this matter prior to your meeting, please call me at 924-1704 or 932-5417.

**goldfarb  
lipman  
attorneys**

1300 Clay Street, Eleventh Floor  
Oakland, California 94612  
510 836-6336

M David Kroot

Lynn Hutchins

Karen M. Tiedemann

Thomas H. Webber

Dianne Jackson McLean

Michelle D. Brewer

Jennifer K. Bell

Robert C. Mills

Isabel L. Brown

James T. Diamond, Jr.

Margaret F. Jung

Heather J. Gould

William F. DiCamillo

Amy DeVaudreuil

Barbara E. Kautz

Erica Williams Orcharton

Luis A. Rodriguez

Rafael Yaquián

Celia W. Lee

Dolores Bastian Dalton

Joshua J. Mason

Eric S. Phillips

Elizabeth R. Klueck

Daniel S. Maroon

Justin D. Bigelow

Nahal Hamidi Adler

Aileen T. Nguyen

March 21, 2018

**via email only**

Stacey Simon  
Mono County Counsel  
P.O. Box 2415  
Mammoth Lakes, CA 93546

Re: Engagement letter – Mono County

Dear Ms. Simon:

Goldfarb & Lipman LLP would be pleased to provide legal services for Mono County (the "County"). This letter constitutes our written fee agreement. Our work for the County will include providing advice and services in connection with supportive and affordable housing programs funded or otherwise assisted by the County. Our work in this area will be directed by you. We will also provide other assistance and perform other legal tasks as may be directed by you. I will have the principal responsibility for these services but will draw on the expertise of others in my office as needed. We will charge for our time as set forth in the attached rate schedule. My hourly rate is \$320. For your information, a copy of our standard billing policies is enclosed.

If the arrangement described above is satisfactory, then please have the authorized representative of the County sign the engagement letter in the space provided below. Please return a copy to to me, and keep the original for the County's files.

Thank you for selecting Goldfarb & Lipman as legal counsel.

Sincerely,



HEATHER GOULD

Accepted: MONO COUNTY

By: \_\_\_\_\_

Its: \_\_\_\_\_

Enclosures:

Billing Rate Schedule  
Billing Policies and Procedures

990051/2324164.1

San Francisco

415 788-6336

Los Angeles

213 627-6336

San Diego

619 239-6336

Goldfarb & Lipman LLP

**Goldfarb & Lipman LLP  
Billing Rates**

<b>Partner</b>	<b>\$295-320</b>
<b>Associate</b>	<b>\$200-290</b>
<b>Senior Law Clerk</b>	<b>\$175</b>
<b>Law Clerk</b>	<b>\$140</b>
<b>Litigation Paralegal</b>	<b>\$160</b>
<b>Project Coordinator</b>	<b>\$160</b>

**GOLDFARB & LIPMAN LLP**  
**BILLING POLICIES AND PROCEDURES**

Dear Client:

Experience has shown that the attorney-client relationship works best when there is a mutual understanding about fees and payment terms. Accordingly, this letter is intended to briefly explain our billing policies and procedures. We encourage you to discuss with us any questions you may have concerning these policies and procedures.

To determine the value of our services, we require each of our lawyers and legal assistants to maintain time records for each client and matter. The time records are reviewed monthly by the responsible billing attorney. Our billing rates for services rendered for partners, associates, and for paralegals are attached. Our hourly rates are adjusted from time-to-time (generally once a year) and may change during the course of our engagement.

It is our policy to serve you with the most effective support systems available. Therefore, in addition to our fees for legal services, we may also charge for messengers, delivery other than by US postal service, reproduction, and other costs and expenses incurred on your behalf.

Our billing statements are due and payable upon receipt. Clients whose statements are not paid within 30 days of the statement date may be assessed a late charge on the unpaid balance at the rate of one-and-a-half percent per month.

We carry professional liability insurance above the limits required by law.

In closing, let us assure you that it has always been and will continue to be our goal to provide legal services to you on the most efficient and cost effective bases possible. If you have any questions or comments regarding our billing policies, please feel free to contact us. Thank you for your continued cooperation.

Very truly yours,

GOLDFARB & LIPMAN LLP



[www.goldfarblipman.com](http://www.goldfarblipman.com)

goldfarb  
lipman  
attorneys

Oakland  
1300 Clay Street  
11th Floor  
Oakland, CA 94612

Los Angeles  
523 West Sixth Street  
Suite 610  
Los Angeles, CA 90014

San Diego  
2260 El Cajon Boulevard  
No. 922  
San Diego, CA 92104

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## INTRODUCTION

Goldfarb & Lipman is a California law firm with special strengths in real estate, land use, community economic development, affordable housing, employment and municipal law. Our practice includes housing and urban development, community economic development, real estate syndications, public finance, environmental law, fair housing, cooperatives, condominiums and other subdivisions, land use, leasing, financing, securities, lender representation, private development and related areas of corporate law as well as employment and labor law. We maintain an extensive practice representing both public and private clients in major development and financing transactions. Our practice includes all areas of legal expertise required by our clients related to the development of projects as well as trial and appellate litigation. We are a women-owned enterprise, certified by the Women's Business Enterprise National Council.

## AFFORDABLE HOUSING

Affordable housing is a mission-driven business, and our clients are passionately committed to developing quality affordable housing in order to provide everyone the opportunity to live with dignity. Goldfarb & Lipman supports and shares our clients' commitment to affordable housing development. Since 1971, we have been a leader in affordable housing law representing hundreds of public agencies, affordable housing developers, and for-profit developers in creating affordable housing for low and moderate income households. We have helped our clients develop over fifty thousand affordable housing units throughout California, utilizing a wide variety of public and private financing sources.

Many of our attorneys have worked at the U.S. Department of Housing and Urban Development, and other government agencies, and have direct experience working with, and implementing, the funding programs our clients rely on to develop affordable housing. Goldfarb & Lipman attorneys have also worked as city planners and for nonprofit housing developers and other organizations in the nonprofit sector. This wide range of experiences enables our attorneys to advise clients from studying the initial feasibility of a project to planning and design, through tax structuring, financing and syndication and then onto construction and continuing operations. In addition, many of our attorneys have direct experience working for nonprofit affordable housing developers, and other organizations in the nonprofit sector.

Our comprehensive services include representation on real estate, tax, finance, land use and fair housing issues in connection with the development of both rental and for-sale affordable housing. We effectively represent our clients on a full-range of affordable housing projects and services, including: rental, cooperative and condominium development, single family subdivision development, including self-help housing, mobile home park conversions, government subsidy programs, including inclusionary housing programs, tax syndications and project financing, second mortgage resale restriction programs, and preserving the affordable housing status of at-risk projects. We have expertise in understanding all phases of the housing process, from the creation of the development entity to financing, construction and management.

Goldfarb & Lipman is also the principal author of *Between the Lines: A Question and Answer Guide on Legal Issues in Supportive Housing*, published by the Corporation for Supportive Housing providing guidance for developers of supportive housing on the myriad of legal issues involved in developing and operating such housing.

## AFFORDABLE RENTAL HOUSING

Goldfarb & Lipman has unmatched experience in representing affordable housing developers in the development of affordable rental programs and projects. We have assisted our clients on hundreds of affordable rental projects that have led to the creation of thousands of units of affordable housing throughout California. Through our representation of affordable housing developers, we understand that the successful financing of affordable housing requires the creative layering of multiple sources of funds. Goldfarb & Lipman has extensive experience structuring and negotiating financing transactions for the feasible development of affordable rental housing, helping our clients successfully complete their affordable housing projects. Our attorneys have worked extensively with all federal, state, and local government housing programs, including the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture, the California Department of Housing and Community Development, the California Housing Finance Agency, and local funding mechanisms such as, former redevelopment agency housing funds, multifamily housing revenue bonds, and housing trust funds. We are leading experts on utilizing federal and state low-income housing tax credits to develop affordable housing.

### *Low Income Housing Tax Credits*

Goldfarb & Lipman has structured hundreds of affordable housing projects using federal and state Low Income Housing Tax Credits. We were one of the first firms in California to promote syndication as a source of capital for nonprofit-sponsored affordable housing developments. By the time of enactment of the 1986 Tax Reform Act, which codified the current Low Income Housing Tax Credit, we had already structured dozens of affordable housing projects using syndication as a funding resource. Our work in the area of Low Income Housing Tax Credits has helped improve the position of nonprofit housing corporations in tax credit transactions and has influenced industry standards and practice with the development of such provisions as ground lease preferences, nonprofit purchase options, nonprofit purchase discounts, favorable back-end splits, and local government loan forgiveness. We have closed tax credit syndications involving a variety of investors, including individual corporations, public pooled investment funds, corporate pooled investment funds, and private offerings for which we prepared the offering materials. As the Low Income Housing Tax Credit program has evolved, our attorneys have continued to remain at the forefront assisting our clients to continue to utilize this effective funding mechanism to create affordable housing. We have represented clients in the structuring of projects utilizing both Low Income Housing Tax Credits and Section 202 financing from the U.S. Department of Housing and Urban Development. In addition, we have assisted clients in utilizing the Tax Credit Assistance Program and the Tax Credit Exchange Program established through the American Recovery and Reinvestment Act.

*Federal, State and Local Housing Finance Programs*

Goldfarb & Lipman attorneys are experts in understanding how to implement and utilize the numerous federal, state and local finance programs available for affordable housing. We pride ourselves on our relationships with, and our reputation among, the federal, state and local government agencies responsible for implementing these programs.

Many of our attorneys have worked at HUD and other government agencies, and have direct experience working with, and implementing, the HUD funding programs our clients utilize to develop affordable housing. Goldfarb & Lipman has unparalleled experience with HUD-administered programs such as: Section 8 Certificates and Vouchers, Section 202 and 811 programs, the Senior Preservation Rental Assistance Contract (SPRAC) program, Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Flexible Subsidy Program, FHA Insured programs such as Sections 221(d)(4), 223(a)(7), 223f and 232, Capital Advance Programs, Housing Opportunities for People with Aids (HOPWA), McKinney Act Homeless Programs, Preservation Programs, Public Housing and Mixed Finance, the Neighborhood Stabilization Program (NSP), and the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) Programs. We also have significant experience working with the Federal Home Loan Bank's Affordable Housing Program.

Goldfarb & Lipman has extensive experience in utilizing the following programs implemented by the State of California Department of Housing and Community Development (HCD): State CDBG and HOME Program, Multifamily Housing Program (MHP), Rural Predevelopment Loan Program, Emergency Shelter Grant Program, Mobilehome Park Resident Ownership Program (MPROP), Joe Serna Farmworker Grant Program, Proposition 1C programs (including the Infill Infrastructure Grant Program, and the Transit Oriented Development Housing Program). In addition, we are expert at assisting affordable housing developers utilize the multifamily rental housing programs and the single-family housing programs of the California Housing Finance Agency (CalHFA), including the Mental Health Service Act (MHSA) funds.

Through our representation of cities, counties, and housing authorities we have also worked on a wide array of affordable housing programs developed and operated at local levels of government. We have assisted in the creation, development and implementation of such programs as: rent relief and deposit assistance programs, housing trust funds to develop affordable rental housing, and the utilization of multifamily housing revenue bonds and 501(c)(3) bonds.

**AFFORDABLE HOMEOWNERSHIP**

Goldfarb & Lipman works extensively on affordable homeownership programs and projects. We are leading experts on inclusionary housing and density bonus programs, and have drafted numerous ordinances and homeowner documents for both types of programs. In our representation of public agencies, we have drafted and negotiated land disposition, predevelopment, and construction loan and grant documents for public agency assistance for homebuyer projects, as well as resale restrictions and shared appreciation loan documents used when public agency assistance is provided to low and moderate income homebuyers. We have assisted in the creation and documentation of numerous first time homebuyer programs, funded with redevelopment housing funds, CDBG funds, HOME funds, and

local housing trust funds. Utilizing our wide range of experience and expert knowledge, we insure that our clients meet the requirements of these funding programs as well as the requirements of first mortgage lenders, mortgage insurers, and secondary mortgage market entities, including CalHFA, FHA, Fannie Mae, and Freddie Mac. In our representation of nonprofit developers, we have assisted in the subdivision and land use entitlement process for homeownership projects, drafted and assisted in the negotiation of deed or resale restrictions and second mortgage documents, established homeowners' associations, drafted conditions, covenants, and restrictions (CC&Rs), drafted sales agreements, warranties, disclosures and deed restrictions to comply with SB 800 (California's Right to Repair Law), and processed projects and documents through the California Department of Real Estate (DRE) public report process. Our attorneys are recognized leaders on inclusionary housing and density bonus programs and routinely speak at seminars, conferences, and other events throughout California on these topics.

### *Subsidized Homeownership Programs*

Goldfarb & Lipman represents numerous cities and counties in the development of homebuyer assistance programs, including first time homebuyer programs and silent second mortgage programs. Often the most difficult issue facing a community in structuring homeownership programs is the tension between maintaining the affordability of the housing unit while balancing the homeowner's ability to acquire sufficient equity to move to the unsubsidized housing market. Each community has a different approach to its housing programs. Goldfarb & Lipman works with its clients to develop consensus regarding approaches to homeownership while tailoring each homeownership program to reflect the community's needs and goals. Goldfarb & Lipman prepares the full spectrum of documents needed to operate homeownership programs, including loan agreements, promissory notes, deeds of trust, resale restrictions and borrower disclosure documents.

Goldfarb & Lipman attorneys continue to work with clients after establishment of a homeownership program to ensure successful implementation and management of the program. An important component of any homeownership program is the ability to enforce and monitor the affordability restrictions contained in the program. Enforcement often is dependent on a clear understanding of the rules of the program by both program staff and the potential homeowner. We have developed clear and concise borrower disclosure statements to make sure that each potential homeowner is made aware of the program's affordability and repayment requirements. Goldfarb & Lipman has extensive experience in addressing the sometimes problematic issues involved in operating a homeownership program, such as the treatment of refinance proceeds, the valuation of capital improvements, meeting Freddie Mac and Fannie Mae guidelines, and addressing issues related to the transfer of the affordable unit.

### *Inclusionary Programs*

Goldfarb & Lipman is in the forefront of creating mixed-income and inclusionary housing programs throughout the State of California. We work with communities throughout the State to draft inclusionary ordinances and provide advice on the legality, establishment and implementation of inclusionary housing programs. We have drafted inclusionary ordinances with many innovative provisions that have included tiers of affordability and incentives to encourage developers to provide higher levels of affordability and

combined inclusionary and density bonus ordinances. We have often provided guidance on the required CEQA review for inclusionary ordinances and have developed administrative guidelines and the legal documents needed to implement mixed-income programs. We also submitted an amicus brief on behalf of the California League of Cities and others in *Home Builders Assn. v. City of Napa*, the first reported inclusionary zoning case in California. As part of our services to cities, we regularly work with staff and citizens' groups and appear at Planning Commission and City Council hearings.

Goldfarb & Lipman has completed a handbook on implementation of mixed-income ordinances, entitled *Ensuring Continued Affordability in Homeownership Programs*, for the Institute for Local Government (the League of Cities' nonprofit educational arm). Goldfarb & Lipman attorneys have been frequent speakers on topics related to inclusionary housing, including presentations at the ABA Affordable Housing Conference; League of California Cities City Attorneys sessions and Planners Institute; California Chapter, American Planning Association; Community Redevelopment Association's Successor Agency Trainings; and Housing California. In addition, Barbara Kautz, one of the firm's partners, has written a well-recognized law review article entitled "In Defense of Inclusionary Zoning: Successfully Creating Affordable Housing," 36 U.S.F. L. Rev. 971 (2002).

### *Enforcement of Resale Restrictions*

Goldfarb & Lipman represents cities and other lenders in enforcing single family resale restrictions and covenants. We have negotiated with homeowners, lenders and potential subsequent purchasers to ensure compliance with the covenants imposed on the borrower/homeowner. We have also represented local governments in actions to halt foreclosure proceedings by lenders who have illegitimately provided excess financing to homeowners and to prevent sale of homes to ineligible households, exercise options to purchase affordable homes, enforce owner-occupancy requirements, and exercise local government in bankruptcy proceedings.

### *Planned Developments, Condominiums and Cooperatives*

Often residential and mixed-use developments in California take the form of subdivided planned communities and condominium projects, requiring thorough knowledge of many aspects of real estate development. Goldfarb & Lipman has extensive experience in assisting our clients in all aspects and stages of structuring, developing, financing, documenting, marketing, selling, and operating such developments, having been an innovator in the creation and planning of subdivided communities over the years. We have worked on an array of diverse subdivision regimes including combined condominium and single family home developments; complex multi-layered air-rights subdivisions; mixed-use residential, commercial, and performing arts developments; self-help projects; land trust subdivisions; and condominium and cooperative conversions. Our attorneys have expertise in navigating the intersecting requirements of California's Subdivision Map Act, Davis Stirling Common Interest Development Act, and Subdivided Lands Act. We are also knowledgeable in SB800 (California's Right to Repair Law) and drafting the documents necessary for compliance with the statutory requirements, and essential to managing the associated construction risks of ownership units. We guide clients through the Department of Real Estate Public Report (DRE) process, communicating with DRE and securing approval of development CC&Rs and other governing, sale, and disclosure documents. The range of documents we draft include Purchase Agreements and Escrow Instructions, Homeowners

Association formation documents including Articles and Bylaws, CC&Rs, SB800 documentation, and Disclosures. We also understand secondary financing requirements such as FHA and Fannie Mae, and how those impact project structuring and documentation. Our extensive work with federal, state and local affordable finance programs makes us uniquely qualified to understand the layering of such programs onto the subdivided development form.

Goldfarb & Lipman has extensive experience in the creation and operation of housing cooperatives, working with numerous stock cooperative and limited equity cooperatives throughout the State on all aspects of creating and operating cooperative housing. Housing cooperatives combine aspects of both ownership and rental housing. Our extensive experience with both types of housing makes us uniquely qualified to understand the issues and challenges facing housing cooperatives. We have assisted our housing cooperative clients in the myriad of issues involved in complying with the Davis-Stirling Common Interest Development Act, including updating governing documents, establishing election rules and procedures and creating alternative dispute resolution processes for member disputes. Goldfarb & Lipman also assists clients forming housing cooperatives, including obtaining Bureau of Real Estate or Department of Corporations approval, negotiation of financing documents and drafting the initial cooperative formation documents. Goldfarb & Lipman attorneys also work closely with the board of directors of housing cooperatives on day to day management and operating issues.

## NONPROFIT AND TAX-EXEMPT ORGANIZATIONS

Goldfarb & Lipman represents a broad array of nonprofit and tax-exempt organizations, including nonprofit affordable housing developers, limited equity and stock cooperatives, homeowners' associations, government-affiliated organizations, business improvement districts, community-based health services organizations, schools and other educational organizations, religious organizations, veterans' organizations, and international charities. Goldfarb & Lipman's goal is to provide effective legal services to our nonprofit and tax-exempt clients so that they can focus on their most important goals-fulfilling their organization's mission.

Our practice provides a full spectrum of services to our nonprofit and tax-exempt clients. Given our broad range of nonprofit and tax-exempt clients, as well as our knowledge and expertise of the unique state and federal laws that govern these organizations, we are able to assist our clients at all stages of the organization's existence. Since 1971, we have formed thousands of nonprofit and tax-exempt organizations, and we continue to provide necessary services as these organizations have expanded to meet the ever-increasing demand for their services. Our services include assisting our clients' organizations in obtaining and maintaining tax-exempt status from the Internal Revenue Service and the Franchise Tax Board. In addition, we assist our clients to obtain property tax exemptions from the State Board of Equalization and County Assessors. We also provide on-going advice and representation on a broad array of issues our clients face, such as conflicts of interest, unrelated business income tax, and completing the numerous state and federal requirements governing tax-exempt organizations. Goldfarb & Lipman often provides advice and legal assistance to nonprofit and tax-exempt organizations in connection with employment and personnel matters.

Our attorneys have conducted numerous conferences, seminars, and trainings on nonprofit and tax-exempt organizations throughout California.



## COMMUNITY ECONOMIC DEVELOPMENT

Goldfarb & Lipman's strengths in public finance, land use, tax, and real estate development make us eminently qualified to counsel public agencies through these uncertain fiscal times, and to provide our clients with realistic and workable financing and regulatory strategies to facilitate community improvements. We have experience advising public agencies and their private development partners in transactions using many economic development tools, such as:

### Private Equity

- State tax credits
- Federal tax credits (New Market, Historic, Renewable Energy

### Tax and Assessment Financing

- Infrastructure financing districts
- Mello-Roos special tax districts
- Business improvement districts
- Other assessment districts
- Certificates of participation

### State and Federal Economic Development Tools

- Section 108
- Brownfields
- Enterprise zones
- Infrastructure bank financing

### State and Local Regulatory Incentives

- CEQA streamlining and exemptions
- Density bonuses and other zoning concessions
- Development agreements
- Transferrable development rights

We develop and lead training workshops on these tools and continue to work with legislators, local governments, and citizen groups on community economic development legislation. We are a recognized leader in the economic development community and provide technical support to groups advocating for new programs that will provide local governments with the financing, land assembly, and environmental remediation tools needed to form public-private partnerships and effectively invest in infrastructure, transportation, transit-oriented development, and other improvements that will enhance sustainability efforts as well as strengthen local economies.

## GENERAL REAL ESTATE

Goldfarb & Lipman's real estate practice represents public agencies and private developers in the acquisition, development, financing, sale and leasing of real estate. We have successfully represented clients on major development projects throughout California, ranging from the redevelopment of Whiskey Gulch in East Palo Alto, the Richmond City Center and Marin City, to the development of Staples Center and the Grand Avenue projects in Los Angeles and Levi's Stadium in Santa Clara. Throughout our history, we have represented public entities and developers in the development of shopping centers, sports facilities, hotels, office buildings, community centers, entertainment venues, and a variety of mixed-use projects. Our real estate experience covers a diversity of property types, including multifamily and single family residential, commercial, sports arenas, stadiums, entertainment complexes, offices, mixed-use developments, hotels, transit villages, cooperatives, mobile home parks, land trusts, condominiums, air rights parcels and other subdivisions. We represent our clients in acquisitions, dispositions, conveyances, sale/leasebacks, relocation, eminent domain, environmental issues, land use, general leasing and ground leasing transactions. Project activities include new development, rehabilitation, single site, and multi-parcel assembly, and formerly, redevelopment to a new use. Our multidisciplinary experience working with public agencies and private developers on complex real estate transactions gives us detailed knowledge and a unique understanding of the issues that arise in every phase of major development projects.

## NEW MARKETS TAX CREDITS

With the introduction of the New Market Tax Credit program as a viable financial tool for urban development, Goldfarb & Lipman has extended its practice to include New Market Tax Credits as a component of our real estate development practice. We have provided legal services to our public agency clients for every phase of a New Market Tax Credit transaction, including determining the eligibility of a project to receive credits, forming and representing Community Development Entities, representing leverage loan lenders and Qualified Active Low Income Community Businesses, and providing advice on ongoing compliance during the credit period. We have acted as counsel on numerous NMTC closings, including the Oakland Fox Theater, the Ed Roberts Campus, the David Brower Center, the Fresno Bee Building, Rumrill Soccer Park in San Pablo, Family House at Mission Bay, the Helms Community Center in San Pablo, Lighthouse for Children in Fresno and Swan's Marketplace in Oakland.

## PREVAILING WAGE

Goldfarb & Lipman has been at the forefront of prevailing wage issues in California, representing nonprofit developers in negotiations with contractors and public agencies in dealing the Department of Industrial Relations. We negotiate and draft agreements that assure payment of prevailing wages and protection of our clients against prevailing wage claims, and assist in structuring our clients' transactions to adhere to prevailing wage requirements. Goldfarb & Lipman attorneys have also been active on the legislative front, working with local agencies and housing developers to craft both state and local prevailing wage legislation.

## FAIR HOUSING

Goldfarb & Lipman is well versed in the latest developments in fair housing and discrimination law, advising clients on rent-up and tenant selection issues, as well as defense of discrimination claims. The attorneys at Goldfarb & Lipman authored *Between the Lines: a Question and Answer Guide on Legal Issues in Supportive Housing*, a unique guide for supportive housing providers dealing with legal and practical challenges of addressing fair housing laws in supportive housing. Goldfarb & Lipman attorneys also authored the guidance publication on fair housing issues related to the implementation of the Mental Health Services Act Housing Program. We are called upon frequently by our nonprofit and public agency clients to provide guidance with issues arising out of the Fair Housing Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and state accessibility laws. We have advised numerous public agency clients on land use and fair housing issues, including drafting reasonable accommodations policies, tenant selection policies and other lease up documents. Goldfarb & Lipman also works with our public agency clients on fair housing issues, including providing guidance on group home and licensed care facility siting issues, reasonable accommodation policies as they relate to zoning ordinances and tenant preference policies for publicly administered assistance programs. We also provide day to day advice to clients on implementing tenant selection and reasonable accommodation policies and resolving fair housing and discrimination claims. Goldfarb & Lipman attorneys are frequent speakers and trainers on fair housing issues, and provide trainings for our housing development clients' property management personnel.

## RELOCATION

Goldfarb and Lipman attorneys are recognized as leading experts in the complexities of relocation law under both federal and state law, regularly providing trainings and seminars providing both legal and practical experience on implementing relocation programs. Through our work representing nonprofit developers and public agencies involved in land acquisition and rehabilitation transactions, we have implemented programs involving hundreds of separate properties and relocation cases, providing our clients with both the required legal guidance as well as the necessary day to day project management tools to complete their projects on time and on budget.

## FINANCE/TAX

Goldfarb & Lipman assists our clients in achieving successful taxable and tax-exempt financing for project and program implementation. We routinely advise clients on the variety of financial tools available to finance local projects, which may include taxable and tax exempt bonds, certificates of participation, developer financings, Mello-Roos Districts and assessment bonds. As Issuer Counsel for our public agency clients, we have experience with the full range of available bond programs including multifamily revenue bonds, single family revenue bonds, tax allocation bond and 501(c)(3) bonds.

## CONSTRUCTION & DESIGN CONTRACTS

Goldfarb & Lipman has extensive experience in negotiating and preparing construction contracts for affordable housing developments, and a complete understanding of the design and construction process. We assist our clients to successfully anticipate and manage legal issues throughout the design

and construction process. Utilizing our affordable housing experience, our knowledge of contract law, and our thorough understanding of the design and construction process, we position clients to avoid many problems and issues arising during the negotiation and performance of design and construction contracts. Our attorneys, which include a partner with an advanced degree in architecture, have unique experience in understanding the particular issues inherent in design and construction contracts for affordable housing, as well as the Public Contract Code requirements imposed on public agency design and construction contracts.

Our attorneys have particular expertise in negotiating the American Institute of Architects (AIA) standard documents as well as other industry-standard documents, while recognizing that each project is unique and each client's needs distinct. We also provide clients with effective techniques to properly allocate risk between owners and the general contractor. Our broad knowledge of construction law issues includes providing advice on design-build, payment procedures to protect the owner's interest, change orders, mechanics' liens, construction scheduling issues, and dispute resolution, including litigation of construction disputes. We have particular strength in assisting affordable housing developers comply with the various obligations imposed by SB-800 (California's Right-to-Repair legislation) on for-sale units. In addition, our practice includes the negotiation and preparation of architect agreements. We also routinely negotiate and prepare other professional service and consultant agreements related to design and construction such as engineering, appraisal, cost estimating, and construction management contracts. We also provide enforcement advice and litigation services to many owners and public agencies for these types of agreements.

Our attorneys regularly conduct in-depth trainings and seminars throughout California on construction issues affecting the affordable housing industry.

## MUNICIPAL LAW

Goldfarb & Lipman provides support to public clients on a variety of general municipal law matters.

### *Taxes, Assessments & Fees*

At the intersection of Goldfarb & Lipman's real estate and municipal law practice areas are matters related to taxes, assessments and fees. We offer clients expertise on the California system of property tax allocation. We are skilled at negotiating and litigating disputes between counties and other taxing entities concerning the method of allocating property tax revenues. Goldfarb & Lipman routinely advises our clients on the eligibility for property tax exemptions and the applicability of possessory interest taxes. In addition, our clients rely on our counsel related to Proposition 218, Proposition 13, the Mitigation Fee Act, and other limitations on local general taxes, property taxes, special taxes, assessments, fees and charges.

### *Public Administration*

Goldfarb & Lipman's extensive representation of cities, counties, commissions, authorities and special districts affords us unique insight into the issues encountered by our public agency clients. We provide experienced counsel to our public clients on the statutory requirements affecting public agencies,

including the Brown Act, Public Records Act, noticing, public bidding, prevailing wages, compliance with the Fair Political Practices Act and on issues relating to contracting and due process. Goldfarb & Lipman attorneys regularly provide advice to clients on agenda noticing requirements, proper matters for closed sessions and related issues under the Brown Act. We have extensive experience with the Public Records Act, including review of client documents in response to public record act requests and defense of clients in litigation challenging compliance with the Public Records Act.

Goldfarb & Lipman attorneys prepare contracts covering all areas of municipal law, including personnel contracts, contracts for outside services and intergovernmental agreements, including agreements between jurisdictions regarding land use and revenue sharing. We have drafted public construction contracts for both large scale projects, such as the Yerba Buena Gardens and Children's Center in San Francisco, and smaller contracts for routine public work projects, curb cuts, sewer replacements and pothole repairs.

Goldfarb and Lipman has extensive experience drafting all types of ordinances and resolutions, including ordinances adopting redevelopment plans, inclusionary housing ordinances, zoning ordinances and fee ordinances. Goldfarb and Lipman attorneys regularly prepare resolutions and accompanying staff reports for public agency clients including resolutions adopting general plans and specific plans, budget resolutions and resolutions approving routine matters. In addition, several of our attorneys have previously served as city attorneys and bring to the firm the broad array of experience and knowledge necessary to represent cities.

Goldfarb & Lipman has also represented cities in various Election Code issues, including assistance in drafting impartial analyses and preparation of Section 9212 reports regarding the impact of proposed initiatives.

## **PUBLIC HOUSING AUTHORITIES**

Public Housing Authorities (PHAs) have long been an essential provider of affordable housing, and, in recent years, PHAs have taken a more active role in the development of affordable housing and the redevelopment of existing public housing developments. Goldfarb & Lipman is the recognized leader in the representation of PHAs in California. Several of our attorneys have previously worked at the U.S. Department of Housing and Urban Development (HUD). Drawing on this unique experience, our attorneys have particular expertise in the federal and state laws that govern PHAs (including dispositions), Low Income Housing Tax Credit development by PHAs, the Section 8 Program, Mixed-Finance and HOPE VI rules and regulations. We serve PHAs both as general counsel and special counsel and, due to our many years in the affordable housing field, we are also frequently called upon for advice on the interpretation of HUD regulations and policies by PHAs. We are fully conversant with the California Housing Authorities Law and the administrative, funding, and regulatory contexts in which PHAs operate. We are also familiar with HUD handbook requirements governing PHA operations, and we regularly review and are knowledgeable of the additional requirements and clarifications provided by Public and Indian Housing and other HUD directives. Our representation of PHAs requires us to work with HUD staff at both the field office and national level, and we pride ourselves on our long-standing reputation with HUD.

Currently, we serve as general or special counsel to numerous PHAs. These PHA clients range from large organizations with thousands of units, and active development programs, to smaller organizations with limited staff and resources. In our role as general counsel we routinely assist clients in the implementation and interpretation of the requirements of HUD programs, such as those listed above, and the various laws and policies applicable to PHAs, such as the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Violence Against Women Act and HUD's Limited English Proficiency Guidance.

In addition, Goldfarb & Lipman has represented every PHA in California that has developed housing projects using the HOPE VI program. These large-scale revitalization projects require a unique combination of expertise in understanding HUD regulations as well as the complex financing for multi-family affordable housing. In our role as general counsel to PHAs, we provide advice on all aspects of the daily operations of a PHA. This includes advice on requirements applicable to all government entities, such as the agenda, notice and conduct of meeting requirements of the Meyers-Milias-Brown Act, the Public Records Act, the Fair Political Practices Act and other laws and HUD regulations governing procurement conflicts of interest, the handling of subpoenas, and responding to construction and other tort/government claims. Goldfarb & Lipman attorneys are also knowledgeable of, and frequently called upon to advise our PHA clients of, the requirements of the HUD procurement process and state law public contracting requirements applicable to PHAs. We have also assisted numerous PHAs to obtain HUD approval for the disposition of PHA assets.

As special counsel, we have assisted and advised PHAs on the formation and operation of nonprofit affiliates to serve as the developer of new affordable housing developments funded by the PHA and other funding sources.

Goldfarb & Lipman has assisted many PHAs administer mortgage credit certificates (MCC) programs. Our work has involved obtaining the necessary tax-exempt private activity bond allocation for MCCs from the California Debt Limit Allocation Committee, advising on the structure of MCC programs, and conducting trainings of PHA staff and administrators in the use of MCCs.

Additionally, we advise PHAs on all aspects of employment related matters. This representation includes representation in labor union arbitrations and mediations; providing advice and counsel, and litigating matters under the Meyers-Milias-Brown Act; preparing PHA responses to Public Employment Relations Board unfair practice charges and complaints filed with the federal Equal Employment Opportunity Commission and the state Department of Fair Employment and Housing; counseling on employee disciplinary actions, including suspension and termination matters; counseling on leave and disability laws, harassment prevention, and Fair Labor Standards Act wage and hour law issues; development of employee policies and procedures; counseling on meet and confer obligations, union employee grievances and *Skelly* hearing issues; labor contract interpretation and revisions; and, counseling on general labor law issues.

## GENERAL COUNSEL WORK

We routinely represent, and advise, numerous nonprofit organizations throughout California on real estate, corporate, and employment matters. We previously acted as interim general counsel for one of

Northern California's largest nonprofit developers. We regularly advise our nonprofit clients in matters such as real estate development, fair housing, corporate governance, employment and tax. We routinely attend directors' meetings to provide confidential advice to the board of directors. We provide written legal opinions in connection with the closing of a real estate transaction, as requested by project lenders or investors, and to our clients regarding particular legal issues. In addition to our on-going services as general and special counsel to nonprofit organizations, we have acted as special counsel to numerous public agencies in all administrative and transactional matters and we currently serve as general counsel to the Oakland, Berkeley, City of Alameda and City and County of San Francisco Housing Authorities.

## LAND USE

We provide a full range of services in land use law, ranging from environmental review to entitlement support to drafting of zoning, subdivision, and other land use ordinances. Our practice is particularly focused on land use issues related to housing and community economic development. We have prepared numerous inclusionary and density bonus ordinances for public agency clients, reviewed housing elements and defended them in court, and drafted documents to implement adopted programs, including development agreements, deed restrictions for homebuyers, and covenants for affordable rental housing.

Many of our attorneys have degrees in city planning or related fields or have experience working in local planning agencies. We have made numerous presentations to and written papers for organizations such as the American Planning Association, League of California Cities, and Housing California on a broad range of land use issues, including streamlining environmental review, climate change, housing elements, and density bonus law. We are active in those organizations, and attorneys in the firm have assisted in drafting land use legislation.

### *Entitlement Support*

Goldfarb & Lipman has supported projects throughout the entitlement process (including environmental review, general and specific plan adoptions and amendments, zoning ordinance amendments, and administrative actions such as conditional use permits and subdivisions). We have extensive experience in processing development projects both as a representative of a public agency and in representing parties seeking approval of development projects. In addition to our familiarity with environmental review, we are knowledgeable regarding California Planning and Zoning Law, the Coastal Act, the Subdivision Map Act, and regional issues such as NPDES requirements, environmental requirements of air pollution districts, and SB375 requirements. We have negotiated and prepared statutory development agreements and subdivision improvement agreements and have assisted with a wide range of mixed-use developments, often including vertical subdivisions and planned unit development zoning. Many of our attorneys have experience working for local government in reviewing development applications and ensuring that local development decisions comply with local ordinances and with State Planning and Zoning Law, and that they can withstand legal challenge. We are also knowledgeable regarding issues of working with local and regional agency staff and elected officials. When representing applicants, our style is to understand and work with the local agency and elected officials, understand community concerns, and ensure that the agency's position is legally defensible.

For affordable housing developments, we have often utilized the Housing Accountability Act, which prevents arbitrary denials of affordable housing, and are familiar with the many other provisions of California planning and zoning law that provide additional protections to affordable housing.

### *Housing Elements*

Goldfarb & Lipman has reviewed housing elements, assisted cities in preparing housing elements consistent with State law, and defended jurisdictions in housing element litigation. We review housing elements in advance of their submittal to the Department of Housing and Community Development (HCD) to ensure that they comply with State law and have assisted clients in responding to comments from HCD. We have represented cities in defending their housing elements in lawsuits alleging the inadequacy of the housing element, most commonly resulting in a settlement. In one instance, we reviewed the City's housing element for adequacy prior to adoption and successfully defended the housing element at the Court of Appeals (*St. Vincent's School for Boys v. City of San Rafael*). We have also successfully assisted cities in responding to issues raised by HCD after housing element adoption.

### *Density Bonuses*

Goldfarb & Lipman has drafted density bonus ordinances consistent with 2005 and later revisions to State law with the intent of preserving local discretion to the extent possible. We work to make density bonus ordinances consistent with local inclusionary ordinances and have drafted combined inclusionary and density bonus ordinances. We have also represented clients regarding density bonus issues involving specific development projects.

### *CEQA Compliance*

We provide ongoing advice to public agency and private clients regarding the environmental review required for public and private projects. We frequently advise on the use of exemptions and existing environmental documents to streamline environmental review. In addition, we review Environmental Impact Reports, negative declarations, and other environmental documents for adequacy, including emerging issues of greenhouse gases, toxic air pollutants, climate change and adaptation, and water supply, and draft findings to support the public agency's decision. Although our goal when working with clients on CEQA issues is to provide the strongest defensible record in the hopes of avoiding the cost and time delays associated with CEQA, we also defend our clients when CEQA challenges are brought, including issues related to the appropriate level of CEQA review as well as the sufficiency of the environmental analysis. We remain at the forefront of recent climate change and other environmental legislation including SB 375 and understand its effects on the CEQA and development streamlining process.

### *NEPA Compliance*

Many of the firm's clients rely upon federal funding for completion of development projects or require federal project approvals, and the firm's attorneys are familiar with and provide advice to clients on compliance with NEPA as part of obtaining the necessary funding or permits. In that capacity we have advised clients on the necessary level of NEPA review (whether categorical exclusion, FONSI (Finding



of No Significant Impact), or EIS (Environmental Impact Statement); the preparation of the NEPA documents; and the timing of obtaining NEPA review to insure timely funding or issuance of required permits. Several of our attorneys formerly worked for the federal government and understand how the federal agencies apply NEPA review.

## **EMINENT DOMAIN**

Goldfarb & Lipman has guided our clients in the acquisition of all types of properties and property interests through voluntary negotiations and condemnation. We have handled acquisition projects ranging from the acquisition of one parcel to the acquisition of multiple parcels for large scale developments as well as road construction, right-of-way and street widening projects. We are well-versed in the technical and procedural aspects in an acquisition context, including clearing clouds on title, relocation of residents and business facilities, complex goodwill issues, valuation issues, easement rights, temporary interference with business operations, acquisition of outdoor advertising, and hazardous materials remediation.

Goldfarb & Lipman has also assisted clients undertake the various activities that precede or accompany the filing of eminent domain actions, including dealing with appraisals, purchase agreements, resolutions of necessity, staff reports, legal notices, CEQA/NEPA compliance, and relocation plans. We also have extensive experience in the litigation of issues affecting condemnation, valuation of property, and the right to take, including CEQA challenges, conflict of interest laws, the Meyers-Milias-Brown Act and similar laws, federal bankruptcy proceedings, challenges to statutory or constitutional authority to condemn, and unique issues relating to the type of property to be condemned. With our vast litigation experience, Goldfarb & Lipman provides our clients with an honest assessment so they have a realistic understanding of the time and cost of litigation.

## **HEALTH FACILITIES FINANCING**

Our firm has represented developers in accessing a wide range of health facilities financing, including HUD Section 232 insurance, California Health Facilities Financing Authority bonds, Mental Health Services Act funds, HUD Section 811 programs, local tax-exempt bond financing and other public and private loans and grants. Goldfarb & Lipman has structured complex transactions involving mixed-use developments of health care facilities and financing, involving mechanisms such as ground leases, condominium regimes and reciprocal easement arrangements. We have experience in all aspects of transactions from acquisition, through financing, construction/rehabilitation, management and disposition. We are also familiar with HUD's requirements governing accounts receivable financing in Section 232 projects, and HUD's new LEAN process.

## **EMPLOYMENT LAW**

Goldfarb & Lipman's labor and employment practice assists our public agency and nonprofit clients with managing the myriad issues arising in the workplace. While our practice emphasizes counseling, prevention, and informal resolution of employment matters, there are times when litigation may be unavoidable. We bring to our clients the effective combination of our labor and employment practice's knowledge and experience and our firm's long-standing litigation capabilities.

Goldfarb & Lipman attorneys have extensive experience in employment counseling, litigation, arbitration, mediation, and appellate representation on behalf of our public and private employer clients. We have litigated cases involving state and federal anti-discrimination laws, worker's compensation, OSHA, sexual harassment, whistleblower, and retaliatory discharge claims as well as common-law tort and contract claims, in state and federal courts throughout California on behalf of Fortune 100 clients to start-ups as well as nonprofit corporations. We also have experience in labor arbitrations representing management and union members, and in consultation on collective bargaining matters. We are committed to Alternative Dispute Resolution, when appropriate, and have mediated and arbitrated numerous cases for our clients. Our attorneys have extensive appellate experience, which includes drafting amicus briefs in labor and wage issues on behalf of state-wide groups such as League of California Cities and the California Association of Counties.

We provide advice and counsel on numerous labor and employment matters including the duty to meet and confer under the Meyers-Milias-Brown Act; reasonable accommodation and interactive exchange rights and duties under state and federal law; discrimination and harassment counseling; *Skelly* hearing issues; grievance resolution advice; interpretation of Memorandum of Understanding provisions; and settlement of employment disputes. The counseling we provide includes providing advice in preventing litigation through properly-documented and handled disciplinary actions. Our counseling services have also included providing advice on handling FMLA/CFRA leave issues, pregnancy leave issues, ADA/FEHA reasonable accommodation and interactive process issues, and wage and hour issues.

In addition, Goldfarb & Lipman attorneys also counsel employers responding to employer's employment law questions; lecture on employment law issues; conduct employee training sessions; review and revise employee handbooks; advise on disability and leave of absence laws; and prepare employer responses on behalf of the employer to state and federal anti-discrimination agencies.

## LITIGATION

Goldfarb & Lipman's litigation practice focuses on serving private and public developers, nonprofit organizations, and public agencies in all manner of litigation cases. Consequently, we have extensive trial and appellate experience in eminent domain litigation, inverse condemnation actions, civil rights and discrimination actions, real estate and real estate secured transactions litigation, including bankruptcy, land use litigation, EIR litigation, construction dispute litigation, employment contract and wrongful termination disputes, property tax allocation and distribution litigation, land use litigation, and government law litigation. Goldfarb & Lipman's broad range of experience enables us to assist our clients in all issues proceeding or accompanying litigation, and has resulted in significant published opinions.

GOLDFARB & LIPMAN ATTORNEYS

M DAVID KROOT

**Education:** B.A., University of Michigan, Honors Program in Economics. J.D., University of Chicago Law School. **Previous Employment:** Chief Housing Attorney, U.S. Department of Housing and Urban Development (HUD), Office of Area Counsel, San Francisco, California. **Professional and Volunteer Affiliations:** State Bar of California. American Bar Association. Member, Forum on Affordable Housing & Community Development Law of the American Bar Association. Chief Legal Officer, Board of Directors, Tenderloin Neighborhood Development Corporation.

LYNN HUTCHINS

**Education:** B.A., Stanford University. J.D., University of California, Davis, Order of the Coif honors. **Professional & Volunteer Affiliations:** State Bar of California. American Bar Association. Member, Real Property Law Section, Member, Forum on Affordable Housing and Community Development Law. Secretary, California Housing Consortium.

KAREN M. TIEDEMANN

**Education:** A.B., University of California, Berkeley. J.D., Boalt Hall School of Law, University of California, Berkeley, Order of the Coif honors. Associate Editor, Ecology Law Quarterly. Masters in City Planning, University of California, Berkeley. **Professional & Volunteer Affiliations:** State Bar of California.

THOMAS H. WEBBER

**Education:** B.A., University of Massachusetts, Amherst. J.D., Golden Gate University School of Law. **Previous Employment:** Assistant to the City Attorney, Office of City Attorney, City of Oakland. Planner, Office of Economic Development and Employment, City of Oakland. **Professional & Volunteer Affiliations:** State Bar of California.

DIANNE JACKSON MCLEAN

**Education:** A.B., University of California, Berkeley. Masters in City Planning, University of California, Berkeley. J.D., University of California, Hastings College of the Law. **Previous Employment:** Associate Planner, City of Daly City. Associate Planner, City of Sacramento. City Planner, City of Emeryville Redevelopment Agency. **Professional & Volunteer Affiliations:** State Bar of California. Standing Committee on the Delivery of Legal Services, State Bar of California. Member, Real Property Law Section. Member, Charles Houston Bar Association. Member, National Bar Association. American Bar Foundation, Fellow. American Bar Association. Member, California Association of Black Lawyers.

MICHELLE D. BREWER

**Education:** B.A., Harvard University, honors. Masters in Public Affairs, Princeton University. J.D., Harvard University Law School. **Previous Employment:** Deputy City Attorney, City and County of San Francisco. **Professional & Volunteer Affiliations:** State Bar of California. Member, Real Property Law Section of the

State Bar of California. American Bar Association. Member, Forum on Affordable Housing and Community Development Law.

JENNIFER K. BELL

**Education:** B.A., Wellesley College, honors. J.D., Harvard University Law School. **Previous Employment:** Deputy General Counsel, San Francisco Redevelopment Agency. Deputy City Attorney, City of Oakland. Attorney, U.S. Department of Housing and Urban Development. Staff Attorney, Legal Aid Society of Alameda County. **Professional and Volunteer Affiliations:** State Bar of California, Real Property Law Section. Black Women Lawyers of Northern California. Member, East Bay Housing Organizations. Former Board Member, Merritt Community Capital Corporation and the Low Income Housing Fund.

ROBERT C. MILLS

**Education:** B.A., California State University, Northridge, *cum laude*. J.D., Hastings College of the Law. Associate Articles Editor, Communications and Entertainment Law Journal. **Previous Employment:** Staff Attorney, U.S. Department of Housing & Urban Development, Office of Counsel, Pacific/Hawaii Area. **Professional & Volunteer Affiliations:** State Bar of California. Member, National Association of Housing and Redevelopment Officials.

ISABEL L. BROWN

**Education:** B.S.E. in Civil Engineering and Certificate in Architecture, Princeton University, *cum laude*. Masters degree in Architecture, University of California, Berkeley. J.D., Boalt Hall School of Law, University of California, Berkeley. Articles Editor, Ecology Law Quarterly. Sadie & Alvin Landis Prize in Local Government Law. **Previous Employment:** Legislative Assistant, U.S. House of Representatives. Assistant Architect, City of New York, Department of Housing, Preservation & Development. **Professional & Volunteer Affiliations:** State Bar of California.

JAMES T. DIAMOND

**Education:** B.A., University of San Francisco, *cum laude*. J.D., Hastings College of the Law. **Professional & Volunteer Affiliations:** State Bar of California. State Bar of California. American Bar Association, Employment Law Section. Alameda County Bar Association Labor & Employment Law Section, Executive Committee Member. Oakland African American Chamber of Commerce.

MARGARET F. JUNG

**Education:** B.A., University of California, Los Angeles, *magna cum laude*, Phi Beta Kappa. J.D., Boalt Hall School of Law, University of California, Berkeley. **Previous Employment:** Public Accountant, Ernst & Young, LLP. **Professional & Volunteer Affiliations:** State Bar of California, Business Law and Taxation Sections. Certified Public Accountant (inactive), California Board of Accountancy. Board of Directors, Chinatown Community Development Center. Member, National Coalition for Asian Pacific American Community Development.

HEATHER J. GOULD

**Education:** B.A., Carleton College, *magna cum laude*, Northfield, Minnesota. J.D., Boalt Hall School of Law, University of California, Berkeley. **Professional & Volunteer Affiliations:** State Bar of California.

WILLIAM F. DICAMILLO

**Education:** B.A., State University of New York, Buffalo, *magna cum laude*. Phi Beta Kappa. J.D., University of California, Los Angeles. **Previous Employment:** Travelers Aid Society of Alameda County, Case Manager. **Professional & Volunteer Affiliations:** State Bar of California. State Bar of New York.

AMY DeVAUDREUIL

**Education:** B.A., University of Rhode Island, Highest Honors, Phi Beta Kappa. J.D., Boalt Hall School of Law, University of California, Berkeley. **Professional and Volunteer Affiliations:** State Bar of California, Real Property and Taxation Sections. American Bar Association, Forum on Affordable Housing and Community Development. Board Member, San Diego Housing Federation.

BARBARA E. KAUTZ

**Education:** B.A., *cum laude*, Phi Beta Kappa, Stanford University. Masters of City Planning, University of California, Berkeley. J.D., *summa cum laude*, University of San Francisco. U.S.F. Law Review Articles Editor. **Previous Employment:** Community Development Director & Assistant City Manager, City of San Mateo, California. Planning Director, Town of Corte Madera, California. **Professional & Volunteer Affiliations:** State Bar of California. American Bar Association, Section on State and Local Government. Fellow, American Institute of Certified Planners. Member, Urban Land Institute. Member, Association of Environmental Professionals.

ERICA WILLIAMS ORCHARTON

**Education:** B.A., Occidental College. J.D., University of Southern California Law School (Member, Interdisciplinary Law Journal; Invitee, Hale Moot Court; Recipient, Adam Freeman Scott Memorial Grant). **Previous Employment:** Affordable Housing Associates, Berkeley, CA, Director of Operations. **Professional and Volunteer Affiliations:** State Bar of California. Former Board Member, Satellite Affordable Housing Associates.

LUIS A. RODRIGUEZ

**Education:** B.A., Sociology University of California, Los Angeles. M.A., Social Sciences, University of Chicago. J.D. from University of California, Los Angeles, School of Law. Drown Fellowship, Public Interest Law Fellowship, Managing Editor of the *Chicano-Latino Law Review*. **Previous Employment:** Staff Attorney, Economic Development Unit, Legal Aid Foundation of Los Angeles. **Professional & Volunteer Affiliations:** State Bar of California. Board Member, East Bay Housing Organizations.

RAFAEL YAQUIAN

**Education:** B.S., Community and Regional Development, University of California, Davis. M.A., Urban Planning, University of California, Los Angeles. Jesse Marvin Unruh Assembly Fellow, California State University of Sacramento Center for California Studies. J.D., University of California, Los Angeles, Epstein Program in Public Interest and Law Policy. **Professional & Volunteer Affiliations:** State Bar of California, Real Property and Taxation Sections. American Bar Association. Member, Forum on Affordable Housing and Community Development Law.

CELIA W. LEE

**Education:** B.A., *magna cum laude*, Phi Beta Kappa, University of California, Berkeley. J.D., University of Michigan Law School. **Previous Employment:** Deputy City Attorney, Office of the City Attorney for the City and County of San Francisco. **Professional & Volunteer Affiliations:** State Bar of California. State Bar of New York. Chair, Board of Trustees for Chinese for Affirmative Action/Asian Americans for Civil Rights and Equality (CAA/AACRE). Member, Board of Directors, San Francisco Conservation Corps. Member, Lawyers' Committee for Civil Rights for the San Francisco Bay Area. Past President, Asian American Bar Association of the Greater Bay Area.

DOLORES BASTIAN DALTON

**Education:** B.A., Philosophy, University of California at Berkeley. J.D., University of San Francisco School of Law. Comments Editor of the Law Review. **Professional & Volunteer Affiliations:** State Bar of California. Member, The Mediation Society. Member, State Bar of California Litigation Section. Member, Appellate Mediation Panels, CA Court of Appeal, Third and Sixth Districts. Ms. Dalton has been certified by the State Bar of California as specialist in appellate law. Ms. Bastian Dalton is an adjunct professor at the University of San Francisco School of Law.

JOSHUA J. MASON

**Education:** B.A., *cum laude*, University of California, Los Angeles. UCLA Community Service Commission Project Director of the Year. Distinguished Bruin Award. Chancellor's Service Award. Charles E. Young Humanitarian Award. Masters in City Planning, University of California, Berkeley. J.D., University of California, Hastings College of the Law. PILP Pro Bono Publico Award. PIC Public Interest Law Certificate. Imelda Rosenthal Bar Scholarship. Equal Justice Works Summer Corps. **Previous Employment:** Staff Attorney, US Department of Housing and Community Development. **Professional & Volunteer Affiliations:** State Bar of California.

ERIC S. PHILLIPS

**Education:** B.S., Urban and Regional Studies, Cornell University. J.D., U.C. Berkeley School of Law, Order of the Coif. **Professional & Volunteer Affiliations:** State Bar of California. Member, American Bar Association, Forum on Affordable Housing & Community Development. Member, American Bar Association Section of State and Local Government Law.

ELIZABETH R. KLUECK

**Education:** B.A., *cum laude*, University of California, Berkeley. J.D., University of California, Davis. The Order of Barristers; CEB/UC Award for Excellence in Legal Writing; Competitions Chair, UC Davis Moot Court Board; Executive Board of Directors, King Hall Legal Foundation; American Inns of Court Scholarship Recipient; Finalist, Martin Luther King, Jr. Public Service Award. **Professional & Volunteer Affiliations:** State Bar of California.

DANIEL S. MAROON

**Education:** B.A., University of California at Davis. Outstanding Undergraduate Research Award. J.D., University of California, Hastings College of the Law. Staff Editor, Senior Notes Editor, Outstanding Staff Editor Award, Hastings Constitutional Law Quarterly. **Publication:** *Redevelopment in the Golden State: A Study in Plenary State Power Under the California Constitution*, 40 Hastings Const. L. Q. 453 (2013). **Previous Employment:** Associate Attorney, Law Office. **Professional & Volunteer Associations:** State Bar of California, American Bar Association, Alameda County Bar Association, SPUR.

JUSTIN D. BIGELOW

**Education:** B.A., Macalester College, Saint Paul, Minnesota, honors thesis. Masters in City Planning, University of California, Berkeley. J.D., *cum laude*, University of California, Hastings College of the Law. Co-author, Best Brief, Justice Baxter Moot Court Competition; Co-Vice President, Hastings Public Interest Law Foundation; National Semifinalist, PACE Environmental Law Moot Court Competition Co-Author, Best Brief at the Justice Baxter Moot Court Competition; Co-Vice President, Hastings Public Interest Law Foundation; National Semifinalist, PACE Environmental Law Moot Court Competition. **Previous Employment:** Mediator, Attorney General's Office of Minnesota. **Professional and Volunteer Affiliations:** State Bar of California. Member, Board of Directors, Livable City.

NAHAL HAMIDI ADLER

**Education:** B.A., University of California, Los Angeles. J.D., University of California, Irvine. **Previous Employment:** Special Assistant to Assistant Secretary for Policy, Management and Budget, United States Department of the Interior. **Professional and Volunteer Affiliations:** State Bar of California.

Goldfarb & Lipman is a California law firm with offices in Oakland, Los Angeles and San Diego. We have special strengths in community economic development, affordable housing, employment and municipal law. Our practice includes housing and urban development, community economic development, real estate syndications, public finance, environmental law, fair housing, cooperatives, condominiums and other subdivisions, land use, leasing, private development and related areas of corporate law as well as employment and labor law. We maintain an extensive practice representing both public and private clients in major development and financing transactions. The practice includes all areas of legal expertise required by our clients related to the development of projects as well as trial and appellate litigation. We are a woman-owned enterprise, certified by the Women's Business Enterprise National Council.

## **SUPPORTIVE HOUSING AND FAIR HOUSING**

In particular, Goldfarb & Lipman has significant experience in advising clients who create supportive housing opportunities for people who are homeless, at risk of homelessness, or who have other special needs. Our work includes advising organizations in the development and financing process and training organizations on fair housing issues which may arise during program design, rent up, tenant selection, and throughout occupancy. We advise public agencies, social services providers and housing developers on the legal issues raised by supportive housing programs including those financed with California's Mental Health Services Act funds. We have also advised clients on master lease and shared housing programs for special needs populations.

Goldfarb & Lipman is the principal author of [Between the Lines: A Question and Answer Guide on Legal Issues in Supportive Housing](#), published by the Corporation for Supportive Housing. This publication provides guidance for developers and operators of supportive housing on the myriad legal issues involved in developing and operating such housing, including tenant selection and other landlord-tenant issues. Goldfarb & Lipman attorneys also authored the guidance publication on fair housing issues related to the implementation of the Mental Health Services Act Housing Program.

Goldfarb & Lipman is well versed in the latest developments in fair housing and discrimination law, advising clients on rent-up and tenant selection issues, as well as defense of discrimination claims. We are called upon frequently by our nonprofit and public agency clients to provide guidance with issues arising out of the Fair Housing Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and state accessibility laws. Goldfarb & Lipman provides day to day advice to clients on implementing tenant selection and reasonable accommodation policies and other lease up documents and resolving fair housing and discrimination claims. Goldfarb & Lipman attorneys are frequent speakers and trainers on fair housing issues, and provide trainings for our housing development clients' property management personnel.





**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: Agricultural Commissioner**

**TIME REQUIRED** 30 minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Nathan D. Reade, Agricultural  
Commissioner

**SUBJECT** Agriculture Industry Economic Study  
Workshop

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

In 2017 the specialty consultant firm Agriculture Impact Associates was commissioned to complete an economic study that looked into several aspects of the agricultural economy of Inyo and Mono counties. The study includes an examination of the induced impacts of agriculture on the local economy and detailed strategies to address the region's economic constraints. The complete study can be viewed online at: <http://www.inyomonoagriculture.com/useful-linksformsreports.html>

**RECOMMENDED ACTION:**

Receive presentation about a recently completed Inyo & Mono County Agriculture Economic Study and provide any desired direction to staff.

**FISCAL IMPACT:**

The cost of the study was included in the FY16/17 budget and partially paid for with grant funding. No additional fiscal impacts beyond staff time for any desired follow up.

**CONTACT NAME:** Nathan Reade

**PHONE/EMAIL:** / nreade@inyocounty.us

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Presentation</a>

History

Time

Who

Approval

4/12/2018 5:07 AM	County Administrative Office	Yes
4/11/2018 3:48 PM	County Counsel	Yes
4/12/2018 2:12 PM	Finance	Yes



# COUNTIES OF INYO AND MONO



AGRICULTURE • WEIGHTS & MEASURES • OWENS VALLEY MOSQUITO ABATEMENT PROGRAM • EASTERN SIERRA WEED MANAGEMENT AREA

MAMMOTH LAKES MOSQUITO ABATEMENT DISTRICT • INYO COUNTY COMMERCIAL CANNABIS PERMIT OFFICE

**Date:** April 17, 2018  
**To:** Honorable Mono County Board of Supervisors  
**From:** Nathan D. Reade, Agricultural Commissioner  
**Subject:** Agriculture Economic Study

**Recommended Action:**

Receive presentation about a recently completed Inyo & Mono County Agriculture Economic Study and provide any desired direction to staff.

**Fiscal Impact:**

The cost of the study was included in the FY16/17 budget and partially paid for with grant funding. No additional fiscal impacts beyond staff time for any desired follow up.

**Discussion:**

In 2017 the specialty consultant firm Agriculture Impact Associates was commissioned to complete an economic study that looked into several aspects of the agricultural economy of Inyo and Mono counties. The study includes an examination of the induced impacts of agriculture on the local economy and detailed strategies to address the region's economic constraints. The complete study can be viewed online at:

[http://www.inyomonoagriculture.com/uploads/3/4/2/1/34219567/inyo\\_mono\\_ec\\_omic\\_analysis\\_2017web.pdf](http://www.inyomonoagriculture.com/uploads/3/4/2/1/34219567/inyo_mono_ec_omic_analysis_2017web.pdf)

**Attachments:**

Powerpoint presentation

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**AGRICULTURE IN INYO & MONO COUNTIES**  
**AN ECONOMIC PROFILE**

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## Overview

- 10 initial research questions
- 5 strategies & 21 specific tactics
- 9 priority information gaps

Compiled by Dr. Jeff Langholz and Dr. Fernando DePaolis of  
Agricultural Impact Associates

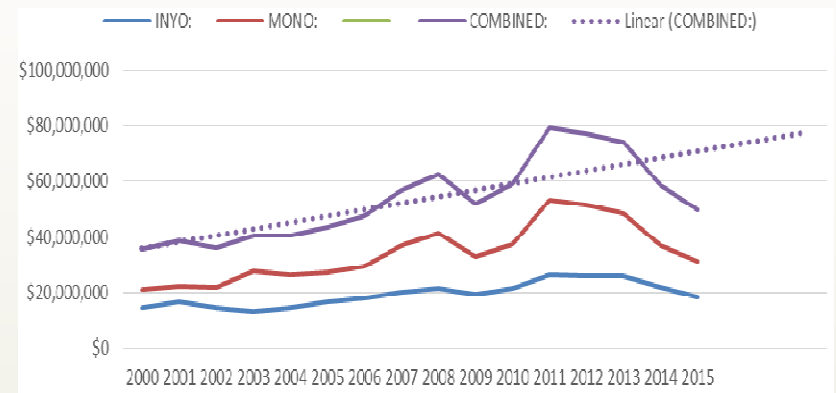
## 1. What is the total direct value of Agriculture?

**\$49.7**  
Million

Two categories contributed \$47.5 million (95.5%) of the counties' combined direct farm production values.

Livestock (Cattle) & Field Crops (Alfalfa)

## 2. How has the total direct value of agriculture changed over time?



Steady, long-term growth...outpaced inflation by 3.9%.

### 3. What economic “multiplier effects” does agriculture create?

	Inyo Output	
	Indirect Effects Multiplier	Induced Effects Multiplier
Livestock / Livestock Products	0.4940	0.1424
Field Crops	0.1264	0.1725
Nursery Products	0.0587	0.2392
Fruit & Nut Crops	0.0757	0.2562
Apiary Production	0.1639	0.2724
Vegetable Crops	0.0830	0.2600
Forest Products	n/a	n/a

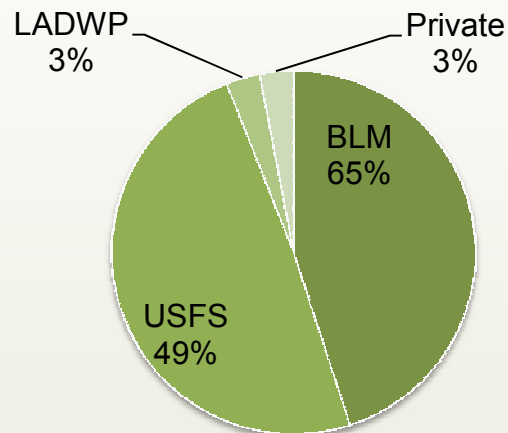
	Mono Output	
	Indirect Effects Multiplier	Induced Effects Multiplier
Livestock / Livestock Products	0.5112	0.3728
Field Crops	0.1220	0.3139
Nursery Products	n/a	n/a
Fruit & Nut Crops	0.0609	0.6098
Apiary Production	n/a	n/a
Vegetable Crops	n/a	n/a
Forest Products	0.0489	0.2689

### 4. What is agriculture’s total economic contribution?



## 5) How do agriculture's economic contributions vary by land ownership type?

Agricultural Use Land Ownership in Acres\*



\*Example includes hay, irrigated pasture, and rangeland (see page 15)

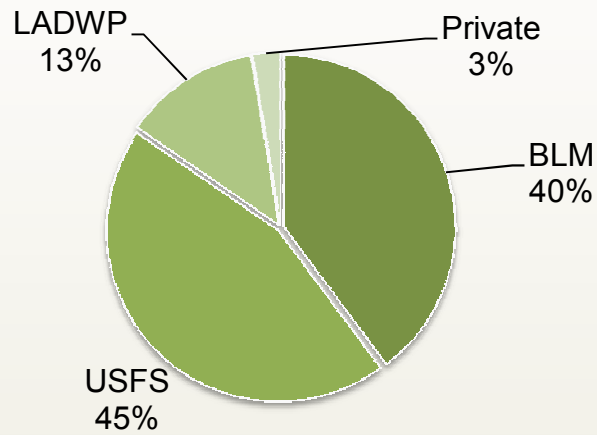
- The Federal government owns the vast majority of lands used for agricultural production
- Most of these lands (95.6%) are rangeland that is used only part of the year
- Private landowners focus solely on higher value alfalfa and irrigated pasture

*“...alfalfa hay accounted for the most economic output (69.5% and \$14 million), even though less than one percent of the total acres were in alfalfa hay (.83%).” (page 16)*

- Irrigated pasture provides almost **90 times** more economic activity per acre than non-irrigated rangeland.



Land Ownership by Available  
AUMs\*



	Land Ownership Type			
	Federal BLM	Federal USFS	City of LA	Private
<b>Active AUM Cattle &amp; Calves</b>	30,920	34,752	9,941	2,000
<b>% of Total</b>	39.84%	44.78%	12.81%	2.58%
<b>Direct Value</b>	\$4,029,285	\$4,528,645	\$1,295,444	\$260,626
<b>Indirect Value</b>	\$2,059,770	\$2,315,043	\$662,231	\$133,232
<b>Induced Value</b>	\$1,502,117	\$1,688,279	\$482,941	\$97,162
<b>Total Value</b>	\$7,591,173	\$8,531,967	\$2,440,616	\$491,020



## 6. What contributions does agriculture make through local employment and taxes?

- 244 Total Jobs
- \$3.6 Million Federal, State and Local Taxes

Off to our  
summer home in  
Mono!



## 7. What economic relationships exist within agriculture that straddle both counties?

- Reiteration that the livestock industry in particular has a high dependency on federal and LADWP owned lands
- Seasonal movement of cattle herds across county lines creates complex economic interdependencies.
  - 19 cross-border ranching operations were identified in the study
- Removing irrigated pasture from production in one county affects the other, erasing not only the pasture production value but the livestock production value that depends on this pasture.

*"LADWP lands play a critical, disproportionate role in agricultural*

## 8) What “ecosystem services” do agricultural lands provide to society?



### Wildlife Habitats

Provide habitats for resident and transient wildlife populations, especially with riparian areas and perennial vegetation.



### Nutrient Cycling

Store, transform, and cycle important nutrients in the soil such as carbon, nitrogen and phosphorus.



### Water Cycling

Unlike pavement, agricultural vegetation maintains soil moisture, enhances water storage, and reduces runoff.



### Fuel Production

Agricultural lands produce renewable energy, for example solar, wind, and biofuels.



### Soil Health

Well managed soils can sequester carbon, reduce erosion, prevent landslides, purify water, and deliver many other benefits.



### Atmosphere Regulation

Soils, crops and surrounding vegetation affect local temperatures and precipitation while also sequestering greenhouse gases.



### Biodiversity Conservation

Promoting a diversity of plants and animals can provide beauty, stability, disease prevention, and other benefits.



### Recreation & Cultural

Agricultural lands provide places for wildlife viewing, nature hikes, entertainment, education, and many other activities.



### Food Production

Agricultural lands provide nutrients and energy to sustain a growing global population.



### Pest Control

Agricultural lands provide habitat for raptors, beneficial insects, and other wildlife that help control pest populations.



### Pollination Services

Agricultural lands provide nesting habitat and floral resources for wild pollinators such as bees, bats, and birds.

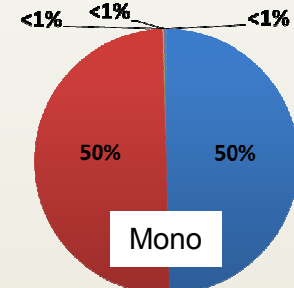
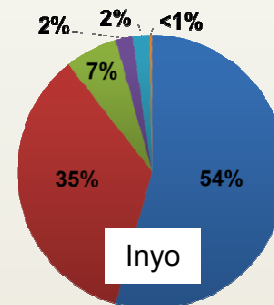
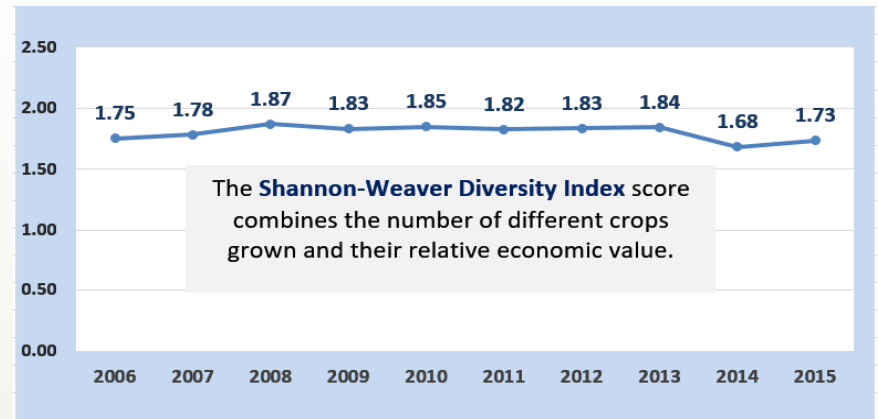


### Water Quality

Well-managed agricultural lands can reduce salinity and organic/inorganic constituents in surface and ground water.

## 9) How economically diverse is agriculture?

- Economic diversity index score of 1.75
- Inyo County Agriculture is at high risk of being vulnerable to market fluctuations and economic shocks
- While low, the number has remained stable over the past decade, unlike many California counties that have seen declines.
- We really need to explore what can be done to diversify our ag economy



## 10) What options exist to add economic value to local agricultural production?

### STRATEGY #1

Diversification through innovative management practices.

### STRATEGY #2

Diversification of land access and tenure arrangements.

### STRATEGY #3

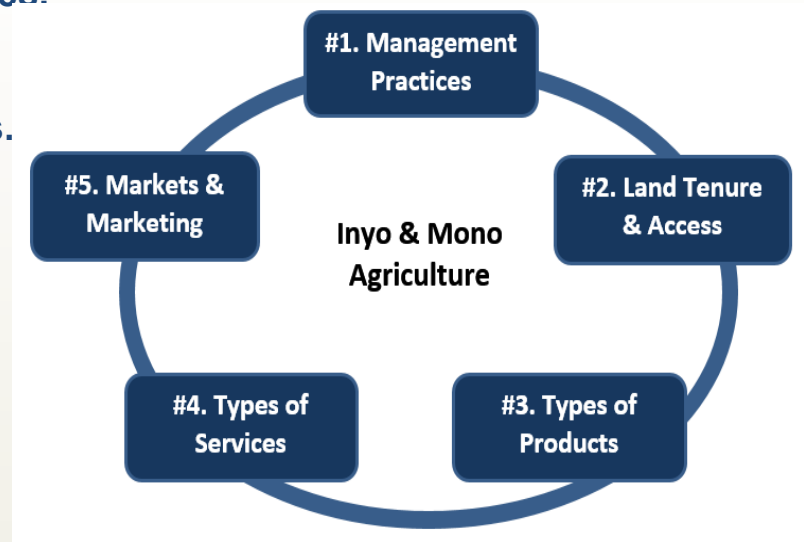
Diversification of products.

### STRATEGY #4

Diversification of services.

### STRATEGY #5

Diversification of markets and marketing



# DIVERSIFICATION !

## Priority Information Gaps

---

**A fuller understanding of inter-county linkages**

**Analysis of inter-industry relationships**

**Changes in land access**

**Cannabis**

**Ecosystem services**

**Diversity**

**Diversification**

**Economic shocks**

---

**AGRICULTURE IN INYO & MONO COUNTIES**  
AN ECONOMIC PROFILE

---





**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: Social Services**

**TIME REQUIRED** 1 hour (50 minute presentation, 10 minute discussion)

**PERSONS APPEARING BEFORE THE BOARD** Kathryn Peterson and Michelle Raust

**SUBJECT** Social Services Department Presentation

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

This item will provide an overview of the Department of Social Services functions and programs, associated progress-to-date on goals set during the 2017-18 budget process, and opportunities to further Mono County's Strategic Priorities during the coming fiscal year. In addition, staff will provide a detailed look at the Child Welfare Services division within the department.

**RECOMMENDED ACTION:**

Information item only.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Kathryn Peterson

**PHONE/EMAIL:** 760-924-1763 / kpeterson@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Staff Report</a>

**History**

Time	Who	Approval
4/12/2018 5:13 AM	County Administrative Office	Yes
4/6/2018 3:59 PM	County Counsel	Yes



4/5/2018 2:22 PM

Finance

Yes



Office of the ... DEPARTMENT OF SOCIAL SERVICES

C O U N T Y O F M O N O

P. O. Box 2969 • Mammoth Lakes • California 93546

KATHRYN PETERSON, MPH  
*Director*

BRIDGEPORT OFFICE  
(760) 932-5600  
FAX (760) 932-5287

MAMMOTH LAKES OFFICE  
(760) 924-1770  
FAX (760) 924-5431



To: Mono County Board of Supervisors

From: Kathy Peterson, Social Services Director

Date: March 30, 2018

**Recommended Action:**

Information Item Only

**Fiscal Impact:**

None.

**Discussion:**

This item will provide an overview of the Department of Social Services functions and programs, associated progress-to-date on goals set during the 2017-18 budget process, and opportunities to further Mono County's Strategic Priorities during the coming fiscal year. In addition, staff will provide a detailed look at the Child Welfare Services division within the department.



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: CAO**

**TIME REQUIRED** 1 hour (30 minute presentation, 30 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Tony Dublino

**SUBJECT** South County Facility - Options Analysis

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation and discussion regarding progress towards a solution for a safe comfortable and modest facility for citizens, customers and staff.

**RECOMMENDED ACTION:**

Hear presentation regarding progress on the South County facility project and provide direction to staff.

**FISCAL IMPACT:**

None at this time.

**CONTACT NAME:** Tony Dublino

**PHONE/EMAIL:** 760.932.5415 / tdublino@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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<a href="#">Staff Report</a>

**History**

Time	Who	Approval
4/12/2018 1:38 PM	County Administrative Office	Yes
4/12/2018 1:49 PM	County Counsel	Yes
4/12/2018 2:33 PM	Finance	Yes





# County of Mono

## County Administrative Office

**Leslie L. Chapman**  
County Administrative Officer

**Tony Dublino**  
Assistant County Administrative Officer

**Dave Butters**  
Human Resources Director

**Jay Sloane**  
Risk Manager

**Date:** April 17, 2017  
**To:** Honorable Board of Supervisors  
**From:** Tony Dublino, Assistant CAO

**Subject: South County Facility – Final Options**

### **Recommended Action:**

Hear presentation regarding progress on the South County Government Center project and provide direction to staff

**Fiscal Impact:**  
None at this time.

### **Discussion:**

The County has been analyzing options and developing plans for a South County Facility in Mammoth Lakes for approximately two years. In May of 2017, staff received Board direction to proceed with the early stages of project development for a Civic Center building at the McFlex parcel, as opposed to continuing lease agreements that were offered at the time.

Since that time, staff has proceeded with those stages of project development. This has included the following efforts:

1. Preparation and release of a Request for Qualifications for Design-Build Entities and the subsequent evaluation and short-listing of three Design-Build firms.
2. The negotiation and execution of an MOU with the Town of Mammoth Lakes relating to the development of the McFlex parcel.
3. Preparation and release of a Request for Proposals from the short-listed Design-Build Entities
4. Receipt of those proposals, interviews with proposers, and initial evaluation of the proposals.
5. Review of the proposed project pursuant to CEQA.

As of today, with 3 viable proposals in hand and CEQA review complete, the County is poised to execute a contract and commit the resources necessary to complete the project.

Since the process began, the County has been focused on realizing a safe, comfortable, and modest facility for its citizens, customers, and staff. County staff has been committed to providing factual and unbiased analysis of all available options, and that commitment remains to this day. As such, despite the due progress and investment into the project at McFlex, staff is compelled to provide analysis on an opportunity that has emerged since Board direction was provided.

This emerging opportunity is the purchase and renovation of the Mammoth Mall. Over the last several weeks, staff has performed preliminary due diligence into this property and has determined it represents a

viable alternative. Staff has developed a preliminary financial analysis of this option, as well as a description of the pros and cons relating to the concept, and will present that information to the Board for consideration.

If you have any questions regarding this item, please contact me at (760) 932-5415.

Respectfully submitted,



Tony Dublino  
Assistant CAO



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    April 17, 2018

**TIME REQUIRED**

**SUBJECT**                    Closed Session--Human Resources

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, Dave Butters, Janet Dutcher, and Anne Larsen. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p><a href="#">Click to download</a></p> <p>No Attachments Available</p>
--

**History**

**Time**

**Who**

**Approval**



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**TIME REQUIRED**

**SUBJECT** Closed Session -- Exposure to  
Litigation

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: One.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Stacey Simon

**PHONE/EMAIL:** 924-1704 / ssimon@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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No Attachments Available

**History**

Time	Who	Approval
4/12/2018 4:47 AM	County Administrative Office	Yes
4/10/2018 11:46 AM	County Counsel	Yes
4/10/2018 1:09 PM	Finance	Yes





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** April 17, 2018

**TIME REQUIRED**

**SUBJECT**

Closed Session - Real Property  
Negotiations, 126 Old Mammoth Rd

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Mammoth Mall, 126 Old Mammoth Rd., Mammoth Lakes, CA. Negotiating Parties: Mono County and Greenlaw Partners. Agency negotiators: Leslie Chapman, Stacey Simon and Tony Dublino

---

**RECOMMENDED ACTION:**

---

**FISCAL IMPACT:**

---

**CONTACT NAME:**

**PHONE/EMAIL:** /

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**SEND COPIES TO:**

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**MINUTE ORDER REQUESTED:**

YES  NO

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**ATTACHMENTS:**

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No Attachments Available

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### History

Time	Who	Approval
4/12/2018 2:21 PM	County Administrative Office	Yes
4/12/2018 2:18 PM	County Counsel	Yes
4/12/2018 2:07 PM	Finance	Yes



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: CDD**

**TIME REQUIRED** PUBLIC HEARING - 1 PM -(3 hours)

**PERSONS** Wendy Sugimura

**SUBJECT** General Plan Amendment 18-01

**APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Public hearing regarding General Plan Amendment 18-01, consisting of four parts: A) Commercial cannabis, B) Short-term rentals, C) Housing policies, D) Transportation/Circulation Element.

**RECOMMENDED ACTION:**

Following public hearing, introduce, read title, and waive further reading of proposed ordinance ORD18-\_\_ adopting General Plan Amendment 18-01 with any desired changes, and accept the exemption under Business and Professions Code §26055(h) for commercial cannabis and the addenda to the existing General Plan EIR for short-term rental policies and regulations, housing policies, and technical amendments to the Regional Transportation Plan in the Circulation Element.

**FISCAL IMPACT:**

Unknown pending the scale, number and type of cannabis applications; the vote on the cannabis tax; number of short-term rental applications; and enforcement/compliance costs. Fees will be charged for permit and business license processing, and short-term rentals may increase TOT revenue.

**CONTACT NAME:** Wendy Sugimura

**PHONE/EMAIL:** 1814 / wsugimura@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Cover</a>
<a href="#">Planning Commission Resolution</a>
<a href="#">Proposed BOS Ordinance</a>

[GPA 18-01A Cannabis](#)

[GPA 18-01B Short-term rentals](#)

[GPA 18-01C Housing](#)

[GPA 18-01D Circulation](#)

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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
4/12/2018 1:44 PM	County Administrative Office	Yes
4/12/2018 1:37 PM	County Counsel	Yes
4/12/2018 2:26 PM	Finance	Yes

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

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

April 17, 2018

**To: The Honorable Board of Supervisors**

**From: Mono County Community Development Department**

Wendy Sugimura, Interim Director  
Michael Draper, Planning Analyst  
Megan Mahaffey, Accountant

Gerry Le Francois, Principal Planner  
Nick Criss, Code Compliance Officer  
Amanda Benbow, Assistant Planner

**Re: Public Hearing: General Plan Amendment 18-01 A) Commercial cannabis, B) Short-term rentals, C) Housing policies, and D) Transportation/Circulation Element**

## **RECOMMENDATION**

Following public hearing, introduce, read title, and waive further reading of proposed ordinance ORD18-\_\_ adopting General Plan Amendment 18-01 described below, with any desired changes, and accept the exemption under Business and Professions Code §26055(h) for commercial cannabis and the addenda to the existing General Plan EIR for short-term rental policies and regulations, housing policies, and technical amendments to the Regional Transportation Plan in the Circulation Element.

## **Description of GPA 18-01:**

**A)** Revise the General Plan Land Use Element to adopt policies and regulations for commercial cannabis land uses, including cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation, and other uses related to cannabis and cannabis products. Regulations include identification of land use designations allowing commercial cannabis uses subject to a use permit and a Cannabis Operation Permit that shall be set forth in Mono County Code Chapter 5.60; land use designations prohibiting commercial cannabis uses; modifications making the following definitions/regulations inapplicable to commercial cannabis: uses not listed as permitted (04.030), home occupation (04.290) and the Right-to-Farm regulations (Chapter 24); and a new chapter establishing commercial cannabis development standards including setbacks, buffers from certain existing uses, security measures, odor control, signage and notices, visual screening/fencing, lighting, parking, noise, and other applicable regulations.

**B)** Revise the General Plan Land Use Element to update policies and regulations pertaining to short-term rentals in certain residential land use designations, including countywide policies, June Lake Area Plan policies, revisions to certain residential land use designations to permit short-term rentals subject to a use permit and a Short-Term Rental Activity Permit that shall be set forth in Mono County Code Chapter 5.65; Chapter 2 – Definitions; Chapter 25 – Short-Term Rentals; and Chapter 26 – Transient Rental Standards & Enforcement. Highlights of the proposed amendment include identification of June Lake neighborhoods where short-term rentals are allowable and prohibited; the addition of new policies and regulations governing short-term rental uses; a separation of the permitting process for short-term rentals located in certain residential land use designations versus transient rental uses in non-residential or Multi-Family High land use designations; and the establishment of a second, required discretionary permit for short-term rentals in certain residential land use designations that is specific to the property owner and is non-transferrable.

**C)** Revise the General Plan Land Use Element to include housing policies that address a “fair share” of affordable/workforce housing by future development projects with the potential for significant housing impacts, as determined through a housing impact assessment, while the housing mitigation toolbox is being finalized and the Housing Mitigation Ordinance is suspended.

**D)** Revise the Circulation Element to reflect technical amendments to the Regional Transportation Plan incorporating projects from the proposed 2018 Regional Transportation Improvement Program and Road Capital Improvement Program, which were approved by the Local Transportation Commission at a public hearing on Dec. 11, 2017.

## **BACKGROUND**

Separate staff reports are provided for each General Plan Amendment segment to facilitate discussion by topic and a clear understanding of the specific amendments proposed. Staff reports are provided in the following order: A) Commercial cannabis, B) Short-term rentals, C) Housing, and D) Transportation/Circulation Element. Documentation for compliance with the California Environmental Quality Act is provided as an attachment to each staff report.

On April 5, 2018, the Planning Commission considered General Plan Amendment 18-01, made modifications, and adopted Resolution R18-01 recommending adoption of the package in this staff report by the Board of Supervisors. In some cases, additional minor clarifications or language refinements are proposed, and are shown in blue text.

Please note, the attached Planning Commission Resolution contains a copy of the General Plan Amendment as recommended in Exhibit A, and the same General Plan language is essentially repeated as part of the staff reports. For the purposes of Board discussion and edits, please reference the versions in the staff reports.

Please contact Wendy Sugimura at 760-924-1814 with questions.

## **ATTACHMENTS**

1. Planning Commission Resolution R18-01 and Exhibit A
2. Board of Supervisors Ordinance ORD18-\_\_ and Exhibit A



**RESOLUTION R18-01**

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION  
INITIATING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS  
ADOPT GENERAL PLAN AMENDMENT (GPA) 18-01 CONSISTING OF FOUR PARTS – A)  
COMMERCIAL CANNABIS, B) SHORT-TERM RENTALS, C) HOUSING POLICIES, AND D)  
TRANSPORTATION/CIRCULATION ELEMENT, IN COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, in November 2016, the voters of California passed Proposition 64, legalizing adult recreational use of cannabis and commercial recreational cannabis activities, and the Proposition passed in Mono County and in every precinct; and in June 2017, Senate Bill 94 (SB 94) was passed, which consolidated the provisions of MCRSA and Proposition 64 into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and in November 2017 the State of California released Emergency Regulations for commercial cannabis activities; and

**WHEREAS**, Mono County enacted an interim moratorium on all commercial cannabis activities to provide time to develop recommendations for a responsible and comprehensive program to govern such activities under the County's authority and in compliance with State regulations; and

**WHEREAS**, two rounds of outreach to the Regional Planning Advisory Committees (RPACs) and June Lake Citizens Advisory Committee (CAC) were conducted to craft General Plan policies pertaining to cannabis, which the Planning Commission recommended to the Board of Supervisors in October 2017, which the Board adopted with modifications in December 2017; and

**WHEREAS**, the Planning Commission continued to develop a land use regulatory framework and Development Standards for commercial cannabis activities through public workshops in December 2017, and January and February 2018, recognizing regulatory standards protect the health, safety and welfare of Mono County residents and the public; and

**WHEREAS**, Business and Professions Code § 26055(h) exempts the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity provided the discretionary review includes any applicable environmental review pursuant to the California Environmental Quality Act; and

**WHEREAS**, the June Lake community has consistently raised significant concerns over short-term rentals in residential areas for several years and through several controversial permit applications, and therefore an update to the June Lake Area Plan policies was initiated to identify solutions; and

**WHEREAS**, from December 2017 through December 2018 the June Lake Citizens Advisory Committee (CAC) developed, stewarded, and participated in an intensive public engagement process to

1 articulate neighborhood character, the positive and negative impacts of short-term rentals, and potential  
2 solutions, and over 50 hours of public meetings, supported by over 300 hours of staff time, were held; and

3 **WHEREAS**, the June Lake CAC made a recommendation to the Planning Commission regarding  
4 neighborhoods where short-term rentals are permissible or prohibited, and a set of policies for increased  
5 regulation, accountability and enforcement, and modified the permit process such that approvals are specific  
6 to an owner and non-transferrable if a property sells; and the Planning Commission reviewed the  
7 recommendation, directed the policies be applied countywide when possible, and made modifications; and

8 **WHEREAS**, a Housing Needs Assessment was completed in November 2017, which identified a  
9 need for affordable housing units to sustain and support the workforce in Mono County; and

10 **WHEREAS**, the Board of Supervisors continued the suspension of the Mono County Housing  
11 Ordinance under the condition that housing be elevated to a high-priority issue and a countywide General  
12 Plan Amendment be proposed to ensure a “fair share” of housing is captured from development projects  
13 with significant housing impacts; and

14 **WHEREAS**, the Regional Transportation Plan (RTP) serves as the core of the Mono County  
15 Circulation Element, and the RTP was amended by the Local Transportation Commission in December  
16 2017 to include a Mono County five-year road capital improvement program in Appendix D to ensure  
17 programming and prioritization of projects, and

18 **WHEREAS**, the amended RTP is being incorporated into the Mono County Circulation Element to  
19 ensure consistency; and

20 **WHEREAS**, Addenda to the 2015 RTP/General Plan Update (GPU) Environmental Impact Report  
21 (EIR) were prepared for the General Plan amendments for short-term rental policies and regulations,  
22 housing policies, and the Circulation Element; and

23 **WHEREAS**, on March 22, 2018, the Planning Commission held a duly-noticed public hearing  
24 regarding GPA 18-01 A-D prior to making a decision on the projects; and

25 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,  
26 including public testimony, staff reports and presentations, the Planning Commission recommends that the  
27 Board of Supervisors make required findings and adopt GPA 18-01 A-D amending language in the Land  
28 Use Element and Circulation Element.

29 **NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION HEREBY  
30 FINDS, RESOLVES, AND RECOMMENDS AS FOLLOWS:**

**SECTION ONE:** The Planning Commission finds that GPA 18-01A/Commercial Cannabis is exempt from CEQA per Business and Professions Code § 26055(h), and approves the use of addenda to the 2015 RTP/GPU EIR for GPA 18-01B/Short-term rentals, GPA 18-01C/Housing policies, and GPA 18-01D/Transportation/Circulation Element

**SECTION TWO:** The Planning Commission further finds that General Plan Amendment 18-01, including all text changes to the Land Use Element and Circulation Element of the Mono County

1 General Plan pertaining to A) Commercial Cannabis Activities, B) Short-Term Rental policies and  
2 regulations, C) Housing policies, and D) Transportation/Circulation Element, which are attached  
3 hereto as Exhibit A and incorporated herein by reference, is consistent with the General Plan as well  
4 as all applicable area plans.

5 **SECTION THREE:** The Planning Commission recommends that the Board of Supervisors adopt  
6 GPA 18-01 A-D.

7 **PASSED AND ADOPTED** this 5<sup>th</sup> day of April 2018, by the following vote:

8 **AYES:** Scott Bush, Chris Lizza, Mary Pipersky, Dan Roberts

9 **NOES:**

10 **ABSENT:** Roberta Lagomarsini

11 **ABSTAIN:**

12   
13 Scott Bush, Chair

14 **Attest:**

15   
16 CD Ritter, Commission Secretary

17 **Approved as to form:**

18   
19 Christian Milovich, Assistant County Counsel





## **R18-01 EXHIBIT A: GENERAL PLAN AMENDMENT 18-01**

*Note: Existing General Plan language is in standard text, amendments to existing General Plan language is in red text, and new text to be added is in italics.*

### **IV. LAND USE DESIGNATIONS**

#### **LAND USE DESIGNATION CRITERIA**

Each and every parcel of land in the unincorporated area of the county has been duly assigned a land use designation, or in rare cases multiple designations. Except as otherwise expressly provided by the Land Development Regulations set forth in Section VI of this Land Use Element, no land may be developed or used except in the manner permitted by its assigned designation. (See also Sections 01.060, 02.705, 03.010, and 04.020 of the Land Development Regulations.) The land use designations described below were applied to private lands in the county based on an area's suitability for certain uses. Each parcel or area was analyzed using the following criteria:

- Does the area include natural hazards that limit development, such as flood zones, Alquist-Priolo zones, unstable soils or steep slopes, etc.?
- Does the area include natural resources that limit development; e.g., wetlands, significant habitat, deer migration routes, etc.?
- What are the existing uses in the area?
- Is infrastructure available for development (i.e., sewer, water, roads, fire protection)?
- What is the existing land division pattern in the area and what are the lot sizes?
- Does the area have open space value (e.g., visuals, wildlife habitat, agricultural preservation, cultural resources)?
- What is the community vision for the future of the area?

#### **LAND USE DESIGNATIONS**

The maximum population densities listed below were calculated without allowances for density bonuses. Density bonuses of varying percentages may be applied in various land use designations based on a variety of criteria, such as the provision of affordable housing or covered parking. Some Area Plans also provide for density bonuses if certain criteria are met. See Section 04.100 Density for density bonus provisions.

Land use designations shown on the land use maps are based upon an evaluation of natural, cultural, and social characteristics of the land as well as the countywide land use policy framework and specific area policies. However, the analyses did not always include a detailed study of the circumstances and environmental constraints of each specific parcel. Future detailed evaluation of specific properties may show that an alternate use is warranted. For this reason, upon proper application, the County will consider amendments to this plan.

Since the County has direct planning authority over only a small percentage of the lands in the county, the County must work with other land managers to manage the natural resources in the area in a coordinated and standardized manner, in order to conserve natural and cultural resources while at the same time providing for

community needs. Although the Land Use Element assigns land use designations to all of the land within its planning area, the focus of the planning effort is the privately owned unincorporated lands within the county. Land use designations have been developed to reflect federal land use designations and to complement the land use designations used by the Town of Mammoth Lakes.

**Commercial cannabis activities are prohibited in all land use designations unless explicitly identified in the land use designation as a permitted use subject to use permit.**

NOTE: In the following Land Use Designation section, references to mobile home shall mean manufactured housing, as defined in Section 02.770.

### **PARCELS WITH MULTIPLE DESIGNATIONS**

Parcels with two or more land use designations or “split designations” should be divided along the land use designation lines when feasible, and a land division may be required as a condition of a Director Review or Conditional Use Permit for development purposes. All applicable land use designation regulations for each particular designation shall be applied to the corresponding portion of a split-designation parcel, and setbacks will be enforced from the split-designation line.

### **LAND USE DESIGNATION MAPS**

Maps of General Plan Land Use Designations on a parcel-by-parcel basis are available online at <https://monomammoth.maps.arcgis.com>

## Agriculture (AG)

**INTENT: The “AG” designation is intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture.**

### PERMITTED USES

- Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation<sup>1</sup>, except those requiring a use permit
- Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time
- Single-family dwelling
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Accessory buildings and uses<sup>3</sup>
- Farm labor housing
- Stands for sale of agricultural products grown on the premises
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Fisheries and game preserves <sup>1P</sup>
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units

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

- None stated

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

- Commercial hog and poultry raising
- Farm labor trailer parks
- Public utility buildings and structures
- Airports, heliports, taxiways, and landing strips
- Stock feeding yards, animal sales yards, agricultural processing plants, and slaughterhouses
- Limited-scale lodging, such as guest ranches, small inns, bed-and-breakfast establishments, and cabins  
c
- Animal hospitals large and small, veterinary clinics and animal boarding <sup>1P</sup>
- Kennel (see Animal Standards, Table 04.013)
- Mineral exploration activities (including geothermal exploration activities) <sup>8P</sup>
- Equestrian facilities <sup>1P</sup>
- Commercial hunting and fishing <sup>1P</sup>
- Rural recreation, parks, and golf courses <sup>1P</sup>
- Sports facilities and outdoor public assembly <sup>1P</sup>
- Plant nurseries <sup>1P</sup>, **excluding commercial cannabis nurseries (see commercial cannabis activities)**
- Commercial composting facilities
- Exotic animals <sup>1P</sup>
- **Commercial cannabis activities: Cultivation, Processing, Nursery, Retail\*, Manufacturing (Type 6, P & N)\*, Distribution\*, Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code. \*Accessory to the main use only**

## DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 2.5 acres, but varies by area – minimum parcel sizes/ densities are established by land use designation maps and policies. (Hammil Valley, see Tri-Valley Goal page II-86 through II-91) gp (Ten-acre minimum in the Antelope Valley) (Bridgeport Valley and Bodie Hills, see Hammil Valley <sup>rp</sup>)

**Minimum Lot Dimensions:** Width – 60’      Depth – 100’ <sup>5</sup>

**Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 50’                      **Rear:** 50’                      **Side:** 50’

**Setbacks for Accessory Buildings Used as Barns or Stables**

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Building Density:** 1 du/lot and an Accessory Dwelling Unit <sup>gp</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Approximately two persons per acre.

### NOTES

1. "Agricultural uses" includes farm labor housing; agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies; repair, maintenance, servicing, storage, rental or sale of agricultural machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the necessary maintenance, repair and service of trucks and equipment used therein.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must: 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16); or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks).
3. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building, including barns, stables and other farm outbuildings and quarters for farm labor or other employees employed on the premises.
4. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" s 4, Uses not listed as permitted.
5. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.

### SEE ALSO

**Land Development Regulations –**

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

### FOOTNOTES

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

## Commercial (C)

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

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

### PERMITTED USES

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

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

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

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

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

- Educational – e.g., nursery and primary schools, private childcare facilities
- Miscellaneous services – e.g., religious activities
- Public – e.g., hospitals; post offices; water treatment plants; collection, sorting and transportation of recyclables; etc.
- Entertainment establishments – e.g., theaters, movies, cocktail lounges, bars, nightclubs, etc.
- Retail establishments – e.g., department stores, etc.
- Professional offices – e.g., medical complex, administrative centers, small animal hospitals and boarding kennels, etc.
- Buildings for conducting services – e.g., financial institutions, health clubs, convention centers, roller skating, bowling, indoor ice-skating, auto rental, fitness centers, etc.
- All of the permitted uses and uses subject to Director Review if determined necessary by the Director.
- **Commercial cannabis activities: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

**DEVELOPMENT STANDARDS**

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

**Minimum District Area:** 2 acres

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

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

**Minimum Setbacks:**

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

See Section 04.120 for other provisions.

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

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

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



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

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

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

### PERMITTED USES

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

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

- Transient rentals (rentals for fewer than 30 consecutive days) of up to three dwelling units

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

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days) of four or more dwelling units
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

### DEVELOPMENT STANDARDS

#### Minimum Lot Area:

All uses – 10,000 sf<sup>4</sup>

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

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

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

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

**Maximum Lot Coverage:** 60%

#### Minimum Setbacks:

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

See Section 04.120 for other provisions.

**Building Density:**

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

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

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

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

If density bonuses are granted (see 04.100 Density), in no case shall projects exceed 26 units/acre for residential units and 60 units/acre for commercial lodging units in the CL-H.

Units designated as manager/employee housing unit shall not be counted in density calculations.

**Population Density:**

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

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

Ch. 04 Development Standards – General

Ch. 06 Development Standards – Parking

Ch. 07 Development Standards – Signs

Table 04.010 Building Heights

## Estate Residential (ER)

**INTENT: The “ER” designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.**

### PERMITTED USES

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act.**

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

None stated

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

- Recreational amenities, e.g., art galleries, country clubs and golf courses
- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & Mobile-home Parks, Ch. 17)
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 1 acre<sup>4</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

#### Minimum Setbacks:

**Front:** 50’                      **Rear:** 30’<sup>sl</sup>                      **Side:** 30’<sup>sl</sup>

See Table 04.120 for other provisions.

**Building Density:** 1 du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

- Ch. 04           Development Standards – General
- Ch. 06           Development Standards – Parking
- Table 04.010   Building Heights
- Table 04.120   Minimum Yards

**FOOTNOTES**

- sl.           State Law requirement

## Industrial (I)

**INTENT: The “I” designation is intended to provide for heavy industrial uses that may potentially cause moderate to higher degrees of environmental nuisances or hazards.**

**The functional and visual character of the district is such that it should be located in areas that are relatively remote from residential and commercial development.**

### PERMITTED USES

- All uses listed as permitted under Industrial Park
- Caretaker unit – one per district
- Heavy-vehicle storage and maintenance
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code

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

- All uses subject to Director Review under the Industrial Park (IP) designation

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

- All uses subject to use permit under the IP designation
- General manufacturing such as batch plant, concrete <sup>C</sup>, asphalt and textile and lumber mills
- Alternative energy generation plants: photovoltaic, mirrors, and biomass conversion
- Refining of petroleum and its products
- Smelting of metals such as; copper, iron, tin, and zinc
- Waste processing and household hazardous waste management
- Distillation of alcohol
- Junkyards
- Auto wrecking and salvage yards
- Commercial excavation and mining of stone and earth materials
- Food processing, canning and similar uses
- Accessory buildings and uses<sup>1</sup>
- Heavy equipment storage <sup>SP</sup>
- Firewood processing and storage <sup>SP</sup>
- Impound yards <sup>SP</sup>
- **Commercial cannabis activities: Cannabis Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### DEVELOPMENT STANDARDS

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

**Minimum District Area:** 30 acres, except upon finding the dependence of a location on a resource (e.g., gravel pit).

**Minimum Lot Dimensions:** Width – 75’  
Depth – 100’

**Maximum Lot Coverage:** 80%

**Minimum Setbacks:** None stated for the district.

**Density:** Residential uses are not permitted, with the exception of caretakers' units.

**Maximum Building Height:** 40' A greater height may be approved by the Director.

**Landscaping:** Screening, fences will be required when the character of the proposed use, the size and location of the building site are such as to require screening. Landscaping is encouraged in the front-yard setback. Fence height may exceed 6 feet, but shall not interfere with necessary siting requirements for vehicles.

**Location Standards:** Before siting a proposed industrial district, proof shall be provided that it conforms to nuisances and hazards requirements of Section 04.250, Nuisances and hazards.

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

- Ch. 04 Development Standards - General
- Ch. 06 Development Standards - Parking
- Ch. 07 Development Standards - Signs

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition

## Industrial Park (IP)

**INTENT: The “IP” designation is intended to provide for a combination of light- and moderate-intensity industrial uses that do not create environmental nuisances or hazards to a degree that might be obnoxious or offensive to persons conducting business in this or adjacent areas.**

### **PERMITTED USES**

- Any proposed change of use when conducted within an existing, conforming, legally developed structure, for those uses subject to a Director Review or Use Permit
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code

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

- All permitted uses if deemed necessary by the Director
- Agricultural uses, nurseries, greenhouses
- Offices, business and professional
- Laboratories
- Commercial laundries and dry-cleaning establishments
- Wholesale sales and warehousing
- Vehicle repair garages and shops
- Manufacture of clothing, household effects, art, jewelry, silverware, ceramics, leather goods (assembly only) toys, and electronics
- Upholstery
- Shops for the assembly or completion of finished paper, wood, or metal products
- Editorial and designing, printing, lithography, bookbinding
- Painting, plumbing, electrical, cabinet and glass shops
- Public buildings and uses
- Light equipment rental and/or storage yards
- Storage yard for construction materials and equipment
- Lumber yards and building materials, wholesale and retail (but not lumber mills)
- Temporary buildings and appurtenant structures to allowed use
- Storage of recreational vehicles, boats and miscellaneous recreational related equipment
- Transfer facilities for waste management
- Collection, sorting and transportation of recyclables
- Accessory buildings and uses<sup>1</sup>

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

- Industrial condominiums
- Waste transfer and management facilities for diversion, recycling and long haul
- Tank farms
- Freight terminals
- **Commercial cannabis activities: Cannabis Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### **DEVELOPMENT STANDARDS**

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

**Minimum District Area:** 10 acres

If abutting parcels have a commercial or industrial land use designation and existing uses on those abutting properties are compatible, a minimum district area of five acres may be considered.

**Minimum Lot Dimensions:** Width – 75’  
Depth – 100’ 4

**Maximum Lot Coverage:** 80%

**Minimum Setbacks:**

<b>Uses Subject to DR</b>	<b>Front:</b> 20’	<b>Rear:</b> 5’	<b>Side:</b> 0’
<b>Uses Subject to UP</b>	<b>Front:</b> 20’	<b>Rear:</b> 10’	<b>Side:</b> 10’

See Section 04.120 for other provisions.

**Density:** Residential uses are not permitted.

**Maximum Building Height:** 40’

**Landscaping:** Screening, fences, and/or landscaping may be required when the character of the proposed use, the size and location of the building site or nature of adjacent uses are such as to require screening and will be determined as part of the Use Permit or Director Review process.

**Location Standards:** Before siting a proposed industrial park district, proof shall be provided that it conforms to nuisances and hazards requirements of section 04.250.

**Minimum Space Between Buildings:** 10’

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04 Development Standards – General
- Ch. 06 Development Standards – Parking
- Ch. 07 Development Standards – Signs



## Mixed Use (MU)

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

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

### USES PERMITTED

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

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

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

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

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

Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

## DEVELOPMENT STANDARDS

### Minimum Lot Area:

All uses – 10,000 sf <sup>5</sup>

Areas lacking community water and sewer – one-acre minimum all uses <sup>c, rP</sup>

Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes.

### Minimum District Area: 5 acres

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

### Minimum Lot Dimensions: Width – 60' Depth – 100'

### Maximum Lot Coverage: 60%

An additional coverage bonus of 10% (total coverage of 70%) shall be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza.

### Minimum Setbacks:

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

See Section 04.120 for other provisions.

### Building Density: Hotels, resort hotels, motels – 40 du/acre

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

Density for mixed uses on one parcel; e.g., apartment units and motel units, will be calculated at a proportionate rate. <sup>gP</sup>

If density bonuses are granted (see 04.100 Density), in no case shall projects exceed 26 units per acre for residential units and 60 units per acre for commercial lodging units.

Units designated as manager/employee housing unit shall not be counted in density calculations.

### Population Density: Maximum population density is 37.6 persons per acre for multifamily residential uses.

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

**Landscaping:** Projects subject to use permit shall be required to either landscape per an approved landscape site plan or leave in natural open space (i.e., ungraded) all areas not covered by impervious surfaces. Any combination is acceptable.

### Special Regulations:

- A change of business shall be reviewed for compliance with mixed-use designation.
- The hours of operation shall be limited to the period between 7 a.m. and 10 p.m.

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

### **NOTES**

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

### **SEE ALSO**

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

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

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

### **FOOTNOTES**

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

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

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

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

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

### **PERMITTED USES**

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

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

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

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

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

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

#### **MFR-H only**

- Mobile-home parks (see Dev. Standards – Mobile Homes and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Social care facilities and related integrated professional offices
- Parking lots and parking structures when abutting a commercial district
- Hotels, motels, bed-and-breakfast establishments and dorms
- Transient rentals (fewer than 30 consecutive days) of four or more dwelling units only
- Manufactured housing subdivision (see Ch. 18)

### **DEVELOPMENT STANDARDS**

#### **Minimum Lot Area:**

##### **MFR-L**

Minimum lot size – 7,500 sf <sup>5</sup>



**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c.           Clarification

## Natural Habitat Protection (NHP)

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

### PERMITTED USES

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

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

- Transient rentals (rental for fewer than 30 consecutive days) of up to three dwelling units (i.e., rental cabins or bed-and-breakfast establishments).

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

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

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 2 acres

**Minimum District Area:** 5 acres

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

**Minimum Lot Dimensions:** None stated

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

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

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

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

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

**Additional Requirements:**

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition



## Open Space (OS)

**INTENT: The “OS” designation is intended to protect and retain open space for future generations. These lands may be valuable for resource preservation (e.g., visual open space, botanical habitat, stream environment zones, etc.), low-intensity recreational uses, mineral resources, or other reasons.**

### PERMITTED USES

- Agriculture
- Bikeway, pedestrian ways, equestrian trails, cross country ski touring, ski-back trails
- Wildlife preserves, botanical preserves and similar uses gp
- Single-family dwelling gp
- Commercial aquaculture activities
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

None stated

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

- Recreation areas requiring significant modification of natural landscape – e.g., golf courses, tennis courts, commercial stables, downhill ski runs
- Accessory buildings and uses, including barns, stables and farm buildings
- Water storage tanks
- Mineral exploration activities (including geothermal exploration activities) gp

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** None

**Minimum District Area:** None

**Maximum Site Disturbance:** 10% (includes lot coverage) gp

**Density:** 1 du/80 acres and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units). gp No residential development is allowed if the parcel size is less than 80 acres  
c

**Population Density:** Approximately 0.06 persons per acre.

### NOTES

1. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280.

### SEE ALSO

#### Land Development Regulations –

Ch. 04 Development Standards – General

Ch. 06 Development Standards – Parking

Table 04.010 Building Heights

### FOOTNOTES

c. Clarification

gp. General Plan addition

## Resource Management (RM)

**INTENT: The “RM” designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities. The RM designation indicates the land may be valuable for uses including but not limited to recreation, surface water conservation, groundwater conservation and recharge, wetlands conservation, habitat protection for special-status species, wildlife habitat, visual resources, cultural resources, geothermal or mineral resources. The land may also need special management consideration due to the presence of natural hazards in the area; e.g., avalanche-prone areas, earthquake faults, flood hazards, or landslide or rockfall hazards.**

The RM designation provides for low-intensity rural uses in a manner that recognizes and maintains the resource values of the parcel.

Land subject to the land use authority of an agency other than the County may be designated RM with a reference to the appropriate plan as follows:

Humboldt-Toiyabe National Forest Land & Resource Management Plan – RM/TNF  
Inyo National Forest Land & Resource Management Plan – RM/INF  
Mono Basin National Forest Scenic Area Comprehensive Management Plan – RM/MB  
Bureau of Land Management, Bishop Resource Management Plan – RM/BLM  
California Department of Fish and Game Lands – RM/DFG  
Mammoth Yosemite Airport Land Use Plan – RM/ALUP

These designations recognize the planning authority of other agencies on publicly owned lands only; the County has authority over private and LADWP (Los Angeles Department of Water and Power) lands throughout the unincorporated area.

### **PERMITTED USES**

- Single-family dwelling
- Manufactured home used as a single-family dwelling<sup>1</sup>
- Accessory buildings and uses<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Resource exploratory activities that do not involve excavation, devegetation, or other potentially significant environmental effects
- Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation<sup>3</sup>, except those requiring a use permit
- Small-scale agriculture
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units)
- Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

- Resource exploratory activities that involve excavation, devegetation, or other potentially significant environmental effects

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

- Limited-scale lodging, such as small inns, bed-and-breakfast establishments, and cabins, if found by the Commission to be compatible
- Recreation facilities, such as improved bike trails, cross country ski trails, and pedestrian trails requiring modification of the natural landscape, if found by the Commission to be compatible with the natural habitat of the area
- Construction of an accessory building prior to construction of the main building
- Airports, heliports, taxiways, and landing strips for aircraft
- Mining and geothermal exploration projects
- Commercial composting facilities

**DEVELOPMENT STANDARDS**

**Minimum Parcel Size:** 40 acres or 1/4 of 1/4 section

**Maximum Site Disturbance:** 10% maximum lot coverage is 5%.

Maximum site disturbance may be increased in conformance to the specific plan process.

**Minimum Setbacks:**

**Front:** 50'                      **Rear:** 30'                      **Side:** 30'

**Maximum Building Density:** one du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per 40 acres or approximately 0.13 persons per acre.

**NOTES**

1. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile-home and RV Parks).
2. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
3. "Agricultural uses" include agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies, machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the necessary maintenance, repair and service of trucks and equipment used therein; the feeding and selling of livestock; aquaculture; accessory buildings and uses including barns, stables and other farm outbuildings; quarters for farm labor or other employees employed on the premises; stands for sale of agricultural products grown on the premises.
4. Large-scale projects may be subject to a Specific Plan (Ch. 36) in conformance to the General Plan.
5. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.

**SEE ALSO**

**Land Development Regulations –**

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

## Rural Mobile Home (RMH)

**INTENT:** The “RMH,” rural mobile home, district is intended to provide for development in rural areas within the county consistent with developed lifestyles when mixed uses are determined to be acceptable to the citizens of the RMH area. The RMH district is further intended to provide for mixed uses such as single-family residences, mobile homes used as residences, small-scale agriculture and the keeping of fowl and animals for personal use.

### PERMITTED USES

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Mobile home used as a single-family dwelling<sup>2</sup> sl
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act

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

- None stated

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

- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17 <sup>C</sup>)
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 1 acre <sup>4</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

#### Minimum Setbacks:

**Front:** 20’                      **Rear:** 10 sl’                      **Side:** 10 sl’

#### Setbacks for Accessory Buildings Used as Barns or Stables

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Building Density:** 1 du/lot and an Accessory Dwelling Unit <sup>8P</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition
- sl. State Law requirement

**Rural Residential (RR)**

**INTENT: The “RR” designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Small-scale agriculture, including limited commercial agricultural activities, is permitted.**

**PERMITTED USES**

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Manufactured home used as single-family dwelling <sup>2</sup>
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

None stated

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

- Recreational amenities; e.g., art galleries, country clubs, and golf courses
- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17 <sup>c</sup>)
- Small-scale agriculture, including limited commercial agricultural activities <sup>FP</sup>
- Manufactured housing subdivision (see Ch. 18)

**DEVELOPMENT STANDARDS**

- Minimum Parcel Size:** 1 acre <sup>4</sup>
- Minimum District Area:** 5 acres
- Minimum Lot Dimensions:** Width – 60’  
Depth – 100’
- Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Setbacks for Accessory Buildings Used as Barns or Stables**

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Building Density:** 1 du/lot and an Accessory Dwelling Unit <sup>8P</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

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

**FOOTNOTES**

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

## Rural Resort (RU)

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

### PERMITTED USES

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

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

- None stated

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

- Construction of an accessory building prior to construction of the main building
- Recreational-vehicle parks (see Dev. Standards – Mobile-home and RV Parks, Ch. 17)
- Hotels, motels, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited restaurants, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days)
- Developed campgrounds
- Commercial recreational facilities such as cross country ski facilities, equestrian facilities, golf courses and facilities (if developed in conjunction with lodging facilities), marinas and boathouses
- Employee housing, if developed in conjunction with recreational/lodging facilities

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 5 acres

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

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

#### Minimum Setbacks:

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



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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

## Service Commercial (SC)

**INTENT: The “SC” designation is intended to provide for a wide variety of wholesale, retail and service uses that are not normally compatible with uses permitted in other commercial districts; e.g., enclosed light manufacturing of a non-polluting type, limited outdoor storage.**

### PERMITTED USES

- Any proposed change of use when conducted within an existing conforming, legally developed structure. Exterior structural alterations, additional parking or outdoor storage shall require a use permit. The following uses are examples of such permitted uses within existing structures:
  - Cottage industry – e.g., limited recreational equipment, apparel and other finished products, crafts, printing, etc.;
  - Repair services – e.g., car repair and parts, plumbing, electrical, etc.;
  - Construction services – e.g., contractor or building services, engineering contractor<sup>TP</sup>, cabinet-making, roofing, water-well drilling, contractor storage, etc.;
  - Transportation services, limited travel agents, bus terminals, enclosed packing and shipping terminals, existing truck and trailer parking – heavy- equipment storage<sup>TP</sup>;
  - Warehousing, enclosed retail and wholesale storage;
  - Sale lots – e.g., car sales, (requires a minimum one-half acre area);
  - Any combination of the permitted service commercial uses;
  - All permitted uses in the C designation; and
  - Construction supplies, materials and equipment storage<sup>TP</sup>

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

- All uses subject to Director Review in the C designation
- Collection, sorting and transportation of recyclables.

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

- All uses subject to a use permit in the C designation
- All permitted uses in the C designation, but requiring new construction or alterations
- All uses utilizing outdoor storage
- **Commercial cannabis activity: Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### DEVELOPMENT STANDARDS

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

**Minimum District Area:** 3 acres

If abutting land use designations have a commercial or industrial land use designation, and existing uses in these abutting properties are compatible, a minimum district area of two acres may be considered.

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

**Maximum Lot Coverage:** 70%

**Minimum Setbacks:**

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

See Section 04.120 for other provisions.

**Building Density:** one du/lot and Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units). Employee housing for those working on the premises subject to use permit. <sup>rp</sup>

**Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre. <sup>rp</sup>

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

**Landscaping:** Any uses subject to use permit shall be required to either landscape (per approved landscape plan) or leave in natural open space (i.e., ungraded) all areas not covered by impervious surfaces. Fencing, berms and/or landscaping may be required to buffer incompatible land uses as determined by the Director or the Commission.

**Fences:** None required, except when adjoining a residential district, then a screening fence or wall not less than 5 feet high or more than 6 feet in height shall be erected along adjoining residential district.

#### **NOTES**

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

#### **SEE ALSO**

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

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

#### **FOOTNOTES**

- rp. Recommendation from the Regional Planning Advisory Committee
- sl. State Law requirement

## Single-Family Residential (SFR)

**INTENT: The “SFR” district is intended to provide for the development of single-family dwelling units in community areas.**

### PERMITTED USES

- Single-family dwelling
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units)
- Manufactured home used as a single-family dwelling<sup>2</sup> s1
- Transitional and Supportive Housing<sup>6</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

- None stated

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

- Cluster development of single-family dwellings on lots of 3+ acres
- Country clubs and golf courses
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17) <sup>C</sup>
- Construction of an accessory building prior to construction of the main building
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Lot Size:** 7,500 sf <sup>3,5</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 20’                      **Rear:** 10’                      **Side:** 10’

See Section 04.120 for other provisions.

**Building Density:** 1 du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:**

Maximum population density of 15 persons per acre

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04           Development Standards – General
- Ch. 06           Development Standards – Parking
- Ch. 10           Development Standards – Equestrian Overlay District
- Table 04.010   Building Heights

**FOOTNOTES**

- c.           Clarification
- sl.          State Law requirement

# Land Development Regulations

## Chapter 4 – General

### 04.030 Uses not listed as permitted.

A. It is recognized that in the development of comprehensive land use development standards that:

1. Not all uses can be listed nor can future uses be anticipated; and
2. Uses may have been omitted from the list of those specified as permissible in each of the various Land Use Designations described in this Land Use Element, hence the phrase, "plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public health, safety and welfare." **Notwithstanding the above, commercial cannabis activities shall not be interpreted as a similar use; are explicitly excluded from "uses not listed as permitted;" and are prohibited unless stated otherwise.**

B. Interpretation of "similar uses."

Where the term "and such other uses as the Director or Commission finds to be similar and not more obnoxious ... " is mentioned, it shall be deemed to mean other uses that, in the judgment of the Director or the Planning Commission, as evidenced by a written decision, are similar to and not more obnoxious to the general welfare than the uses listed for the same designation. If a use is found similar to a permitted use or similar to a use requiring a Director Review or Use Permit, it shall also be permitted subject to the same requirements as its most similar listed use. The Director shall make the interpretation concerning uses permitted or uses permitted subject to director review; the Planning Commission shall make the interpretation for uses permitted subject to use permit. For interpretation of uses of a potentially controversial or sensitive nature, the Director may submit the matter to the Commission for an interpretation.

**An interpretation of "similar uses" shall not apply to commercial cannabis activities, which are prohibited in all land use designations unless explicitly identified in the land use designation as a permitted use subject to use permit.**

Any decision may be appealed in accordance with Chapter 47, Appeals.

Prior to taking an action to find a use similar to and not more obnoxious to the general welfare than the uses listed for the same designation, the Director or the Planning Commission shall find all of the following:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;
3. That the use is capable of meeting the standards and requirements of that designation; and
4. That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.

#### **04.290 Home occupation.**

Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home-occupation standards. A proposed home occupation must be clearly incidental and secondary to the residential use of the parcel and must be carried on within on-site structures by inhabitants of the parcel.

In order to maintain the home occupation and the business license, the applicant shall comply with all of the following home-occupation standards at all times:

- A. The business shall be confined completely within the dwelling and ancillary structures, excepting two vehicles not to exceed one ton towing capacity each;
- B. The business shall involve no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; as long as no other violation of any other subsection occurs;
- C. The business shall be carried on by members of the family occupying the dwelling, with no other persons employed;
- D. The business shall produce no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);
- E. The business shall not generate pedestrian, vehicular traffic, or parking needs beyond that normal in the neighborhood in which located;
- F. The business shall require no structural, electrical or plumbing alterations in the dwelling;
- G. The business shall involve no equipment other than that customarily used in dwellings; and
- H. The business shall involve no outdoor storage or advertising.
- I. A cottage food operation as defined in Section 113758 of the Health and Safety Code and in compliance with AB1616 shall be a permitted home occupation provided it complies with all applicable provisions of this section and the Health and Safety Code, as it may be amended. Any applicant for a home occupation under this subsection shall demonstrate he or she operates a qualifying cottage food operation. Notwithstanding the foregoing, subsection C above shall not apply to a cottage food operation.
- J. Modifications to the above requirements may be permitted with an Expanded Home Occupation Permit.
- K. Expanded Home Occupation permits require approval by the Planning Commission at a public hearing.
- L. **The business shall not involve commercial cannabis activities of any type.**

Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;
3. That the use is capable of meeting the standards and requirements of that designation; and
4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.

# Development Standards

## Chapter 13 – Commercial Cannabis Activities

### Sections:

13.010	<b>Purpose</b>
13.020	<b>Definitions</b>
13.030	<b>Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter</b>
13.040	<b>Compliance with Laws</b>
13.050	<b>Permits Required</b>
13.060	<b>Use Permit Application Requirements</b>
13.070	<b>General Standards and Requirements</b>
13.080	<b>Cannabis Cultivation</b>
13.090	<b>Cannabis Distribution and/or Processor</b>
13.100	<b>Cannabis Manufacturing</b>
13.110	<b>Cannabis Testing Facilities</b>
13.120	<b>Cannabis Retail and Delivery</b>
13.130	<b>Cannabis Microbusiness</b>

### **13.010 Purpose**

*This Chapter provides regulations for the local permitting of commercial cannabis activities under specified conditions in the unincorporated areas of the County; its purpose is to protect the public health, safety, and welfare; enact strong and effective regulatory and enforcement controls in compliance with state law and any applicable federal enforcement guidelines; protect neighborhood character; and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas while accommodating the health needs of medical cannabis patients and establishing an avenue through which adult-use businesses may operate consistent with state law.*

### **13.020 Definitions**

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

### **13.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter**

*Except as specifically authorized in this Chapter, commercial cannabis activities which include, but are not limited to, cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation of cannabis or cannabis products, and cannabis events are expressly prohibited in the County of Mono without state licenses and applicable local permits and licenses. For the purposes of this Section, “commercial cannabis activity” does not include the activities defined in Section 11362.1 and Section 11362.2 of the California Health & Safety Code related to personal use and cultivation.*

### **13.040 Compliance with Laws**

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

### **13.050 Permits Required**

*Prior to operation of a commercial cannabis activity the following shall be obtained through an application process with the Mono County Community Development Department (“Department”) as necessary:*

- A. Conditional Use Permit (pursuant to Chapter 32 – Use Permit),*
- B. Cannabis Activity Permit per Mono County Code 5.60,*



- C. *Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04, and*
- D. *Cannabis business tax certificate, if applicable.*

### **13.060 Use Permit Application Requirements**

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

- A. *If the applicant is not the landowner of the real property upon which the premises is located, the applicant shall provide to the County a document from the landowner or the landowner's agent that states that the applicant has the right to occupy the property and acknowledging the applicant may use the property for the commercial cannabis activity for which the applicant is applying. An applicant shall also provide a copy of the rental agreement, as applicable.*
- B. *If the applicant is the landowner of the real property upon which the premises is located, the applicant shall provide to the County a copy of the title or deed to the property.*
- C. *Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(s) being requested;*
- D. *Documentation, plans, or specifications demonstrating compliance with the General Standards and Requirements of this Chapter, 13.070, and any additional applicable requirements for specific commercial cannabis activities found in all applicable State and local laws and regulations.;*
- D. *A valid Mono County Business License (must be obtained prior to permit issuance); and*
- E. *All required application materials shall be prepared and submitted at the time of application, with the required fee. Incomplete applications shall be returned with a list of required components and may be resubmitted with completed documentation.*

### **13.070 General Standards and Requirements**

*Commercial cannabis activities shall comply with all General Plan policies and regulations, in addition to this Chapter. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:*

- A. *All commercial cannabis activity shall be conducted between licensed and permitted cannabis operations.*
- B. *The Permittee shall be responsible for ensuring that all commercial cannabis activities on the premises operate in good standing with permits and licenses required by Mono County Code and State law. Failure to take appropriate action shall be grounds for the modification or revocation of the Use Permit;*
- C. *Site Control. All commercial cannabis activity shall meet the following site control standards:*
  - 1. *No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities; and*
  - 2. *An additional corridor of exclusion applies in the Crowley Lake community on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.*
- D. *Setbacks.*
  - 1. *All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks. Additional setback requirements per commercial cannabis activity type shall be set forth in specific sections of this Chapter.*
- E. *Odor Control.*
  - 1. *An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.*
  - 2. *An odor mitigation plan shall provide a sufficient odor absorbing ventilation and exhaust system so that cannabis odors are mitigated outside of the facility; on adjacent property or public right of way; on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby*

areas, or any other areas available for use by common tenants or the visiting public; or within any other unit located inside the same building as a commercial cannabis activity, and may include the following:

- i. Odor-control filtration and ventilation system(s) to control odors;
  - ii. Devices and/or techniques incorporated into the facility or premise to mitigate the off-site detection of Cannabis odors.
3. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Commercial Cannabis Activity Permit.

**F. Signage and Notices.**

1. A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.
2. No banners, flags, billboards or other prohibited signs may be used at any time.

**G. Visual Screening/Fencing.**

1. All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.
2. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
3. If linear features are proposed, a Visual Screening Plan is required to demonstrate visual compatibility with the surrounding landscape, views, and/or community character, including but not limited to fencing. A Visual Screening Plan shall be submitted with the application and be compatible with:
  - i. General Plan Land Use Element Conservation/Open Space Element 05-02 Issues/Opportunities/Constraints, Visual Resources and 05-03 Policies, Visual Resources;
  - ii. General Plan Land Use Element 02-06 Land Development Regulations, Chapter 4.160 Fences, Screening and Landscaping;
  - iii. General Plan Appendices, 09-03 Mono County General Design Guidelines, Chapter 2, Site Planning & Landscape; and
  - iv. Landscaping species shall be consistent with those identified in General Plan Appendices 09-03, Mono County General Design Guidelines, "Plants."
  - v. Visual screening shall blend into the surrounding landscape as best as possible.

**H. Lighting.**

1. A Lighting Plan demonstrating compliance with the following:
  - i. All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.
  - ii. Design specifications and/or cut sheets for all proposed exterior lighting shall be detailed in the Lighting Plan.
2. Commercial cannabis activities located north of Mountain Gate Park shall comply with Land Use Element Chapter 23 – Dark Sky Regulations.

**I. Parking.**

1. A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.
2. The Parking Plan shall comply with General Plan Land Development, Chapter 6 - Parking.

**J. Noise.**

1. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.
2. The General Plan Noise Element shall apply to all commercial cannabis activities.
3. The Planning Commission may approve the use of a "fixed noise source," as defined in Mono County Code Chapter 10.16, or "generator" as defined in state law and regulation, provided certain criteria are considered, including but not limited to:
  - i. Applicant has successfully demonstrated compliance with Mono County Code Chapter 10.16 and all applicable local and State law and regulation;

- ii. *Appropriate sound-deadening features and infrastructure have been installed where applicable; and*
  - iii. *Impacts on adjacent properties and the neighborhoods have been evaluated and considered negligible; and*
  - iv. *The premise location has power constraints such that the prohibition of the use of such equipment would be overly burdensome on the operation.*
- K. *Fire Protection. All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
- 1. *Commercial cannabis activities shall comply with General Plan Land Development Regulations, Chapter 22, Fire Safe Regulations; PRC Sections 4290 and 4291; and the current California Building Code.*
  - 2. *Fire Prevention Plan. The permittee shall prepare, submit, and implement a Fire Prevention Plan for construction and ongoing operations and obtain a Will-Serve letter from the local fire protection district. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire-break maintenance around all structures.*
  - 3. *All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
- L. *Security Plan. Compliance with the security plan approved under the Cannabis Activity Permit (Mono County Code Chapter 5.60) is required.*
- M. *Water Conservation. Water conservation measures, water capture systems, or grey water systems shall be incorporated, consistent with the Resource Efficiency Plan policies, to minimize use of water where feasible.*

### **13.080 Cannabis Cultivation**

*In addition to 13.070 requirements, a permit for cultivation is subject to the following additional requirements:*

- A. *Setbacks*
- 1. *Outdoor cultivation areas and all associated structures located on or around the premises shall meet all applicable setback requirements set forth in the Land Use Designation Chapter 02-04.*
  - 2. *Outdoor cultivation areas shall be set back three-hundred (300) feet from 1) existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space; 2) the property line of any neighboring parcel under a different land use designation; 3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and 4) any public and formally identified non-motorized or multi-modal pathway.*
  - 3. *All structures used for indoor cultivation and all structures used for drying, curing, grading, trimming or processing shall comply with the setbacks for the land use designation. There shall be no evidence of cannabis cultivation outside the structure (e.g., the use shall comply with the Visual Screening Plan, Sign Plan, and Mono County Code Chapter 5.60).*
  - 4. *Cultivation within a “hoophouse” or shade-cloth structure shall be subject to the requirements of this Chapter, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.070).*
  - 5. *The Planning Commission may modify the requirements if all of the following findings can be made for an alternative site plan:*
    - i. *The requested modification(s) improve security, visual mitigation, and/or odor mitigation of the cannabis activity without increasing or creating new impacts that otherwise would not have existed under the required standards;*
    - ii. *The approval of the alternative site plan will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated; and*
    - iii. *The approval of the alternative site plan will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated.*

- B. *Lighting.* Interior light systems shall include window coverings to confine light and glare to the interior of the structure and be detailed within the Lighting Plan. Light mitigation measure shall be utilized from sunset to sunrise to avoid nighttime glare, as required in California Department of Food and Agriculture State Code 8304.
- C. *Dust Control.* Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Protection Control District regulations and Mono County grading requirements.
- D. *The Permittee shall provide a site plan identifying all cultivation area(s) to ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.*
- E. *In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all appropriate agencies.*
- F. *Closed to general public.* Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.
- G. *In no case shall a building intended for residential use be used for cultivation.*
- H. *In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:*
  - 1. *Water conservation measures;*
  - 2. *Projected energy demand and proposed renewable energy generation facilities; and*
  - 3. *Unique identifier, inventory, and quality control procedures.*

### **13.090 Cannabis Distribution and/or Processor**

*In addition to 13.070 requirements, a permit for distribution is subject to the following additional requirements:*

- A. *Truck parking and loading areas;*
- B. *Storage and handling plans; and*
- C. *Closed to general public.* Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- D. *Any other relevant information requested by the Director of the Community Development Department, or his or her designee.*
- E. *The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*

### **13.100 Cannabis Manufacturing**

*In addition to 13.070 requirements, a permit for manufacturing is subject to the following additional requirements:*

- A. *A Cannabis manufacturer shall manufacture cannabis products only; products that do not contain cannabis shall not be manufactured at the same premises.*
- B. *In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on the premises unless all necessary permits have been obtained from all appropriate agencies;*
- C. *Closed to general public.* Cannabis manufacturing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- D. *Closed loop system.* Cannabis manufacturing using volatile solvents must utilize a closed-loop system certified by a qualified engineer and approved by the County Building Official and local Fire District Chief.

### **13.110 Cannabis Testing Facilities**

*In addition to 13.070 requirements, a permit for testing is subject to the following additional requirements:*

- A. *Certificate of accreditation from an approved accrediting body;*
- B. *Closed to general public.* Cannabis testing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- C. *The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*
- D. *Any other relevant information requested by County departments.*

### **13.120 Cannabis Retail and Delivery**

*In addition to 13.070 requirements, a permit for retail and delivery is subject to the following additional requirements:*

- A. Delivery. All offsite customer delivery of cannabis and/or cannabis products is subject to Mono County Code Chapter 5.60.*
- B. On-Site Sales. All retail sales and dispensing of cannabis and cannabis products shall be conducted in-person on the premises of the cannabis retailer. This section does not prohibit transportation of cannabis or cannabis products on public roads by a state-licensee transporting cannabis or cannabis products in compliance with California Business & Professions Code section 26000, et seq.*
- C. Cannabis retailers must operate in a permanently constructed, fixed structure. Cannabis retailing is not permitted from a vehicle or non-permanent structure.*
  - 1. The entrance to an A-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of twenty-one (21) years shall be allowed on the premises.*
  - 2. The entrance to an M-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of eighteen (18) years of age shall be allowed on the premises.*

### **13.130 Cannabis Microbusiness**

*In addition to 13.070 requirements, a permit for a microbusiness is subject to the following additional requirements:*

- A. A cannabis microbusiness that includes cultivation, manufacturing, distribution and/or retail within one State license shall comply with all permit and operating requirements set forth in this Chapter for cannabis cultivation, cannabis distribution, cannabis manufacturing, and cannabis retailer.*
- B. In reviewing an application for a Use Permit the following additional information may be requested:*
  - 1. Storage protocol and hazard response plan; and*
  - 2. Any other relevant information requested by the Community Development Director or his or her designee.*
  - 3. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*

## **Chapter 24 - Right to Farm Regulations**

### **24.010 Definitions.**

**“Agricultural land”** means land designated in the Land Use Element of the Mono County General Plan as “Agricultural,” regardless of the minimum acreage associated with the designation.

**“Agricultural activity, operation, or facility or appurtenances thereof”** (herein collectively referred to as “agricultural operations”) means and includes, but is not limited to the cultivation and tillage of the soil, dairying, the production cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, aquaculture, the raising of livestock, fur-bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market. **Any commercial cannabis activity including, but not limited to, production, cultivation, propagation, distribution, or sale of cannabis in any form is excluded from this definition.**

### **24.020 Findings.**

The Board of Supervisors finds that it is in the public’s interest to preserve and protect agricultural land and agricultural operations within Mono County. The Board of Supervisors also finds that when nonagricultural land uses occur in or near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to the lack of information about such operations. Such actions discourage investments in farm improvements to the detriment of agricultural uses and the viability of the county’s agricultural industry as a whole.

### **24.030 Purpose and intent.**

The purposes of this chapter are to protect agricultural operations on land designated as Agricultural from conflicts with adjacent or nearby non-agricultural land uses, to support and encourage continued agricultural operations in the county, and to forewarn prospective purchasers of property located adjacent to or near agricultural operations of the inherent attributes of such purchase including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living near agricultural operations and be prepared to accept those inconveniences as the natural result of living in or near agricultural lands.

This chapter is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Water Code, or any other applicable provision of State law relative to nuisance.

### **24.040 Nuisance.**

No agricultural operation conducted or maintained for commercial purposes and in a manner consistent with proper and accepted standards within the agricultural industry as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

### **24.050 Disclosure.**

- A. Mono County recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Section 24.040 of the Mono County General Plan protect certain preexisting agricultural production and processing operations (“agricultural operations”) from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts that are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

1. The agricultural operation must be conducted or maintained for commercial purposes;
  2. The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;
  3. The agricultural operation must predate the affected use(s) on your property;
  4. The agricultural operation must have been in existence for more than three years; and
  5. The agricultural operation must not have been a nuisance at the time it began.
- B. If your property is near an agricultural operation in the unincorporated area of the county, which satisfies the above requirements, you may at times be subject to inconvenience and/or discomfort arising from that operation. Such inconvenience may include (depending upon the type of agricultural operation protected), but is not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, nighttime lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the county Right to Farm standards as set forth in the county General Plan, or concerns with an agricultural operation, please contact the Mono County Agricultural Commissioner's office.
- C. This disclosure statement is given for informational purposes only and nothing in this chapter or in the disclosure statement shall prevent anyone from complaining to any appropriate agency or taking any other available remedy concerning any unlawful or improper agricultural practice.
- D. The disclosure statement set forth above shall be used as described in Section 24.060.

**24.060 Notification.**

Upon any transfer of real property located in the unincorporated area of the county by sale, exchange, installment land sale contract (as defined in Civil Code Section 2985), lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units, or resale transaction for a manufactured home (as defined in Health and Safety Code Section 18007) or a mobile home (as defined in Health and Safety Code Section 18008), which manufactured home or mobile home is classified as personal property and intended for use as a residence, the transferor shall deliver to the prospective transferee the written disclosure statement required by this chapter. The disclosure statement shall be delivered in the manner set forth in Civil Code Sections 1102.2 and 1102.10. Exceptions to the applicability of this section are set forth in Civil Code Section 1102.2. The written disclosure shall be set forth in, and shall be made on a copy of, the following disclosure form:

LOCAL OPTION  
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF MONO, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_ . THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE PROPERTY IN COMPLIANCE WITH CHAPTER 24 OF THE MONO COUNTY GENERAL PLAN AS OF \_\_\_\_\_, 2006. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S)



REPRESENTING ANY PRINCIPALS(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I.

SELLER'S INFORMATION

The Seller discloses the following formation with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF MONO, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S) IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

“The County of Mono recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Section 24.040 of the Mono County General Plan protect certain preexisting agricultural production and processing operations (“agricultural operations”) from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts that are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

1. The agricultural operation must be conducted or maintained for commercial purposes;
2. The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;
3. The agricultural operation must predate the affected use(s) on your property;
4. The agricultural operation must have been in existence for more than three years; and
5. The agricultural operation must not have been a nuisance at the time it began.

If your property is near an agricultural operation in the unincorporated area of the county, which satisfies the above requirements, you may at times be subject to inconvenience and/or discomfort arising from that operation. Such inconvenience may include (depending upon the type of agricultural operation protected), but is not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, nighttime lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the county Right to Farm standards as set forth in the county General Plan, or concerns with an agricultural operation, please contact the Mono County Agricultural Commissioner’s office.”

Seller \_\_\_\_\_ Date  
Seller \_\_\_\_\_ Date

II.

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.



I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_  
Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_

Agent (Broker Representing Seller) \_\_\_\_\_ (by) \_\_\_\_\_  
(Associate Licensee or Broker signature)

Date \_\_\_\_\_

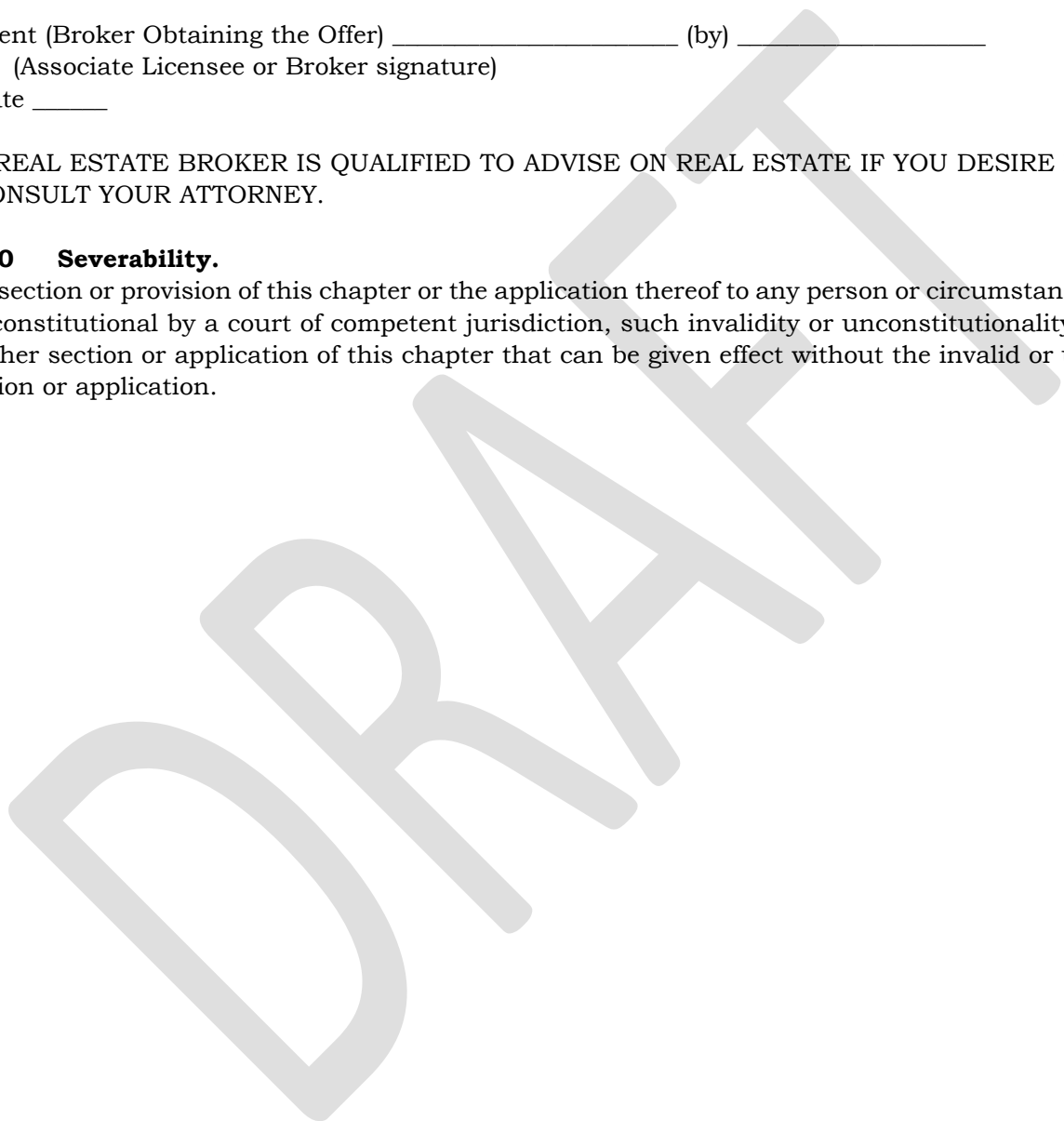
Agent (Broker Obtaining the Offer) \_\_\_\_\_ (by) \_\_\_\_\_  
(Associate Licensee or Broker signature)

Date \_\_\_\_\_

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE IF YOU DESIRE LEGAL ADVICE,  
CONSULT YOUR ATTORNEY.

**24.070 Severability.**

If any section or provision of this chapter or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other section or application of this chapter that can be given effect without the invalid or unconstitutional provision or application.



## **GPA 18-01 B) SHORT-TERM RENTALS**

### **SECTION I: NEW PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS AMENDMENTS**

#### Countywide

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

#### June Lake – Community Development: Land Use

16. *In recognition of the complexity, controversy, and sometimes personal nature of the impacts of short-term rentals in residential neighborhoods, effort is being made to avoid the trap of “yes” vs. “no” in policy and regulatory solutions, which often result in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.*
17. *In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 300 hours of staff time from December 2016 to December 2017. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for the development of policies and regulations.*
18. *Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.*
19. *Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.*

## **SECTION II: NEW PROPOSED COUNTYWIDE LAND USE ELEMENT POLICY AMENDMENTS:**

**Objective 1.L.** *Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH, excluding MFR-M and MFR-H) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.*

**Policy 1.L1.** *Approvals of Type I and Type III short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.*

**Action 1.L.1.a.** *The following permits are required to operate Type I and III short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION III. NEW PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS**

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

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

**Policy 13.M.1.** Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

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

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

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

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

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

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

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

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

## **SECTION IV. REVISIONS TO LAND USE DESIGNATIONS**

Revisions to some Land Use Designations are necessary for internal consistency with the existing Chapter 25.

For Single-Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), Multi-Family Residential Low (MFR-L), and Rural Mobile Home (RMH) land use designations, add the following under "Uses Permitted Subject to Use Permit:"

- Short-term rentals (less than 30 consecutive days) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan, see Objective 13.M.).

## **SECTION V. REVISIONS TO PROPOSED LANGUAGE FOR CHAPTER 2 - DEFINITIONS**

### **02.1035 Short-term rentals.**

"Short-term rental" 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 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, the term "short-term rentals" applies to such uses in residential land use designations (governed by Chapter 25 and Mono County Code Chapter 5.65), in contrast to "transient rentals."

### **02.1210 Transient rental.**

"Transient rental" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging or similar reasons. A "transient" is any person who exercises occupancy, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, the term "transient rental" applies to such uses in non-residential land use designations and MFR-H (governed by those designations and Chapter 26), in contrast to "short-term rentals."

**SECTION VI. REVISIONS TO EXISTING GENERAL PLAN CHAPTERS 25 & 26 (countywide):**

**DEVELOPMENT STANDARDS**

**CHAPTER 25 – SHORT-TERM RENTALS**

**Sections:**

<b>25.010</b>	<b>Intent.</b>
<b>25.020</b>	<b>Establishment of Type I Short-term Rental: Owner-Occupied.</b>
<b>25.030</b>	<b>Establishment of Type II Short-term Rental: Not Owner-Occupied.</b>
<b>25.035</b>	<b><u>Establishment of Type III Short-term Rental: Not-Owner Occupied in June Lake only.</u></b>
<b>25.040</b>	<b>Notice requirements.</b>
<b>25.050</b>	<b>Uses permitted.</b>
<b>25.060</b>	<b>Uses permitted subject to director review</b>
<b>25.070</b>	<b>Uses permitted subject to use permit</b>
<b>25.080</b>	<b>Additional requirements</b>

**25.010 Intent.**

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

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

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence on the same parcel or one 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. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65. ~~The use STR Activity Permit for this rental (MCC 5.65) shall be specific to run with the owner and not run with the land, and shall terminate upon a change of ownership. The short-term rental must be if consistent with this Chapter and applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.<sup>14</sup> Fees for appeal of Type I Use Permit decisions shall be waived.~~

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

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel, or one physically contiguous adjacent parcel, as a principal residence concurrently occupied by the owner. The short-term rental use may be established in the on any parcel (or group of parcels) with a single-family unit, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH on a group of parcels meeting the minimum district size of the underlying land use designation. The short-term rental must be consistent with applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this Chapter, initiation and application for a Type II short-term rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use

Designation Amendments) and subject to Chapter 26. The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

#### **25.035 Establishment of Type III Short-Term Rental: Not Owner-Occupied in June Lake Only**

Type III short-term rentals apply only in June Lake. Type III rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be permitted for any single-family unit having a land use designation(s) of SFR subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65. The STR Activity Permit (MCC 5.65) for this rental shall be specific to the owner and not run with the land, and shall terminate upon a change of ownership. The short-term rental must be consistent with this Chapter and applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access unless restricted as a seasonal rental.

#### **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 drawn 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 as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 120 days in advance of the hearing by mail, electronic mail, or other noticing means provided pursuant to by 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 ~~or multi-family~~ residence ~~located within an~~ approved ~~pursuant to short-term rental established by this~~ Chapter, for a period of less than thirty (30) days, must first obtain a Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65 vacation home rental permit and comply with all applicable requirements of that permit prior to operating, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

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.

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

## DEVELOPMENT STANDARDS

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

#### Sections:

26.010	Purpose and Findings.
<del>26.015</del>	<del>Applicability.</del>
26.020	Vacation Home Rental Permit.
26.030	Application and Issuance of a Vacation Rental Permit.
26.040	Standards and Requirements.
26.050	Rental Agreement and Owner Responsibility.
26.060	Compliance with Transient Occupancy Tax Requirements.
26.070	Enforcement.
<del>26.080</del>	<del>Existing and Otherwise Permitted Rentals.</del>
26.0890	Unauthorized Rentals Prohibited.

#### 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; ~~and to~~ provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs), and non-residential land use designations and MFR-H where the use is listed; ~~designated pursuant to Chapter 25 of the Mono County General Plan~~ and ~~to~~ provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the ~~County~~ designated as TRODs or for non-residential use 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 communities designations and MFR-H should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

#### 26.015 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 ~~on a transient basis~~ shall comply with the provisions of this Chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental, 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; ~~and~~

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-

7.8. 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 in order to obtain a vacation home rental permit and to maintain that permit in good standing:

A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:

1. The address of the rental unit must be clearly visible;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 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 for 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 as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
  - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit; and
  - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
  
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
  - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
  - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
  - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department; and
  - e.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 as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

## 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 reasonable-timely request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

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

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

### **26.070 Enforcement.**

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 eCounty 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 echapter 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 echapter 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 eChapter, 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 echapter.

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~~shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.~~

5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.

E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance 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 Cchapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

**~~26.080 Existing and Otherwise Permitted Rentals.~~**

~~Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this Cchapter.~~

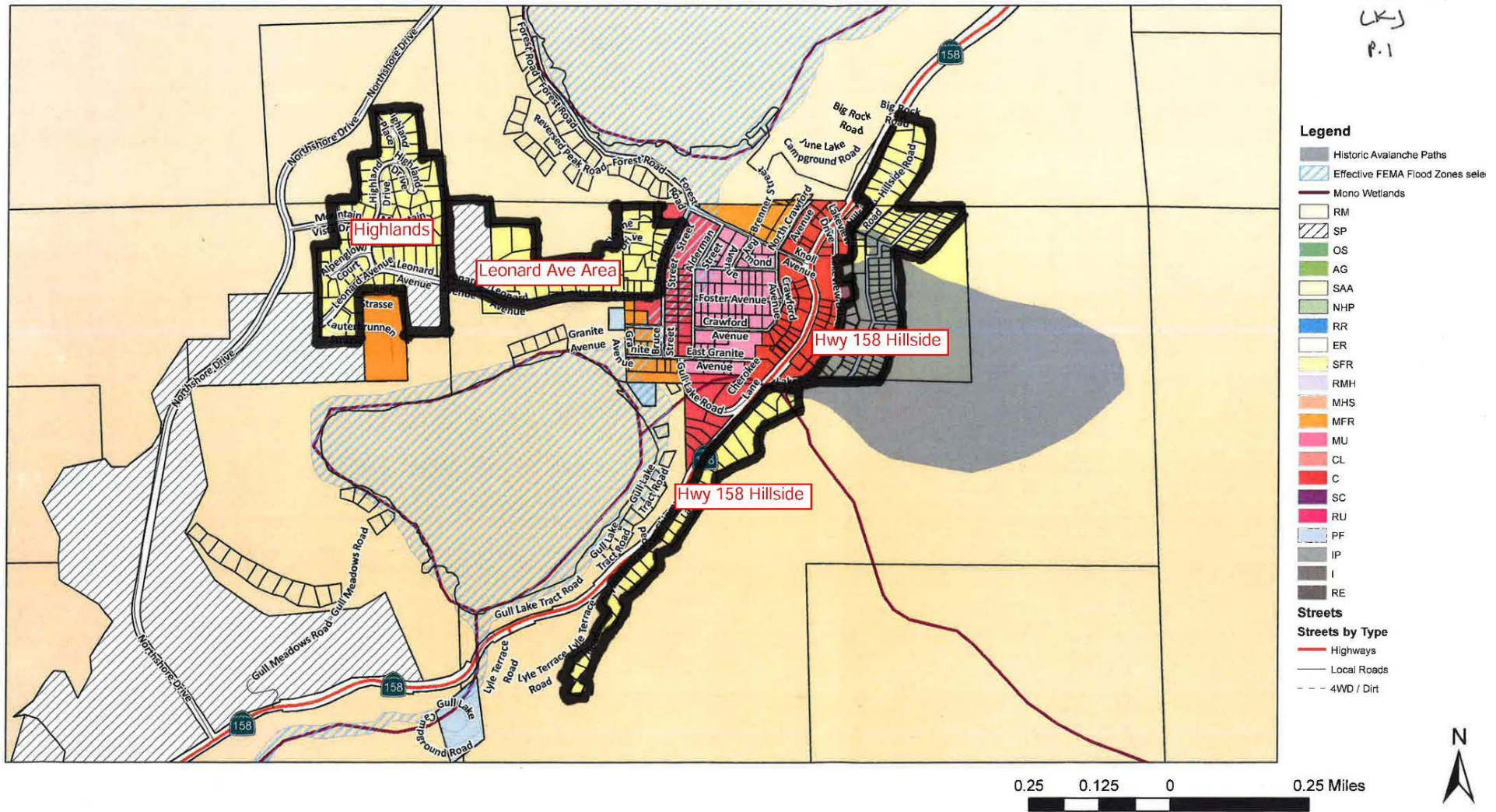
**A.80 Unauthorized Rentals Prohibited.**

- 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.

**Neighborhood Maps referenced in June Lake Area Plan Policy 13.M.1.**  
 (to be digitized and added to General Plan maps)

# June Lake: The Village

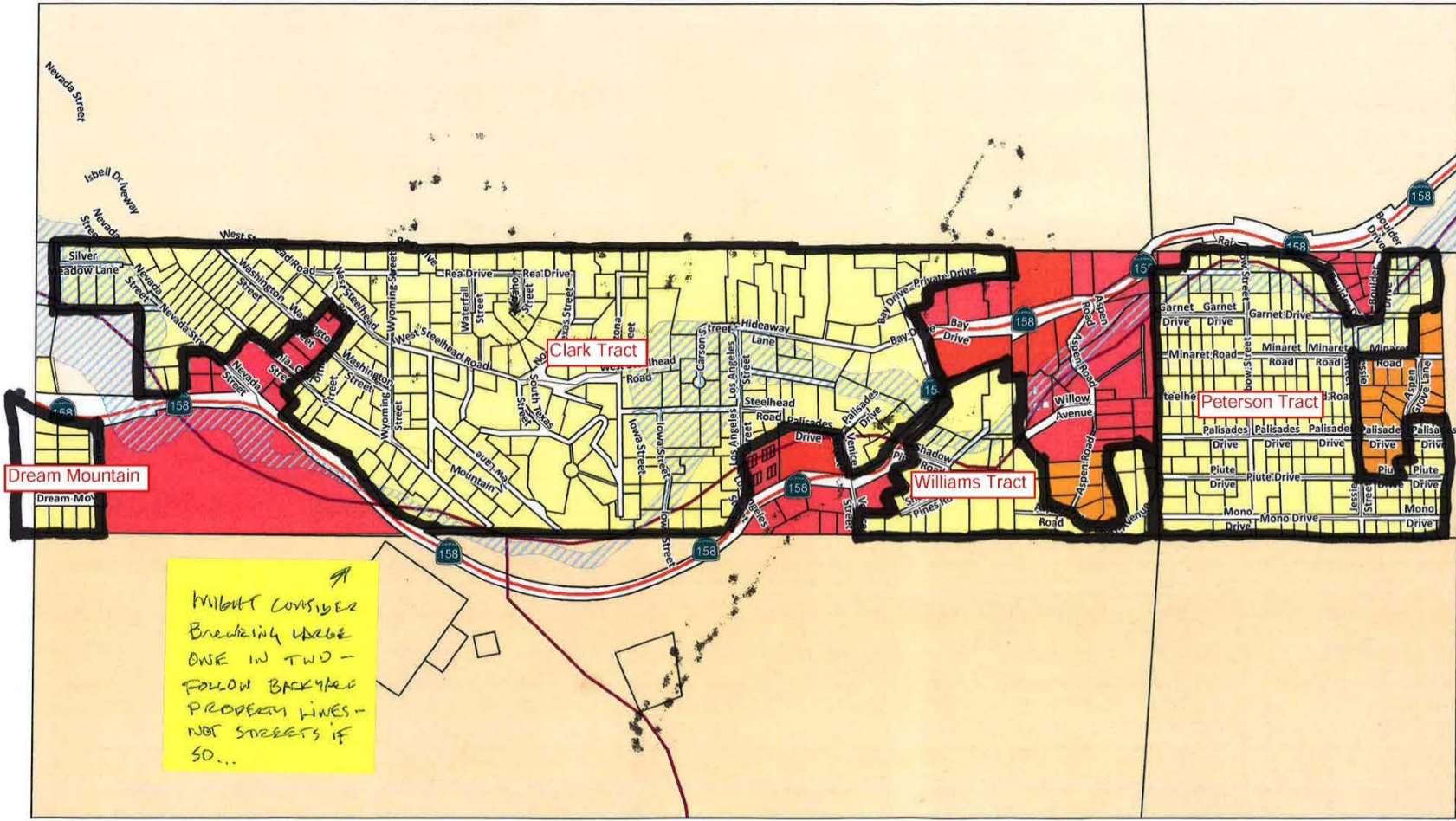
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 "NEIGHBORHOODS"  
 1-20-17  
 (LK)  
 P.1





# June Lake: The Clark & Peterson Tracts

DRAFT  
 "NEIGHBORHOODS"  
 1-23-17  
 LKJ  
 P. 2



- Legend**
- Historic Avalanche Paths
  - FEMA Flood Zone A
  - Mono Wetlands
  - RM
  - SP
  - OS
  - AG
  - SAA
  - NHP
  - RR
  - ER
  - SFR
  - RMH
  - MHS
  - MFR
  - MU
  - CL
  - C
  - SC
  - RU
  - PF
  - IP
  - I
  - RE
- Streets**
- Streets by Type**
- Highways
  - Local Roads
  - 4WD / Dirt

A  
 Will not consider  
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## GPA 18-01 C) HOUSING POLICIES

Add to Land Use Element, Countywide Policies:

**Policy 1.D.4.** *Require future development projects with the potential for significant housing impacts to provide a fair share of affordable and workforce housing units; e.g., an amount sufficient to accommodate the housing demand created by the development project, as determined through a housing impact assessment or compliance with the Mono County Housing Mitigation Ordinance.*

**Action 1.D.4.a.** *The County shall work with proponents during the specific plan or planning permit processes to ensure compliance.*

**Action 1.D.4.b.** *The County shall monitor the employee housing programs to ensure compliance and adjust employee housing policies when necessary.*

**GPA 18-01 D) TRANSPORTATION/CIRCULATION ELEMENT**

**Appendix D RTP amendment Mono County 5-Year Road Capital Improvement Program (CIP)**

<b>Recommended Projects</b>	<b>5-year Investment</b>	<b>FY17-18</b>	<b>FY18-19</b>	<b>FY19-20</b>	<b>FY20-21</b>	<b>FY21-22</b>
1 Systemic Safety Analysis Report (SSARP)	\$ 50	\$ 50				
2 Upper Summers Meadow Road Bridge (75% CDAA)	\$ 350	\$ 350				
3 Crowley Lake Drive Emergency Repairs (Disaster Funds)	\$ 86	\$ 86				
4 Bridgeport Main Street Revitalization (ATP)	\$ 434	\$ 23	\$ 43	\$ 368		
5 County-wide Fog Seal and Stripe (SB1)	\$ 670	\$ 670				
6 Highway Bridge Program Inventory Update (SB1)	\$ 20	\$ 20				
7 Rimrock ZOB Preventative Maintenance (ZOB)	\$ 30	\$ 30				
8 Bryant Field & Lee Vining Airport Runway Fog Seal & Stripe (AEF)	\$ 30	\$ 30				
9 Airport Road Rehabilitation (STIP)	\$ 1,273		\$ 31	\$ 52	\$ 1,190	
10 Eastside Lane Overlay/In-Place Recycle - Phase 1 (2014 STIP)	\$ 1,150	\$ 150	\$ 1,000			
11 Long Valley Streets Rehabilitation (2018 STIP)	\$ 3,000				\$ 3,000	
12 County-wide Fog Seal and Stripe - Phase 2 (SB1)	\$ 330		\$ 330			
13 Mono City Slurry Seal & Dig-outs (SB1)	\$ 100		\$ 100			
14 Benton Crossing Road Slurry Seal - Phase 1 (SB1)	\$ 640		\$ 640			
15 South Landing Road Overlay (SB1)	\$ 440		\$ 440			
16 Hackney Drive/Shop Road Rehabilitation (SB1)	\$ 250		\$ 250			
17 Highway Safety Improvement Program Project (HSIP)	\$ 550		\$ 50	\$ 500		
18 Twin Lakes Road Slurry Seal (SB1)	\$ 1,000			\$ 1,000		
19 Virginia Lakes Road Slurry Seal (SB1)	\$ 1,000			\$ 1,000		
20 Benton Crossing Road Slurry Seal - Phase 2 (SB1)	\$ 520			\$ 520		
21 Eastside Lane Overlay/In-Place Recycle - Phase 2 (SB1)	\$ 2,810				\$ 2,810	
22 Cunningham Lane Bridge Replacement (HBP)	\$ 1,750				\$ 250	\$ 1,500
23 Benton Crossing Road Overlay/In-Place Recycle (SB1)	\$ 2,960					\$ 2,960
	<b>\$ 19,443</b>	<b>\$ 1,409</b>	<b>\$ 2,884</b>	<b>\$ 3,440</b>	<b>\$ 7,250</b>	<b>\$ 4,460</b>
Amounts are in \$1,000s						
Remaining Balance		\$ -	\$ -	\$ -	\$ -	\$ -





**ORDINANCE NO. ORD18-\_\_**

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS  
ADOPTING GENERAL PLAN AMENDMENT (GPA) 18-01 CONSISTING OF FOUR PARTS – A)  
COMMERCIAL CANNABIS, B) SHORT-TERM RENTALS, C) HOUSING POLICIES, AND D)  
TRANSPORTATION/CIRCULATION ELEMENT, IN COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) AND CONSISTENT WITH THE MONO COUNTY  
GENERAL PLAN**

**WHEREAS**, in November 2016, the voters of California passed Proposition 64, legalizing adult recreational use of cannabis and commercial recreational cannabis activities, and the Proposition passed in Mono County and in every precinct; and in June 2017, Senate Bill 94 (SB 94) was passed, which consolidated the provisions of MCRSA and Proposition 64 into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and in November 2017 the State of California released Emergency Regulations for commercial cannabis activities; and

**WHEREAS**, Mono County enacted an interim moratorium on all commercial cannabis activities to provide time to develop recommendations for a responsible and comprehensive program to govern such activities under the County’s authority and in compliance with State regulations; and

**WHEREAS**, two rounds of outreach to the Regional Planning Advisory Committees (RPACs) and June Lake Citizens Advisory Committee (CAC) were conducted to craft General Plan policies pertaining to cannabis, which the Planning Commission recommended to the Board of Supervisors in October 2017, which the Board adopted with modifications in December 2017; and

**WHEREAS**, the Planning Commission continued to develop a land use regulatory framework and Development Standards for commercial cannabis activities through public workshops in December 2017, and January and February 2018, recognizing regulatory standards protect the health, safety and welfare of Mono County residents and the public; and

**WHEREAS**, Business and Professions Code § 26055(h) exempts the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity provided the discretionary review includes any applicable environmental review pursuant to the California Environmental Quality Act; and

**WHEREAS**, the June Lake community has consistently raised significant concerns over short-term rentals in residential areas for several years and through several controversial permit applications, and therefore an update to the June Lake Area Plan policies was initiated to identify solutions; and

**WHEREAS**, from December 2017 through December 2018 the June Lake Citizens Advisory Committee (CAC) developed, stewarded, and participated in an intensive public engagement process to

1 articulate neighborhood character, the positive and negative impacts of short-term rentals, and potential  
2 solutions, and over 50 hours of public meetings, supported by over 300 hours of staff time, were held; and

3 **WHEREAS**, the June Lake CAC made a recommendation to the Planning Commission regarding  
4 neighborhoods where short-term rentals are permissible or prohibited, and a set of policies for increased  
5 regulation, accountability and enforcement, and modified the permit process such that approvals are specific  
6 to an owner and non-transferrable if a property sells; and the Planning Commission reviewed the  
7 recommendation, directed the policies be applied countywide when possible, and made modifications; and

8 **WHEREAS**, a Housing Needs Assessment was completed in November 2017, which identified a  
9 need for affordable housing units to sustain and support the workforce in Mono County; and

10 **WHEREAS**, the Board of Supervisors continued the suspension of the Mono County Housing  
11 Ordinance under the condition that housing be elevated to a high-priority issue and a countywide General  
12 Plan Amendment be proposed to ensure a “fair share” of housing is captured from development projects  
13 with significant housing impacts; and

14 **WHEREAS**, the Regional Transportation Plan (RTP) serves as the core of the Mono County  
15 Circulation Element, and the RTP was amended by the Local Transportation Commission in December  
16 2017 to include a Mono County five-year road capital improvement program in Appendix D to ensure  
17 programming and prioritization of projects, and

18 **WHEREAS**, the amended RTP is being incorporated into the Mono County Circulation Element to  
19 ensure consistency; and

20 **WHEREAS**, Addenda to the 2015 RTP/General Plan Update (GPU) Environmental Impact Report  
21 (EIR) were prepared for the General Plan amendments for short-term rental policies and regulations,  
22 housing policies, and the Circulation Element; and

23 **WHEREAS**, on March 22, 2018, the Planning Commission held a duly-noticed public hearing,  
24 which was adjourned to April 5, 2018, regarding GPA 18-01 and approved Resolution R18-01  
25 recommending the Board approve the General Plan Amendment; and

26 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,  
27 including the recommendation of the Planning Commission, public testimony (including public testimony  
28 heard on April 17 and May 1, 2018, during the duly-noticed public hearing), written comments, staff reports  
29 and presentations, the Board of Supervisors now makes the required findings and adopts GPA 18-01 A)  
30 Commercial Cannabis, B) Short-Term Rentals, C) Housing Policies, and D) Transportation/Circulation  
Element amending language in the Land Use Element and Circulation Element.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO  
ORDAINS** as follows:

**SECTION ONE:** The Board of Supervisors finds that GPA 18-01A/Commercial Cannabis is  
exempt from CEQA per Business and Professions Code § 26055(h), and approves the use of  
addenda to the 2015 RTP/GPU EIR for GPA 18-01B/Short-term rentals, GPA 18-01C/Housing  
policies, and GPA 18-01D/Transportation/Circulation Element.



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**SECTION TWO:** The Board of Supervisors further finds that General Plan Amendment 18-01, including all text changes to the Land Use Element and Circulation Element of the Mono County General Plan pertaining to A) Commercial Cannabis Activities, B) Short-Term Rental policies and regulations, C) Housing policies, and D) Transportation/Circulation Element, which are attached hereto as Exhibit A and incorporated herein by reference, is consistent with the General Plan as well as all applicable area plans.

**SECTION THREE:** This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than 15 days after the date of this ordinance’s adoption and final passage. If the Clerk fails to so publish this ordinance within said 15-day period, then the ordinance shall not take effect until 30 days after the date of publication.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

Attest:  
  
\_\_\_\_\_  
Clerk of the Board

Approved as to form:  
  
\_\_\_\_\_  
County Counsel

Exhibit A for ORD18-\_\_\_\_  
General Plan Amendment 18-01

The GPA proposed for Board approval is found in the agenda packet for the April 17, 2018, meeting. After the public hearing, discussion, and final modifications by the Board of Supervisors, the final approved version of GPA 18-01 shall be inserted here and attached to the ordinance.

**Mono County  
Community Development Department**

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

**Planning Division**

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

**GPA 18-01**

**A) Commercial Cannabis**

April 17, 2018

To: Mono County Board of Supervisors

From: Michael Draper, Planning Analyst  
Wendy Sugimura, Interim Director

**Re: GPA 18-01A: Commercial Cannabis**

### **CEQA COMPLIANCE**

Business & Professions Code §26055(h) exempts adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review shall include any applicable environmental review pursuant to CEQA (Division 13, commencing with Section 21000, of the Public Resources Code). See Attachment 1.

### **BACKGROUND**

In October 2017, the Planning Commission recommended a General Plan Amendment adopting policies that address commercial cannabis in the Land Use Element and Conservation/Open Space Element. The Board of Supervisors adopted the recommended amendment, with a few modifications, in December 2017. Two rounds of outreach to the Regional Planning Advisory Committees were conducted to develop these General Plan policies and reflect community interests.

Concurrently, the Planning Commission reviewed a "consistency analysis" to determine appropriate land use designations for various commercial cannabis activities. The Commission continued this work in December 2017, and January and February 2018, along with specific regulations governing cannabis activities. These regulations are consolidated in the draft General Plan Land Use Element Chapter 13, Commercial Cannabis Activities. The draft Chapter is the result of public input and Planning Commission feedback to regulate commercial cannabis activity to protect the health, safety and welfare of county residents.

At past meetings the Planning Commission discussed in depth the topics of property setbacks, visual screening, odor mitigation, security requirements, and land use designations suitable for commercial cannabis activities. Public comments and public letters received were considered during these workshops.

The State issued emergency regulations on November 16, 2017, governing commercial cannabis activities legalized under state law. The new regulations comprise over 300 pages and are available at <https://cannabis.ca.gov/regulations-legislation/>. The General Plan regulations are drafted to complement, rather than duplicate, State regulations. However, the State regulations are very complicated, and so staff continues to review the regulations to ensure compatibility and coordination with the County's structure.

### **DISCUSSION**

The proposed General Plan Amendment to the Land Use Element includes identification of land use designations permitting commercial cannabis uses subject to a use permit and a Cannabis

Activity Permit that shall be set forth in Mono County Code Chapter 5.60; land use designations prohibiting commercial cannabis uses; and a new chapter establishing commercial cannabis development standards including setbacks, buffers from certain existing uses, security measures, odor control, signage and notices, visual screening/fencing, lighting, parking, noise, and other applicable regulations. See Attachment 2: General Plan Amendment Text for GPA 18-01A/Commercial Cannabis. New language is shown in italics and edits to existing language are shown in red font with existing language in standard black text. Changes suggested since the Planning Commission recommendation are in blue font.

Based on the Commission's recommendation, the Land Use Designations would be modified to allow the following uses subject to a Use Permit and Operations Permit:

- Agriculture: Cultivation, Processing, Nursery, and Microbusinesses (includes retail, manufacturing type N, P and 6, and distribution as an accessory use to a bona fide agricultural operation);
- Commercial: Manufacturing Type N, Manufacturing Type P, Testing, Distribution, Retail, and Microbusiness (subject to only the uses already permitted);
- Industrial: Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (subject to only the uses already permitted);
- Industrial Park: Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (subject to only the uses already permitted);
- Mixed Use: Manufacturing Type N, Manufacturing Type P, , Testing, Retail, Distribution, and Microbusiness (subject to only the uses already permitted); and
- Service Commercial: Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Testing, Retail, Distribution, and Microbusiness (subject to only the uses already permitted)

In addition, several elements discussed previously by the Planning Commission in Chapter 13 have been moved to Mono County Code Chapter 5.60 as these components pertained more directly to the operational details rather than land use compatibility. These elements include background check and Live Scan requirements, a listing of all persons with ownership interests, and the security plan. The authority to approve Mono County Code Chapter 5.60 rests with the Board of Supervisors. While Chapter 5.60 would have ideally been provided to the Commission as part of this item to provide a complete understanding of the full regulatory framework, the chapter is still in final development stages and not yet ready for release.

Three new elements are included in the proposed General Plan Amendment, including 1) regulations restricting outdoor cannabis cultivation in residential, commercial and conservation-based land use designations to a maximum of six mature and 12 immature plants under the Compassionate Use Act; 2) language excluding commercial cannabis activities from the application of a "similar to but not more obnoxious than" interpretation (04.030), home occupations (04.290) and Right-to-Farm provisions; and 3) the addition of the "processor" license type to the same land use designations that permit cultivation. The "processor" is a cultivation site

that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products. In addition, State law stipulates the following requirements:

- a) All aggregation of product shall adhere to track-and-trace requirements pursuant to sections 8405 and 8406 of CalCannabis regulation;
- b) Licensees may produce nonmanufactured cannabis products without a manufacturing license, provided compliance with packaging and labeling requirements pursuant to section 8212 of this chapter; and
- c) Cultivation of cannabis plants is prohibited at a licensed processor premises

Countywide Issues, Opportunities and Constraints are also included for addition to the Land Use Element. The Planning Commission recommended approval of these policies as part of GPA 17-03 in November 2017 (see Resolution R17-01 in the Dec. 5, 2017 Board agenda packet), but they were inadvertently left out of the Board's adoption. In addition, the Cole Memorandum has since been withdrawn and so appropriate edits are proposed as part of GPA 18-01.

Finally, the Bridgeport Regional Planning Advisory Committee (RPAC) unanimously recommended that commercial cannabis activities be banned in the Bridgeport Planning Area. A letter from the RPAC is included as Attachment 3.

## **ATTACHMENTS**

1. Notice of Exemption under Business & Professions Code §26055(h)
2. General Plan Amendment Text for GPA 18-01A/Commercial Cannabis
3. Bridgeport RPAC letter recommending banning commercial cannabis activity in the Bridgeport Planning Area



# NOTICE OF EXEMPTION

**TO:**  Office of Planning and Research  
PO Box 3044  
Sacramento, CA 95812-3044

County Clerk / County of Mono  
PO Box 237  
Bridgeport, CA 93517

**FROM:** Mono County Community Development  
PO Box 347  
Mammoth Lakes, CA 93546

**Project Title:** General Plan Amendment 18-01A/Commercial Cannabis

**Project Applicant:** Mono County

**Project Location – Specific:** Countywide

**Project Location - City:** NA      **Project Location - County:** Mono

**Description of Nature, Purpose, and Beneficiaries of Project:**

Project amends the Mono County General Plan Land Use Element to include policies and regulations for commercial cannabis land uses, including cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation, and other uses related to cannabis and cannabis products. Regulations include identification of land use designations allowing commercial cannabis uses subject to a use permit and a Cannabis Operation Permit that shall be set forth in Mono County Code Chapter 5.60; land use designations prohibiting commercial cannabis uses; modifications making the following definitions/regulations inapplicable to commercial cannabis: uses not listed as permitted (04.030), home occupation (04.290) and the Right-to-Farm regulations (Chapter 24); and a new chapter establishing commercial cannabis development standards including setbacks, buffers from certain existing uses, security measures, odor control, signage and notices, visual screening/fencing, lighting, parking, noise, and other applicable regulations.

**Name of Public Agency Approving Project:** Mono County

**Exempt Status:** *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15301, 15302, 15303 and 15304
- Statutory Exemptions. State code number: Business & Professions Code §26055(h)  
*(Address)*

**Reasons why project is exempt:**

Business & Professions Code §26055(h) exempts adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review shall include any applicable environmental review pursuant to CEQA (Division 13, commencing with Section 21000, of the Public Resources Code). The proposed General Plan policies in the project state a discretionary permit subject to CEQA shall be required for any future approvals of commercial cannabis activities.

**Lead Agency Contact Person:** Wendy Sugimura

**Area Code/Telephone/Extension:** (760) 924-1814

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant

**GPA 18-01 A) Commercial Cannabis**  
**Board of Supervisors Public Hearing, April 17, 2018**

*Note: Existing General Plan language is in standard text, amendments to existing General Plan language is in red text, and new text to be added is in italics.*

**COUNTYWIDE LAND USE: ISSUES, OPPORTUNITIES & CONSTRAINTS**

16. In 2016, the voters of California passed Proposition 64, legalizing the adult use, production, interstate transportation, and commercial activity of cannabis, including cultivation of up to six plants for personal use. The proposition was also passed by each voter precinct in Mono County, although by a smaller margin in Bridgeport and the Tri-Valley, and passed in the county overall. In the aftermath of this vote, Mono County had choices to 1) allow the State to regulate all activities with no local requirements, 2) ban activities in part or whole, or 3) develop local regulations. The County chose to develop local regulations and has jurisdiction over only privately held lands; state, federal and tribal lands are outside the County's jurisdiction.
17. Cannabis activities continue to be illegal under Federal law. ~~The 2013 "Cole Memo" from the Department of Justice indicates federal~~ Enforcement should focus on the following priorities: prevent distribution of cannabis to minors; prevent cannabis revenue from funding criminal enterprises, gangs or cartels; prevent cannabis from moving out of states where it is legal; prevent the use of state-legal cannabis sales as a cover for illegal activity; prevent violence and use of firearms in growing or distributing cannabis; prevent drugged driving or exacerbation of other adverse public health consequences associated with cannabis use; prevent growing cannabis on public lands; and prevent cannabis possession or use on federal property. Thus, these priorities, ~~which have merit beyond the Cole Memo~~, should be addressed by and the focus of County regulations to the extent possible.
18. The State of California, through three new licensing authorities, is implementing a robust permitting and regulatory process for commercial cannabis activities, including fees and taxation. To be effective, Mono County's regulations should work in concert with the State's broader regulations and requirements, and must be prepared to handle new components such as the "track and trace" system, testing requirements, and the collaboration between departments that is required for a successful new regulatory program.
19. Concerns expressed during two rounds of public input at Regional Planning Advisory Committee (RPAC) meetings about commercial cannabis activity include disruption of the sense of place, impacts to quality of life, lack of enforcement, aesthetic and visual impacts, use of pesticides and fertilizers harmful to the environment, personal safety and crime potential, odor nuisance, potential impact to families and children, water usage and discharge, energy usage, waste material, and that cannabis activities continue to be federally illegal. Public input indicated a preference to allow cultivation for personal use under state standards without any additional local regulations.
20. A particular concern emphasized by public input and public health officials is the particular vulnerability of children to the effects of cannabis use, and that the presence of cannabis plants or products may be an attractive nuisance for children. The potential impacts to children should be evaluated and managed within the complete context of substances of concern, such as alcohol and other controlled substances.
21. Opportunities expressed during two rounds of public input at Regional Planning Advisory Committee meetings about cannabis activity include a potential new economic opportunity for businesses, new jobs, new revenue for the County, and potential land value increases.
22. Cannabis licensing generally falls into six broad categories, including cultivation, manufacturing, distribution, testing, dispensary, nursery and microbusinesses. A variety of Land Use Designations are



necessary to accommodate all these licenses and provide for the full economic supply chain for the cannabis industry. In addition, each of these activity types requires the consideration of issues are unique to the cannabis industry that otherwise generally do not exist for the activity in general. Such considerations may include odor nuisance, security and protecting against the potential for the criminal element, specific regulation and inspection of agricultural operations, access by and attractiveness for minors, track and trace requirements, and testing and labeling requirements.

23. An integrated and complete regulatory package for oversight of commercial cannabis activities includes consideration of federal laws, state regulations, other local agencies and jurisdictions, and other County departments. The coordination and collaboration required for consistency throughout all levels requires a dedicated effort and active partnerships.

#### **AGRICULTURE, GRAZING, AND TIMBER: ISSUES, OPPORTUNITIES & CONSTRAINTS**

6. Cannabis is a new commodity that could provide significant economic opportunities for the agricultural industry, if carefully implemented within the constraints of state regulations and existing general plan policies, and with the recognition of inconsistencies between state and federal law. Also see Countywide Issues, Opportunities and Constraints in the Land Use Element.
7. Between the Cole Memo, State regulations, and community concerns, cannabis cultivation raises issues such as odor control, pesticide and fertilizer use, security and protecting against the potential for the criminal element, and track and trace compliance, among other issues, that require the industry be regulated differently from any other agricultural crop.
8. Cannabis oversight should be closely coordinated with the Inyo-Mono Agricultural Commissioner's office, who has significant responsibility under the state's regulatory framework for cannabis cultivation and for agricultural operations in general.

### **IV. LAND USE DESIGNATIONS**

#### **LAND USE DESIGNATION CRITERIA**

Each and every parcel of land in the unincorporated area of the county has been duly assigned a land use designation, or in rare cases multiple designations. Except as otherwise expressly provided by the Land Development Regulations set forth in Section VI of this Land Use Element, no land may be developed or used except in the manner permitted by its assigned designation. (See also Sections 01.060, 02.705, 03.010, and 04.020 of the Land Development Regulations.) The land use designations described below were applied to private lands in the county based on an area's suitability for certain uses. Each parcel or area was analyzed using the following criteria:

- Does the area include natural hazards that limit development, such as flood zones, Alquist-Priolo zones, unstable soils or steep slopes, etc.?
- Does the area include natural resources that limit development; e.g., wetlands, significant habitat, deer migration routes, etc.?
- What are the existing uses in the area?
- Is infrastructure available for development (i.e., sewer, water, roads, fire protection)?
- What is the existing land division pattern in the area and what are the lot sizes?

- Does the area have open space value (e.g., visuals, wildlife habitat, agricultural preservation, cultural resources)?
- What is the community vision for the future of the area?

## **LAND USE DESIGNATIONS**

The maximum population densities listed below were calculated without allowances for density bonuses. Density bonuses of varying percentages may be applied in various land use designations based on a variety of criteria, such as the provision of affordable housing or covered parking. Some Area Plans also provide for density bonuses if certain criteria are met. See Section 04.100 Density for density bonus provisions.

Land use designations shown on the land use maps are based upon an evaluation of natural, cultural, and social characteristics of the land as well as the countywide land use policy framework and specific area policies. However, the analyses did not always include a detailed study of the circumstances and environmental constraints of each specific parcel. Future detailed evaluation of specific properties may show that an alternate use is warranted. For this reason, upon proper application, the County will consider amendments to this plan.

Since the County has direct planning authority over only a small percentage of the lands in the county, the County must work with other land managers to manage the natural resources in the area in a coordinated and standardized manner, in order to conserve natural and cultural resources while at the same time providing for community needs. Although the Land Use Element assigns land use designations to all of the land within its planning area, the focus of the planning effort is the privately owned unincorporated lands within the county. Land use designations have been developed to reflect federal land use designations and to complement the land use designations used by the Town of Mammoth Lakes.

**Commercial cannabis activities are prohibited in all land use designations unless explicitly identified in the land use designation as a permitted use subject to use permit.**

NOTE: In the following Land Use Designation section, references to mobile home shall mean manufactured housing, as defined in Section 02.770.

## **PARCELS WITH MULTIPLE DESIGNATIONS**

Parcels with two or more land use designations or “split designations” should be divided along the land use designation lines when feasible, and a land division may be required as a condition of a Director Review or Conditional Use Permit for development purposes. All applicable land use designation regulations for each particular designation shall be applied to the corresponding portion of a split-designation parcel, and setbacks will be enforced from the split-designation line.

## **LAND USE DESIGNATION MAPS**

Maps of General Plan Land Use Designations on a parcel-by-parcel basis are available online at <https://monomammoth.maps.arcgis.com>

## Agriculture (AG)

**INTENT: The “AG” designation is intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture.**

### **PERMITTED USES**

- Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation<sup>1</sup>, except those requiring a use permit
- Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time
- Single-family dwelling
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Accessory buildings and uses<sup>3</sup>
- Farm labor housing
- Stands for sale of agricultural products grown on the premises
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Fisheries and game preserves <sup>1P</sup>
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units

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

- None stated

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

- Commercial hog and poultry raising
- Farm labor trailer parks
- Public utility buildings and structures
- Airports, heliports, taxiways, and landing strips
- Stock feeding yards, animal sales yards, agricultural processing plants, and slaughterhouses
- Limited-scale lodging, such as guest ranches, small inns, bed-and-breakfast establishments, and cabins  
c
- Animal hospitals large and small, veterinary clinics and animal boarding <sup>1P</sup>
- Kennel (see Animal Standards, Table 04.013)
- Mineral exploration activities (including geothermal exploration activities) <sup>8P</sup>
- Equestrian facilities <sup>1P</sup>
- Commercial hunting and fishing <sup>1P</sup>
- Rural recreation, parks, and golf courses <sup>1P</sup>
- Sports facilities and outdoor public assembly <sup>1P</sup>
- Plant nurseries <sup>1P</sup>, **excluding commercial cannabis nurseries (see commercial cannabis activities)**
- Commercial composting facilities
- Exotic animals <sup>1P</sup>
- **Commercial cannabis activities: Cultivation, Processing, Nursery, Retail\*, Manufacturing (Type 6, P & N)\*, Distribution\*, Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code. \*Accessory to the main use only**

## DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 2.5 acres, but varies by area – minimum parcel sizes/ densities are established by land use designation maps and policies. (Hammil Valley, see Tri-Valley Goal page II-86 through II-91) gp (Ten-acre minimum in the Antelope Valley) (Bridgeport Valley and Bodie Hills, see Hammil Valley <sup>rp</sup>)

**Minimum Lot Dimensions:** Width – 60'      Depth – 100' <sup>5</sup>

**Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 50'                      **Rear:** 50'                      **Side:** 50'

**Setbacks for Accessory Buildings Used as Barns or Stables**

**Front:** 50'                      **Rear:** 30' <sup>sl</sup>                      **Side:** 30' <sup>sl</sup>

**Building Density:** 1 du/lot and an Accessory Dwelling Unit <sup>gp</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Approximately two persons per acre.

### NOTES

1. "Agricultural uses" includes farm labor housing; agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies; repair, maintenance, servicing, storage, rental or sale of agricultural machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the necessary maintenance, repair and service of trucks and equipment used therein.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must: 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16); or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks).
3. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building, including barns, stables and other farm outbuildings and quarters for farm labor or other employees employed on the premises.
4. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" s 4, Uses not listed as permitted.
5. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.

### SEE ALSO

**Land Development Regulations –**

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

### FOOTNOTES

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

## Commercial (C)

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

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

### PERMITTED USES

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

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

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

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

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

- Educational – e.g., nursery and primary schools, private childcare facilities
- Miscellaneous services – e.g., religious activities
- Public – e.g., hospitals; post offices; water treatment plants; collection, sorting and transportation of recyclables; etc.
- Entertainment establishments – e.g., theaters, movies, cocktail lounges, bars, nightclubs, etc.
- Retail establishments – e.g., department stores, etc.
- Professional offices – e.g., medical complex, administrative centers, small animal hospitals and boarding kennels, etc.
- Buildings for conducting services – e.g., financial institutions, health clubs, convention centers, roller skating, bowling, indoor ice-skating, auto rental, fitness centers, etc.
- All of the permitted uses and uses subject to Director Review if determined necessary by the Director.
- **Commercial cannabis activities: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

**DEVELOPMENT STANDARDS**

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

**Minimum District Area:** 2 acres

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

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

**Minimum Setbacks:**

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

See Section 04.120 for other provisions.

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

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

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

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

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

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

### PERMITTED USES

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

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

- Transient rentals (rentals for fewer than 30 consecutive days) of up to three dwelling units

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

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days) of four or more dwelling units
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

### DEVELOPMENT STANDARDS

#### Minimum Lot Area:

All uses – 10,000 sf<sup>4</sup>

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

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

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

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

**Maximum Lot Coverage:** 60%

#### Minimum Setbacks:

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



See Section 04.120 for other provisions.

**Building Density:**

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

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

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

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

If density bonuses are granted (see 04.100 Density), in no case shall projects exceed 26 units/acre for residential units and 60 units/acre for commercial lodging units in the CL-H.

Units designated as manager/employee housing unit shall not be counted in density calculations.

**Population Density:**

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

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

Ch. 04 Development Standards – General

Ch. 06 Development Standards – Parking

Ch. 07 Development Standards – Signs

Table 04.010 Building Heights

## Estate Residential (ER)

**INTENT: The “ER” designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.**

### PERMITTED USES

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act.**

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

None stated

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

- Recreational amenities, e.g., art galleries, country clubs and golf courses
- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & Mobile-home Parks, Ch. 17)
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 1 acre<sup>4</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

#### Minimum Setbacks:

**Front:** 50’                      **Rear:** 30’<sup>sl</sup>                      **Side:** 30’<sup>sl</sup>

See Table 04.120 for other provisions.

**Building Density:** 1 du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

### NOTES

General Plan Amendment 18-01 A) Commercial Cannabis (Page 11)

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

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04           Development Standards – General
- Ch. 06           Development Standards – Parking
- Table 04.010   Building Heights
- Table 04.120   Minimum Yards

**FOOTNOTES**

- sl.           State Law requirement

## Industrial (I)

**INTENT: The “I” designation is intended to provide for heavy industrial uses that may potentially cause moderate to higher degrees of environmental nuisances or hazards.**

**The functional and visual character of the district is such that it should be located in areas that are relatively remote from residential and commercial development.**

### PERMITTED USES

- All uses listed as permitted under Industrial Park
- Caretaker unit – one per district
- Heavy-vehicle storage and maintenance
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code

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

- All uses subject to Director Review under the Industrial Park (IP) designation

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

- All uses subject to use permit under the IP designation
- General manufacturing such as batch plant, concrete <sup>C</sup>, asphalt and textile and lumber mills
- Alternative energy generation plants: photovoltaic, mirrors, and biomass conversion
- Refining of petroleum and its products
- Smelting of metals such as; copper, iron, tin, and zinc
- Waste processing and household hazardous waste management
- Distillation of alcohol
- Junkyards
- Auto wrecking and salvage yards
- Commercial excavation and mining of stone and earth materials
- Food processing, canning and similar uses
- Accessory buildings and uses<sup>1</sup>
- Heavy equipment storage <sup>gP</sup>
- Firewood processing and storage <sup>gP</sup>
- Impound yards <sup>gP</sup>
- **Commercial cannabis activities: Cannabis Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### DEVELOPMENT STANDARDS

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

**Minimum District Area:** 30 acres, except upon finding the dependence of a location on a resource (e.g., gravel pit).

**Minimum Lot Dimensions:** Width – 75’  
Depth – 100’

**Maximum Lot Coverage:** 80%

**Minimum Setbacks:** None stated for the district.

**Density:** Residential uses are not permitted, with the exception of caretakers' units.

**Maximum Building Height:** 40' A greater height may be approved by the Director.

**Landscaping:** Screening, fences will be required when the character of the proposed use, the size and location of the building site are such as to require screening. Landscaping is encouraged in the front-yard setback. Fence height may exceed 6 feet, but shall not interfere with necessary siting requirements for vehicles.

**Location Standards:** Before siting a proposed industrial district, proof shall be provided that it conforms to nuisances and hazards requirements of Section 04.250, Nuisances and hazards.

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

- Ch. 04 Development Standards - General
- Ch. 06 Development Standards - Parking
- Ch. 07 Development Standards - Signs

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition

## Industrial Park (IP)

**INTENT: The “IP” designation is intended to provide for a combination of light- and moderate-intensity industrial uses that do not create environmental nuisances or hazards to a degree that might be obnoxious or offensive to persons conducting business in this or adjacent areas.**

### **PERMITTED USES**

- Any proposed change of use when conducted within an existing, conforming, legally developed structure, for those uses subject to a Director Review or Use Permit
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code

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

- All permitted uses if deemed necessary by the Director
- Agricultural uses, nurseries, greenhouses
- Offices, business and professional
- Laboratories
- Commercial laundries and dry-cleaning establishments
- Wholesale sales and warehousing
- Vehicle repair garages and shops
- Manufacture of clothing, household effects, art, jewelry, silverware, ceramics, leather goods (assembly only) toys, and electronics
- Upholstery
- Shops for the assembly or completion of finished paper, wood, or metal products
- Editorial and designing, printing, lithography, bookbinding
- Painting, plumbing, electrical, cabinet and glass shops
- Public buildings and uses
- Light equipment rental and/or storage yards
- Storage yard for construction materials and equipment
- Lumber yards and building materials, wholesale and retail (but not lumber mills)
- Temporary buildings and appurtenant structures to allowed use
- Storage of recreational vehicles, boats and miscellaneous recreational related equipment
- Transfer facilities for waste management
- Collection, sorting and transportation of recyclables
- Accessory buildings and uses<sup>1</sup>

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

- Industrial condominiums
- Waste transfer and management facilities for diversion, recycling and long haul
- Tank farms
- Freight terminals
- **Commercial cannabis activities: Cannabis Cultivation, Nursery, Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Manufacturing Type 7, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### **DEVELOPMENT STANDARDS**

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

**Minimum District Area:** 10 acres

If abutting parcels have a commercial or industrial land use designation and existing uses on those abutting properties are compatible, a minimum district area of five acres may be considered.

**Minimum Lot Dimensions:** Width – 75’  
Depth – 100’ 4

**Maximum Lot Coverage:** 80%

**Minimum Setbacks:**

**Uses Subject to DR Front:** 20’      **Rear:** 5’      **Side:** 0’  
**Uses Subject to UP Front:** 20’      **Rear:** 10’      **Side:** 10’

See Section 04.120 for other provisions.

**Density:** Residential uses are not permitted.

**Maximum Building Height:** 40’

**Landscaping:** Screening, fences, and/or landscaping may be required when the character of the proposed use, the size and location of the building site or nature of adjacent uses are such as to require screening and will be determined as part of the Use Permit or Director Review process.

**Location Standards:** Before siting a proposed industrial park district, proof shall be provided that it conforms to nuisances and hazards requirements of section 04.250.

**Minimum Space Between Buildings:** 10’

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04      Development Standards – General
- Ch. 06      Development Standards – Parking
- Ch. 07      Development Standards – Signs

## Mixed Use (MU)

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

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

### **USES PERMITTED**

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

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

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

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

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



Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

**DEVELOPMENT STANDARDS**

**Minimum Lot Area:**

All uses – 10,000 sf <sup>5</sup>

Areas lacking community water and sewer – one-acre minimum all uses <sup>C, 1P</sup>

Land uses on lots measuring less than 10,000 sq. ft. shall be limited to single-family residences, duplexes and triplexes.

**Minimum District Area:** 5 acres

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

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

**Maximum Lot Coverage:** 60%

An additional coverage bonus of 10% (total coverage of 70%) shall be granted to structures that contain mixed commercial and residential (employee or long-term rentals) uses; commercial uses with public accommodations; or commercial uses that front a public pedestrian mall or plaza.

**Minimum Setbacks:**

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

See Section 04.120 for other provisions.

**Building Density:** Hotels, resort hotels, motels – 40 du/acre

Apartments, multifamily units, condominiums and similar uses – 15 du/acre

Density for mixed uses on one parcel; e.g., apartment units and motel units, will be calculated at a proportionate rate. <sup>gP</sup>

If density bonuses are granted (see 04.100 Density), in no case shall projects exceed 26 units per acre for residential units and 60 units per acre for commercial lodging units.

Units designated as manager/employee housing unit shall not be counted in density calculations.

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

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

**Landscaping:** Projects subject to use permit shall be required to either landscape per an approved landscape site plan or leave in natural open space (i.e., ungraded) all areas not covered by impervious surfaces. Any combination is acceptable.

**Special Regulations:**

- A change of business shall be reviewed for compliance with mixed-use designation.
- The hours of operation shall be limited to the period between 7 a.m. and 10 p.m.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

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

**FOOTNOTES**

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

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

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

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

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

### **PERMITTED USES**

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

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

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

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

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

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

#### **MFR-H only**

- Mobile-home parks (see Dev. Standards – Mobile Homes and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Social care facilities and related integrated professional offices
- Parking lots and parking structures when abutting a commercial district
- Hotels, motels, bed-and-breakfast establishments and dorms
- Transient rentals (fewer than 30 consecutive days) of four or more dwelling units only
- Manufactured housing subdivision (see Ch. 18)

### **DEVELOPMENT STANDARDS**

#### **Minimum Lot Area:**

##### **MFR-L**

Minimum lot size – 7,500 sf<sup>5</sup>

Single-family residences & duplexes – 7,500 sf  
Multiple family – 11,250 sf  
Condominiums, cooperatives, townhomes, cluster developments – 2 acres  
Schools – 5 acres

**MFR-M**

Minimum lot size – 10,000 sf<sup>5</sup>  
Condominiums, cooperatives, townhomes, cluster developments – 20,000 sf

**MFR-H**

Minimum lot size – 7,500 sf<sup>5</sup>  
Hotels, resort hotels, and motels – 20,000 sf  
Condominiums, cooperatives, townhomes, cluster developments – 20,000 sf

MFR-M Lots measuring less than 10,000 sq. ft. shall be limited to single-family & duplex uses.

**Minimum District Area:**     **MFR-M**    3 acres  
  **MFR-H**            5 acres

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

MFR-L width for:

- Condominiums, cooperatives, townhomes, cluster developments – 150’
- Schools – 200’

**Maximum Lot Coverage:**    **MFR-L**   40%                    **MFR-M and MFR-H**   60%

**Minimum Setbacks:**

**Front:**            20’                    **Rear:**            10’                    **Side:**            10’

See Section 04.120 for other provisions.

**Building Density:**

**MFR-L**

1 du/3,750 sq. ft. or 11.6 du/acre

**MFR-M & -H**

Condominiums, multifamily residences and similar uses – 15 du/acre

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

**MFR-H**

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

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

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c.           Clarification

## Natural Habitat Protection (NHP)

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

### PERMITTED USES

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

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

- Transient rentals (rental for fewer than 30 consecutive days) of up to three dwelling units (i.e., rental cabins or bed-and-breakfast establishments).

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

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

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 2 acres

**Minimum District Area:** 5 acres

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

**Minimum Lot Dimensions:** None stated

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

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

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

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

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

**Additional Requirements:**

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition

## Open Space (OS)

**INTENT: The “OS” designation is intended to protect and retain open space for future generations. These lands may be valuable for resource preservation (e.g., visual open space, botanical habitat, stream environment zones, etc.), low-intensity recreational uses, mineral resources, or other reasons.**

### PERMITTED USES

- Agriculture
- Bikeway, pedestrian ways, equestrian trails, cross country ski touring, ski-back trails
- Wildlife preserves, botanical preserves and similar uses <sup>gp</sup>
- Single-family dwelling <sup>gp</sup>
- Commercial aquaculture activities
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

None stated

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

- Recreation areas requiring significant modification of natural landscape – e.g., golf courses, tennis courts, commercial stables, downhill ski runs
- Accessory buildings and uses, including barns, stables and farm buildings
- Water storage tanks
- Mineral exploration activities (including geothermal exploration activities) <sup>gp</sup>

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** None

**Minimum District Area:** None

**Maximum Site Disturbance:** 10% (includes lot coverage) <sup>gp</sup>

**Density:** 1 du/80 acres and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units). <sup>gp</sup> No residential development is allowed if the parcel size is less than 80 acres  
c

**Population Density:** Approximately 0.06 persons per acre.

### NOTES

1. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280.

### SEE ALSO

#### Land Development Regulations –

Ch. 04 Development Standards – General

Ch. 06 Development Standards – Parking

Table 04.010 Building Heights

### FOOTNOTES

c. Clarification

gp. General Plan addition



## Resource Management (RM)

**INTENT: The “RM” designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities. The RM designation indicates the land may be valuable for uses including but not limited to recreation, surface water conservation, groundwater conservation and recharge, wetlands conservation, habitat protection for special-status species, wildlife habitat, visual resources, cultural resources, geothermal or mineral resources. The land may also need special management consideration due to the presence of natural hazards in the area; e.g., avalanche-prone areas, earthquake faults, flood hazards, or landslide or rockfall hazards.**

The RM designation provides for low-intensity rural uses in a manner that recognizes and maintains the resource values of the parcel.

Land subject to the land use authority of an agency other than the County may be designated RM with a reference to the appropriate plan as follows:

Humboldt-Toiyabe National Forest Land & Resource Management Plan – RM/TNF  
Inyo National Forest Land & Resource Management Plan – RM/INF  
Mono Basin National Forest Scenic Area Comprehensive Management Plan – RM/MB  
Bureau of Land Management, Bishop Resource Management Plan – RM/BLM  
California Department of Fish and Game Lands – RM/DFG  
Mammoth Yosemite Airport Land Use Plan – RM/ALUP

These designations recognize the planning authority of other agencies on publicly owned lands only; the County has authority over private and LADWP (Los Angeles Department of Water and Power) lands throughout the unincorporated area.

### **PERMITTED USES**

- Single-family dwelling
- Manufactured home used as a single-family dwelling<sup>1</sup>
- Accessory buildings and uses<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Resource exploratory activities that do not involve excavation, devegetation, or other potentially significant environmental effects
- Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation<sup>3</sup>, except those requiring a use permit
- Small-scale agriculture
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units)
- Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

- Resource exploratory activities that involve excavation, devegetation, or other potentially significant environmental effects

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

- Limited-scale lodging, such as small inns, bed-and-breakfast establishments, and cabins, if found by the Commission to be compatible
- Recreation facilities, such as improved bike trails, cross country ski trails, and pedestrian trails requiring modification of the natural landscape, if found by the Commission to be compatible with the natural habitat of the area
- Construction of an accessory building prior to construction of the main building
- Airports, heliports, taxiways, and landing strips for aircraft
- Mining and geothermal exploration projects
- Commercial composting facilities

**DEVELOPMENT STANDARDS**

**Minimum Parcel Size:** 40 acres or 1/4 of 1/4 section

**Maximum Site Disturbance:** 10% maximum lot coverage is 5%.

Maximum site disturbance may be increased in conformance to the specific plan process.

**Minimum Setbacks:**

**Front:** 50'                      **Rear:** 30'                      **Side:** 30'

**Maximum Building Density:** one du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per 40 acres or approximately 0.13 persons per acre.

**NOTES**

1. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile-home and RV Parks).
2. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
3. "Agricultural uses" include agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies, machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the necessary maintenance, repair and service of trucks and equipment used therein; the feeding and selling of livestock; aquaculture; accessory buildings and uses including barns, stables and other farm outbuildings; quarters for farm labor or other employees employed on the premises; stands for sale of agricultural products grown on the premises.
4. Large-scale projects may be subject to a Specific Plan (Ch. 36) in conformance to the General Plan.
5. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" Chapter 04, Uses not listed as permitted.

**SEE ALSO**

**Land Development Regulations –**

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

## Rural Mobile Home (RMH)

**INTENT:** The “RMH,” rural mobile home, district is intended to provide for development in rural areas within the county consistent with developed lifestyles when mixed uses are determined to be acceptable to the citizens of the RMH area. The RMH district is further intended to provide for mixed uses such as single-family residences, mobile homes used as residences, small-scale agriculture and the keeping of fowl and animals for personal use.

### PERMITTED USES

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Mobile home used as a single-family dwelling<sup>2</sup> sl
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act

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

- None stated

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

- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17<sup>C</sup>)
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 1 acre<sup>4</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

#### Minimum Setbacks:

**Front:** 20’                      **Rear:** 10 sl’                      **Side:** 10 sl’

#### Setbacks for Accessory Buildings Used as Barns or Stables

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Building Density:** 1 du/lot and an Accessory Dwelling Unit<sup>8P</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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

**FOOTNOTES**

- c. Clarification
- gp. General Plan addition
- sl. State Law requirement

**Rural Residential (RR)**

**INTENT: The “RR” designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Small-scale agriculture, including limited commercial agricultural activities, is permitted.**

**PERMITTED USES**

- Single-family dwelling
- Small-scale agriculture
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Manufactured home used as single-family dwelling <sup>2</sup>
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

None stated

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

- Recreational amenities; e.g., art galleries, country clubs, and golf courses
- Kennel
- Construction of an accessory building prior to construction of the main building
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17 <sup>c</sup>)
- Small-scale agriculture, including limited commercial agricultural activities <sup>FP</sup>
- Manufactured housing subdivision (see Ch. 18)

**DEVELOPMENT STANDARDS**

**Minimum Parcel Size:** 1 acre <sup>4</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Setbacks for Accessory Buildings Used as Barns or Stables**

**Front:** 50’                      **Rear:** 30 sl’                      **Side:** 30 sl’

**Building Density:** 1 du/lot and an Accessory Dwelling Unit <sup>8P</sup> (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre.

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations -**

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

**FOOTNOTES**

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

## Rural Resort (RU)

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

### PERMITTED USES

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

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

- None stated

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

- Construction of an accessory building prior to construction of the main building
- Recreational-vehicle parks (see Dev. Standards – Mobile-home and RV Parks, Ch. 17)
- Hotels, motels, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited restaurants, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days)
- Developed campgrounds
- Commercial recreational facilities such as cross country ski facilities, equestrian facilities, golf courses and facilities (if developed in conjunction with lodging facilities), marinas and boathouses
- Employee housing, if developed in conjunction with recreational/lodging facilities

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** 5 acres

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

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

**Minimum Setbacks:**

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

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

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



## Service Commercial (SC)

**INTENT: The “SC” designation is intended to provide for a wide variety of wholesale, retail and service uses that are not normally compatible with uses permitted in other commercial districts; e.g., enclosed light manufacturing of a non-polluting type, limited outdoor storage.**

### PERMITTED USES

- Any proposed change of use when conducted within an existing conforming, legally developed structure. Exterior structural alterations, additional parking or outdoor storage shall require a use permit. The following uses are examples of such permitted uses within existing structures:
  - Cottage industry – e.g., limited recreational equipment, apparel and other finished products, crafts, printing, etc.;
  - Repair services – e.g., car repair and parts, plumbing, electrical, etc.;
  - Construction services – e.g., contractor or building services, engineering contractor<sup>TP</sup>, cabinet-making, roofing, water-well drilling, contractor storage, etc.;
  - Transportation services, limited travel agents, bus terminals, enclosed packing and shipping terminals, existing truck and trailer parking – heavy- equipment storage<sup>TP</sup>;
  - Warehousing, enclosed retail and wholesale storage;
  - Sale lots – e.g., car sales, (requires a minimum one-half acre area);
  - Any combination of the permitted service commercial uses;
  - All permitted uses in the C designation; and
  - Construction supplies, materials and equipment storage<sup>TP</sup>

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

- All uses subject to Director Review in the C designation
- Collection, sorting and transportation of recyclables.

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

- All uses subject to a use permit in the C designation
- All permitted uses in the C designation, but requiring new construction or alterations
- All uses utilizing outdoor storage
- **Commercial cannabis activity: Processing, Manufacturing Type N, Manufacturing Type P, Manufacturing Type 6, Testing, Retail, Distribution, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.**

### DEVELOPMENT STANDARDS

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

**Minimum District Area:** 3 acres

If abutting land use designations have a commercial or industrial land use designation, and existing uses in these abutting properties are compatible, a minimum district area of two acres may be considered.

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

**Maximum Lot Coverage:** 70%

**Minimum Setbacks:**

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

See Section 04.120 for other provisions.

**Building Density:** one du/lot and Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units). Employee housing for those working on the premises subject to use permit. <sup>rp</sup>

**Density:** Maximum population density is 5.02 persons per five acres or approximately one person per acre. <sup>rp</sup>

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

**Landscaping:** Any uses subject to use permit shall be required to either landscape (per approved landscape plan) or leave in natural open space (i.e., ungraded) all areas not covered by impervious surfaces. Fencing, berms and/or landscaping may be required to buffer incompatible land uses as determined by the Director or the Commission.

**Fences:** None required, except when adjoining a residential district, then a screening fence or wall not less than 5 feet high or more than 6 feet in height shall be erected along adjoining residential district.

### **NOTES**

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

### **SEE ALSO**

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

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

### **FOOTNOTES**

- rp. Recommendation from the Regional Planning Advisory Committee
- sl. State Law requirement

## Single-Family Residential (SFR)

**INTENT: The “SFR” district is intended to provide for the development of single-family dwelling units in community areas.**

### PERMITTED USES

- Single-family dwelling
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units)
- Manufactured home used as a single-family dwelling<sup>2</sup> sl
- Transitional and Supportive Housing<sup>6</sup>
- **Outdoor cultivation of a maximum of six mature and twelve immature cannabis plants under the Compassionate Use Act**

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

- None stated

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

- Cluster development of single-family dwellings on lots of 3+ acres
- Country clubs and golf courses
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17) <sup>C</sup>
- Construction of an accessory building prior to construction of the main building
- Manufactured housing subdivision (see Ch. 18)

### DEVELOPMENT STANDARDS

**Minimum Lot Size:** 7,500 sf <sup>3,5</sup>

**Minimum District Area:** 5 acres

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

**Maximum Lot Coverage:** 40%

**Minimum Setbacks:**

**Front:** 20’                      **Rear:** 10’                      **Side:** 10’

See Section 04.120 for other provisions.

**Building Density:** 1 du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

**Population Density:**

Maximum population density of 15 persons per acre

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

**NOTES**

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

**SEE ALSO**

**Land Development Regulations –**

- Ch. 04            Development Standards – General
- Ch. 06            Development Standards – Parking
- Ch. 10            Development Standards – Equestrian Overlay District
- Table 04.010    Building Heights

**FOOTNOTES**

- c.            Clarification
- sl.          State Law requirement

# Land Development Regulations

## Chapter 4 – General

### 04.030 Uses not listed as permitted.

A. It is recognized that in the development of comprehensive land use development standards that:

1. Not all uses can be listed nor can future uses be anticipated; and
2. Uses may have been omitted from the list of those specified as permissible in each of the various Land Use Designations described in this Land Use Element, hence the phrase, "plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public health, safety and welfare." **Notwithstanding the above, commercial cannabis activities shall not be interpreted as a similar use; are explicitly excluded from "uses not listed as permitted;" and are prohibited unless stated otherwise.**

B. Interpretation of "similar uses."

Where the term "and such other uses as the Director or Commission finds to be similar and not more obnoxious ... " is mentioned, it shall be deemed to mean other uses that, in the judgment of the Director or the Planning Commission, as evidenced by a written decision, are similar to and not more obnoxious to the general welfare than the uses listed for the same designation. If a use is found similar to a permitted use or similar to a use requiring a Director Review or Use Permit, it shall also be permitted subject to the same requirements as its most similar listed use. The Director shall make the interpretation concerning uses permitted or uses permitted subject to director review; the Planning Commission shall make the interpretation for uses permitted subject to use permit. For interpretation of uses of a potentially controversial or sensitive nature, the Director may submit the matter to the Commission for an interpretation.

**An interpretation of "similar uses" shall not apply to commercial cannabis activities, which are prohibited in all land use designations unless explicitly identified in the land use designation as a permitted use subject to use permit.**

Any decision may be appealed in accordance with Chapter 47, Appeals.

Prior to taking an action to find a use similar to and not more obnoxious to the general welfare than the uses listed for the same designation, the Director or the Planning Commission shall find all of the following:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;
3. That the use is capable of meeting the standards and requirements of that designation; and
4. That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.

#### **04.290 Home occupation.**

Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home-occupation standards. A proposed home occupation must be clearly incidental and secondary to the residential use of the parcel and must be carried on within on-site structures by inhabitants of the parcel.

In order to maintain the home occupation and the business license, the applicant shall comply with all of the following home-occupation standards at all times:

- A. The business shall be confined completely within the dwelling and ancillary structures, excepting two vehicles not to exceed one ton towing capacity each;
- B. The business shall involve no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; as long as no other violation of any other subsection occurs;
- C. The business shall be carried on by members of the family occupying the dwelling, with no other persons employed;
- D. The business shall produce no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);
- E. The business shall not generate pedestrian, vehicular traffic, or parking needs beyond that normal in the neighborhood in which located;
- F. The business shall require no structural, electrical or plumbing alterations in the dwelling;
- G. The business shall involve no equipment other than that customarily used in dwellings; and
- H. The business shall involve no outdoor storage or advertising.
- I. A cottage food operation as defined in Section 113758 of the Health and Safety Code and in compliance with AB1616 shall be a permitted home occupation provided it complies with all applicable provisions of this section and the Health and Safety Code, as it may be amended. Any applicant for a home occupation under this subsection shall demonstrate he or she operates a qualifying cottage food operation. Notwithstanding the foregoing, subsection C above shall not apply to a cottage food operation.
- J. Modifications to the above requirements may be permitted with an Expanded Home Occupation Permit.
- K. Expanded Home Occupation permits require approval by the Planning Commission at a public hearing.
- L. **The business shall not involve commercial cannabis activities of any type.**

Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;
3. That the use is capable of meeting the standards and requirements of that designation; and
4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.

# Development Standards

## Chapter 13 – Commercial Cannabis Activities

### Sections:

13.010	<b>Purpose</b>
13.020	<b>Definitions</b>
13.030	<b>Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter</b>
13.040	<b>Compliance with Laws</b>
13.050	<b>Permits Required</b>
13.060	<b>Use Permit Application Requirements</b>
13.070	<b>General Standards and Requirements</b>
13.080	<b>Cannabis Cultivation</b>
13.090	<b>Cannabis Distribution and/or Processor</b>
13.100	<b>Cannabis Manufacturing</b>
13.110	<b>Cannabis Testing Facilities</b>
13.120	<b>Cannabis Retail and Delivery</b>
13.130	<b>Cannabis Microbusiness</b>

### **13.010 Purpose**

*This Chapter provides regulations for the local permitting of commercial cannabis activities under specified conditions in the unincorporated areas of the County; its purpose is to protect the public health, safety, and welfare; enact strong and effective regulatory and enforcement controls in compliance with state law and any applicable federal enforcement guidelines; protect neighborhood character; and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas while accommodating the health needs of medical cannabis patients and establishing an avenue through which adult-use businesses may operate consistent with state law.*

### **13.020 Definitions**

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

### **13.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter**

*Except as specifically authorized in this Chapter, commercial cannabis activities which include, but are not limited to, cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation of cannabis or cannabis products, and cannabis events are expressly prohibited in the County of Mono without state licenses and applicable local permits and licenses. For the purposes of this Section, “commercial cannabis activity” does not include the activities defined in Section 11362.1 and Section 11362.2 of the California Health & Safety Code related to personal use and cultivation.*

### **13.040 Compliance with Laws**

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

### **13.050 Permits Required**

*Prior to operation of a commercial cannabis activity the following shall be obtained through an application process with the Mono County Community Development Department (“Department”) as necessary:*

- A. Conditional Use Permit (pursuant to Chapter 32 – Use Permit),*
- B. Cannabis Operation Permit per Mono County Code 5.60,*

- C. *Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04, and*
- D. *Cannabis business tax certificate, if applicable.*

### **13.060 Use Permit Application Requirements**

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

- A. *If the applicant is not the landowner of the real property upon which the premises is located, the applicant shall provide to the County a document from the landowner or the landowner's agent that states that the applicant has the right to occupy the property and acknowledging the applicant may use the property for the commercial cannabis activity for which the applicant is applying. An applicant shall also provide a copy of the rental agreement, as applicable.*
- B. *If the applicant is the landowner of the real property upon which the premises is located, the applicant shall provide to the County a copy of the title or deed to the property.*
- C. *Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(s) being requested;*
- D. *Documentation, plans, or specifications demonstrating compliance with the General Standards and Requirements of this Chapter, 13.070, and any additional applicable requirements for specific commercial cannabis activities found in all applicable State and local laws and regulations.;*
- D. *A valid Mono County Business License (must be obtained prior to permit issuance); and*
- E. *All required application materials shall be prepared and submitted at the time of application, with the required fee. Incomplete applications shall be returned with a list of required components and may be resubmitted with completed documentation.*

### **13.070 General Standards and Requirements**

*Commercial cannabis activities shall comply with all General Plan policies and regulations, in addition to this Chapter. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:*

- A. *All commercial cannabis activity shall be conducted between licensed and permitted cannabis operations.*
- B. *The Permittee shall be responsible for ensuring that all commercial cannabis activities on the premises operate in good standing with permits and licenses required by Mono County Code and State law. Failure to take appropriate action shall be grounds for the modification or revocation of the Use Permit;*
- C. *Site Control. All commercial cannabis activity shall meet the following site control standards:*
  - 1. *No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities; and*
  - 2. *An additional corridor of exclusion applies in the Crowley Lake community on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.*
- D. *Setbacks.*
  - 1. *All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks. Additional setback requirements per commercial cannabis activity type shall be set forth in specific sections of this Chapter.*
- E. *Odor Control.*
  - 1. *An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.*
  - 2. *An odor mitigation plan shall ensure that cannabis odors are mitigated outside of the facility; on adjacent property or public right of way; on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants*



or the visiting public; or within any other unit located inside the same building as a commercial cannabis activity, and may include the following:

- i. Odor-control filtration and ventilation system(s) to control odors;
  - ii. Devices and/or techniques incorporated into the facility or premise to mitigate the off-site detection of Cannabis odors.
3. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Commercial Cannabis Operation Permit.

**F. Signage and Notices.**

1. A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.
2. No banners, flags, billboards or other prohibited signs may be used at any time.

**G. Visual Screening/Fencing.**

1. All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.
2. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
3. If linear features are proposed, a Visual Screening Plan is required to demonstrate visual compatibility with the surrounding landscape, viewscape, and/or community character, including but not limited to fencing. A Visual Screening Plan shall be submitted with the application and be compatible with:
  - i. General Plan Land Use Element Conservation/Open Space Element 05-02 Issues/Opportunities/Constraints, Visual Resources and 05-03 Policies, Visual Resources;
  - ii. General Plan Land Use Element 02-06 Land Development Regulations, Chapter 4.160 Fences, Screening and Landscaping;
  - iii. General Plan Appendices, 09-03 Mono County General Design Guidelines, Chapter 2, Site Planning & Landscape; and
  - iv. Landscaping species shall be consistent with those identified in General Plan Appendices 09-03, Mono County General Design Guidelines, "Plants."
  - v. Visual screening shall blend into the surrounding landscape as best as possible.

**H. Lighting.**

1. A Lighting Plan demonstrating compliance with the following:
  - i. All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.
  - ii. Design specifications and/or cut sheets for all proposed exterior lighting shall be detailed in the Lighting Plan.
2. Commercial cannabis activities located north of Mountain Gate Park shall comply with Land Use Element Chapter 23 – Dark Sky Regulations.

**I. Parking.**

1. A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.
2. The Parking Plan shall comply with General Plan Land Development, Chapter 6 - Parking.

**J. Noise.**

1. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.
2. The General Plan Noise Element shall apply to all commercial cannabis activities.
3. The Planning Commission may approve the use of a "fixed noise source," as defined in Mono County Code Chapter 10.16, or "generator" as defined in state law and regulation, provided certain criteria are considered, including but not limited to:
  - i. Applicant has successfully demonstrated compliance with Mono County Code Chapter 10.16 and all applicable local and State law and regulation;
  - ii. Appropriate sound-deadening features and infrastructure have been installed where applicable; and

- iii. *Impacts on adjacent properties and the neighborhoods have been evaluated and considered negligible; and*
  - iv. *The premise location has power constraints such that the prohibition of the use of such equipment would be overly burdensome on the operation.*
- K. *Fire Protection. All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
- 1. *Commercial cannabis activities shall comply with General Plan Land Development Regulations, Chapter 22, Fire Safe Regulations; PRC Sections 4290 and 4291; and the current California Building Code.*
  - 2. *Fire Prevention Plan. The permittee shall prepare, submit, and implement a Fire Prevention Plan for construction and ongoing operations and obtain a Will-Serve letter from the local fire protection district. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire-break maintenance around all structures.*
  - 3. *All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
- L. *Security Plan. Compliance with the security plan approved under the Cannabis Operation Permit (Mono County Code Chapter 5.60) is required.*
- M. *Water Conservation. Water conservation measures, water capture systems, or grey water systems shall be incorporated, consistent with the Resource Efficiency Plan policies, to minimize use of water where feasible.*

### **13.080 Cannabis Cultivation**

*In addition to 13.070 requirements, a permit for cultivation is subject to the following additional requirements:*

- A. *Setbacks*
- 1. *Outdoor cultivation areas and all associated structures located on or around the premises shall meet all applicable setback requirements set forth in the Land Use Designation Chapter 02-04.*
  - 2. *Outdoor cultivation areas shall be set back three-hundred (300) feet from 1) existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space; 2) the property line of any neighboring parcel under a different land use designation; 3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and 4) any public and formally identified non-motorized or multi-modal pathway.*
  - 3. *All structures used for indoor cultivation and all structures used for drying, curing, grading, trimming or processing shall comply with the setbacks for the land use designation. There shall be no evidence of cannabis cultivation outside the structure (e.g., the use shall comply with the Visual Screening Plan, Sign Plan, and Mono County Code Chapter 5.60).*
  - 4. *Cultivation within a “hoophouse” or shade-cloth structure shall be subject to the requirements of this Chapter, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.070).*
  - 5. *The Planning Commission may modify the requirements if all of the following findings can be made for an alternative site plan:*
    - i. *The requested modification(s) improve security, visual mitigation, and/or odor mitigation of the cannabis activity without increasing or creating new impacts that otherwise would not have existed under the required standards;*
    - ii. *The approval of the alternative site plan will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated; and*
    - iii. *The approval of the alternative site plan will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated.*
- B. *Lighting. Interior light systems shall include window coverings to confine light and glare to the interior of the structure and be detailed within the Lighting Plan. Light mitigation measure shall be utilized from*

*sunset to sunrise to avoid nighttime glare, as required in California Department of Food and Agriculture State Code 8304.*

- C. Dust Control. Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Protection Control District regulations and Mono County grading requirements.*
- D. The Permittee shall provide a site plan identifying all cultivation area(s) to ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.*
- E. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all appropriate agencies.*
- F. Closed to general public. Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.*
- G. In no case shall a building intended for residential use be used for cultivation.*
- H. In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:*
  - 1. ~~Water conservation measures;~~*
  - 2. Projected energy demand and proposed renewable energy generation facilities; and*
  - 3. Unique identifier, inventory, and quality control procedures.*

### **13.090 Cannabis Distribution and/or Processor**

*In addition to 13.070 requirements, a permit for distribution is subject to the following additional requirements:*

- A. Indicate truck parking and loading areas;*
- B. Storage and handling plans; and*
- C. Closed to general public. Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.*
- D. Any other relevant information requested by the Director of the Community Development Department, or his or her designee.*
- E. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*

### **13.100 Cannabis Manufacturing**

*In addition to 13.070 requirements, a permit for manufacturing is subject to the following additional requirements:*

- A. A Cannabis manufacturer shall manufacture cannabis products only; products that do not contain cannabis shall not be manufactured at the same premises.*
- B. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on the premises unless all necessary permits have been obtained from all appropriate agencies;*
- C. Closed to general public. Cannabis manufacturing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.*
- D. Closed loop system. Cannabis manufacturing using volatile solvents must utilize a closed-loop system certified by a qualified engineer and approved by the County Building Official and local Fire District Chief.*

### **13.110 Cannabis Testing Facilities**

*In addition to 13.070 requirements, a permit for testing is subject to the following additional requirements:*

- A. Certificate of accreditation from an approved accrediting body;*
- B. Closed to general public. Cannabis testing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.*
- C. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*
- D. Any other relevant information requested by County departments.*

### **13.120 Cannabis Retail and Delivery**

*In addition to 13.070 requirements, a permit for retail and delivery is subject to the following additional requirements:*

- A. Delivery. All offsite customer delivery of cannabis and/or cannabis products is subject to Mono County Code Chapter 5.60.*
- B. On-Site Sales. All retail sales and dispensing of cannabis and cannabis products shall be conducted in-person on the premises of the cannabis retailer. This section does not prohibit transportation of cannabis or cannabis products on public roads by a state-licensee transporting cannabis or cannabis products in compliance with California Business & Professions Code section 26000, et seq.*
- C. Cannabis retailers must operate in a permanently constructed, fixed structure. Cannabis retailing is not permitted from a vehicle or non-permanent structure.*
  - 1. The entrance to an A-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of twenty-one (21) years shall be allowed on the premises.*
  - 2. The entrance to an M-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of eighteen (18) years of age shall be allowed on the premises.*

### **13.130 Cannabis Microbusiness**

*In addition to 13.070 requirements, a permit for a microbusiness is subject to the following additional requirements:*

- A. A cannabis microbusiness that includes cultivation, manufacturing, distribution and/or retail within one State license shall comply with all permit and operating requirements set forth in this Chapter for cannabis cultivation, cannabis distribution, cannabis manufacturing, and cannabis retailer.*
- B. In reviewing an application for a Use Permit the following additional information may be requested:*
  - 1. Storage protocol and hazard response plan; and*
  - 2. Any other relevant information requested by the Community Development Director or his or her designee.*
  - 3. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*

## Chapter 24 - Right to Farm Regulations

### 24.010 Definitions.

**“Agricultural land”** means land designated in the Land Use Element of the Mono County General Plan as “Agricultural,” regardless of the minimum acreage associated with the designation.

**“Agricultural activity, operation, or facility or appurtenances thereof”** (herein collectively referred to as “agricultural operations”) means and includes, but is not limited to the cultivation and tillage of the soil, dairying, the production cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, aquaculture, the raising of livestock, fur-bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market. **Any commercial cannabis activity including, but not limited to, production, cultivation, propagation, distribution, or sale of cannabis in any form is excluded from this definition.**

### 24.020 Findings.

The Board of Supervisors finds that it is in the public’s interest to preserve and protect agricultural land and agricultural operations within Mono County. The Board of Supervisors also finds that when nonagricultural land uses occur in or near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to the lack of information about such operations. Such actions discourage investments in farm improvements to the detriment of agricultural uses and the viability of the county’s agricultural industry as a whole.

### 24.030 Purpose and intent.

The purposes of this chapter are to protect agricultural operations on land designated as Agricultural from conflicts with adjacent or nearby non-agricultural land uses, to support and encourage continued agricultural operations in the county, and to forewarn prospective purchasers of property located adjacent to or near agricultural operations of the inherent attributes of such purchase including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living near agricultural operations and be prepared to accept those inconveniences as the natural result of living in or near agricultural lands.

This chapter is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Water Code, or any other applicable provision of State law relative to nuisance.

### 24.040 Nuisance.

No agricultural operation conducted or maintained for commercial purposes and in a manner consistent with proper and accepted standards within the agricultural industry as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

### 24.050 Disclosure.

- A. Mono County recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Section 24.040 of the Mono County General Plan protect certain preexisting agricultural production and processing operations (“agricultural operations”) from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts that are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

1. The agricultural operation must be conducted or maintained for commercial purposes;
  2. The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;
  3. The agricultural operation must predate the affected use(s) on your property;
  4. The agricultural operation must have been in existence for more than three years; and
  5. The agricultural operation must not have been a nuisance at the time it began.
- B. If your property is near an agricultural operation in the unincorporated area of the county, which satisfies the above requirements, you may at times be subject to inconvenience and/or discomfort arising from that operation. Such inconvenience may include (depending upon the type of agricultural operation protected), but is not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, nighttime lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the county Right to Farm standards as set forth in the county General Plan, or concerns with an agricultural operation, please contact the Mono County Agricultural Commissioner's office.
- C. This disclosure statement is given for informational purposes only and nothing in this chapter or in the disclosure statement shall prevent anyone from complaining to any appropriate agency or taking any other available remedy concerning any unlawful or improper agricultural practice.
- D. The disclosure statement set forth above shall be used as described in Section 24.060.

**24.060 Notification.**

Upon any transfer of real property located in the unincorporated area of the county by sale, exchange, installment land sale contract (as defined in Civil Code Section 2985), lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units, or resale transaction for a manufactured home (as defined in Health and Safety Code Section 18007) or a mobile home (as defined in Health and Safety Code Section 18008), which manufactured home or mobile home is classified as personal property and intended for use as a residence, the transferor shall deliver to the prospective transferee the written disclosure statement required by this chapter. The disclosure statement shall be delivered in the manner set forth in Civil Code Sections 1102.2 and 1102.10. Exceptions to the applicability of this section are set forth in Civil Code Section 1102.2. The written disclosure shall be set forth in, and shall be made on a copy of, the following disclosure form:

LOCAL OPTION  
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF MONO, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_ . THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE PROPERTY IN COMPLIANCE WITH CHAPTER 24 OF THE MONO COUNTY GENERAL PLAN AS OF \_\_\_\_\_, 2006. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S)

REPRESENTING ANY PRINCIPALS(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I.

SELLER'S INFORMATION

The Seller discloses the following formation with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF MONO, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S) IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

“The County of Mono recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Section 24.040 of the Mono County General Plan protect certain preexisting agricultural production and processing operations (“agricultural operations”) from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts that are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

1. The agricultural operation must be conducted or maintained for commercial purposes;
2. The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;
3. The agricultural operation must predate the affected use(s) on your property;
4. The agricultural operation must have been in existence for more than three years; and
5. The agricultural operation must not have been a nuisance at the time it began.

If your property is near an agricultural operation in the unincorporated area of the county, which satisfies the above requirements, you may at times be subject to inconvenience and/or discomfort arising from that operation. Such inconvenience may include (depending upon the type of agricultural operation protected), but is not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, nighttime lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the county Right to Farm standards as set forth in the county General Plan, or concerns with an agricultural operation, please contact the Mono County Agricultural Commissioner’s office.”

Seller \_\_\_\_\_ Date  
Seller \_\_\_\_\_ Date

II.

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_  
Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_

Agent (Broker Representing Seller) \_\_\_\_\_ (by) \_\_\_\_\_  
(Associate Licensee or Broker signature)

Date \_\_\_\_\_

Agent (Broker Obtaining the Offer) \_\_\_\_\_ (by) \_\_\_\_\_  
(Associate Licensee or Broker signature)

Date \_\_\_\_\_

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE IF YOU DESIRE LEGAL ADVICE,  
CONSULT YOUR ATTORNEY.

**24.070 Severability.**

If any section or provision of this chapter or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other section or application of this chapter that can be given effect without the invalid or unconstitutional provision or application.



# Bridgeport Regional Planning Advisory Committee

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

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

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March 13, 2018

Honorable Board of Supervisors

Re: Commercial Cannabis Operations Recommendation

Honorable Board Members,

The Bridgeport Valley Regional Planning Advisory Committee (RPAC) thanks the Mono County Board of Supervisors in advance for its consideration of this recommendation. In that regard, the RPAC recommends as follows relative to the County's consideration of commercial cannabis operations in the Bridgeport Valley Planning Area.

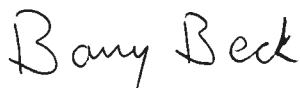
- I. The Committee has considered this issue at multiple meetings, with members having diverse opinions on the topic, based upon their business and personal life experiences.
- II. At the last meeting of the Committee on February 13, 2018, the committee discussed the issue as an agenda item, with a view toward making a recommendation to The Board.
- III. The recommendation was, after a unanimous vote, to prohibit commercial cannabis operations within the Bridgeport Valley Planning Area.

The vote was based on several factors which were discussed, including, but not limited to, the effect on the rural and family characteristics of the Town of Bridgeport, which the Committee felt was incompatible with commercial cannabis operations. Such operations could have a negative impact on tourism in the area, offsetting any potential benefit from the receipt of tax revenues attributable to such operations.

An additional factor which carried weight was the fact that cannabis continues to be illegal, as there are Federal laws prohibiting its use, possession and sale as a controlled substance.

The Committee recognizes the complexity of this issue, and trusts the Board will consider its recommendation accordingly.

Respectfully submitted,



Barry Beck  
Chairman Bridgeport Valley Regional  
Planning Committee

**Mono County  
Community Development Department**

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

**Planning Division**

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

# GPA 18-01

## B) Short-Term Rentals

April 17, 2018

To: Mono County Planning Commission

From: Wendy Sugimura, Interim Director

Re: General Plan Amendment 18-01 B) Short-Term Rentals

### **CEQA COMPLIANCE**

An Addendum to the 2015 General Plan Update Environmental Impact Report has been prepared for the short-term rental amendment (see Attachment 1). As described in the addendum, Chapter 25 existed in the 2015 General Plan Update and already provided an approval process to allow short-term rentals in residential land use designations, and therefore was considered in the CEQA analysis. The proposed General Plan revisions do not change these existing conditions or result in any additional impacts beyond those described in the 2015 EIR, and therefore an addendum is appropriate. The supporting rationale for this conclusion is described in the addendum.

### **BACKGROUND**

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed changes to General Plan Chapter 25, and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply.

At about the same time, Supervisor Larry Johnston presented an alternative proposal on short-term rentals specific to June Lake. His process included identifying and mapping individual neighborhoods that may be appropriate for these rentals, among other requirements, such as a vote of the area property owners. Supervisor Johnston's proposal was presented to the CAC and incorporated into the process.

### **DISCUSSION**

In December 2016, the June Lake CAC established a subcommittee to help design the area plan update process. The subcommittee established a purpose, need, principles, work plan, and calendar of workshop dates, incorporated Supervisor Johnston's proposal, and assisted with outreach.

The subcommittee agreed on a key principle of engagement, which is that community members should feel like their input was heard and considered, with the recognition that not every individual will "get what they want." Participants were specifically asked for feedback about what makes them feel "heard and considered" even if they don't "get what they want."

Over 50 hours of community meetings were held to discuss short-term rentals and seek viable policy solutions. These meetings represent an impressive commitment of time and energy by community members and the CAC, who worked very hard to be objective and provide a recommendation to the Planning Commission. In addition, the process has required well over 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long (Attachment 1) and available at

[https://www.monocounty.ca.gov/sites/default/files/fileattachments/june\\_lake\\_citizens\\_advisory\\_committee/page/9707/str\\_wrkshp\\_prcdngs\\_as\\_of\\_02.15.18.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prcdngs_as_of_02.15.18.pdf)

*GPA 18-01B Short-term rentals staff report*

The purpose of providing this documentation is transparency. Individuals can verify that their comments (verbatim from the workshop) were included and considered, how/if those comments were incorporated into policy, and then if any changes were made to result in the final package before the Planning Commission and then the Board.

Following the four days of community workshops held in May 2017, the June Lake CAC discussed short-term rentals in residential areas on June 7, 14 and 28; and September 6; and made a preliminary recommendation on October 4. The CAC finalized its recommendation on December 6, and then had opportunity to review the changes directed by the Planning Commission at its February 7, 2018, meeting.

The Planning Commission reviewed the June Lake workshop input and process at its October 2017 meeting, and then considered the CAC's recommendation at the following meetings: November and December 2017, and January and February 2018.

The following summarizes the modifications to the CAC recommendation by the Planning Commission:

- Apply the CAC's recommendations countywide, except for the policies and regulations that are relevant only to individual June Lake neighborhoods;
- In the Clark Tract on Nevada Street/Silver Meadow, allow both Type I (owner-occupied, rental approval is specific to owner) and Type III (non-owner occupied, rental approval is specific to owner) rentals year-round and without a cap; the restrictions on the upper Clark Tract area as recommended by the CAC remain as recommended; and
- Additional wordsmithing and adjustments to the policy language and regulations.

The Board of Supervisors reviewed the June Lake workshop input and process and received a preview of the Planning Commission's work-to-date at the Board's March 13, 2018, meeting. To preserve the Planning Commission's independent decision-making discretion, the Board limited discussion of the General Plan Amendment; however, questions were asked about Type II non-owner occupied rentals that are approved by General Plan Amendment. These Type II rentals are currently prohibited through a temporary moratorium that expires on Feb. 26, 2019.

The Board requested the Planning Commission consider a resolution for Type II rentals (non-owner occupied, approval runs with the land) in this amendment, while recognizing a countywide solution for this rental type was not the focus of this particular public process. The Commission considered the following options:

1. Allow Type IIs as currently defined.
2. Convert Type II approvals to a true land use redesignation: The current Type II was modeled after the Transient Rental Overlay Districts (TRODs), which allows a single parcel to be designated. An alternative is to treat Type IIs as a new type of residential land use designation that permits short-term rentals and subject to Chapter 26. In order to be redesignated, an applicant would need to meet the minimum the district size for the underlying land use designation (5 acres for most residential designations), meaning an entire neighborhood would need to substantially agree that short-term rentals are an acceptable use and reflects the character of their neighborhood.
3. Eliminate Type II rentals and apply Type III rentals countywide: All rental approvals throughout the county (except existing TRODs) would be non-transferable and terminate upon sale of the property.

In addition, prohibiting non-owner occupied short-term rentals countywide (except where allowed in June Lake) could be considered.

The Planning Commission recommended Option 3: eliminate Type II rentals and apply Type III rentals countywide. However, since the process was not intended to address resolution of Type II rentals, other communities in the County have not had an opportunity to review and provide input on this change. As a result, the proposed GPA language does not yet incorporate this recommendation from the Planning Commission.

The Community Development Department does not have the capacity at this time to replicate the thoroughness and intensity of the June Lake workshops; however, a general outreach to the RPACs could be conducted.

To move forward, the Board has several options:

- A. Send Option 3 to the RPACs for input and feedback, and consider the result in a future GPA. This option would allow the Board to outreach to the communities while moving the currently proposed GPA package forward.
- B. Direct staff to update GPA 18-01B to reflect the Planning Commission's recommendation, and consider adoption without additional public outreach.
- C. Select a different option and direct staff to outreach to the RPACs or update GPA 18-01B to reflect the new option for Board consideration.

The final proposed policy language is provided in Attachment 2, with edits to allow Type II short-term rentals as a new SFR land use designation (option 1 above) as it was presented to the Planning Commission. New language is shown in italics and edits to existing language are shown in a "track changes" format (existing language in standard text, modifications in red underline/strikethrough).

### **MONO COUNTY CODE CHAPTER 5.65**

As a matter of law, land use permits such as conditional use permits run with the land. In order for an approval to be owner-specific and non-transferable, and allow the public an opportunity to comment on a rental under new ownership, a discretionary two-step permitting process is proposed.

For a short-term rental on a residential property under Chapter 25, the owner would be required to obtain 1) a conditional use permit for land-use compatibility that is approved by the Planning Commission, and 2) an activity permit regulating operational specifics that is approved by a different body (the Board of Supervisors or designee) that is specific to the owner and non-transferable. The conditional use permit is set forth in and regulated by the General Plan, and the activity permit will be set forth in and regulated by Mono County Code, and both would be subject to a formal public hearing for approval. Both permits will be required to operate a short-term rental in a residential land use designation, effectively limiting the approval to a specific owner.

If the property sells, the activity permit under County Code does not transfer, and a new owner would need to apply for a new activity permit and be subject to a new public hearing for approval.

This permitting system would only apply to residential land use designations specified in Chapter 25 (SFR, ER, RR, MFR-L or RMH). Other land use designations (including MFR-H) that allow for transient rental uses or bed-and-breakfast establishments would follow the currently existing permitting process, which is an approval through their land use designation (which is usually a Director Review or Use Permit) and then a ministerial Vacation Home Rental permit under Chapter 26. Some modifications are proposed for Chapter 26 to clarify it

applies specifically to non-residential land use designations and MFR-H and reflect some of the recommendations resulting from the June Lake process.

To foster a complete understanding of the regulatory package, Mono County Code Chapter 5.65 is provided as Attachment 3. It is primarily patterned after Chapter 26 with changes to provide compatibility with Mono County Code Chapter 5.60 for cannabis. However, Chapter 5.65 is not yet complete and requires further work, and is expected to be agendized for Board adoption on May 2, separate from GPA 18-01.

As a reminder, Chapter 5.65 is written such that the Board of Supervisors approves the required activity permit.

#### **ATTACHMENTS**

1. Addendum 18-01B to the 2015 General Plan Update EIR
2. General Plan Amendment Text for GPA 18-01B/Short-term rentals
3. Draft Mono County Code Chapter 5.65

**Mono County General Plan Land Use Amendment  
GENERAL PLAN EIR ADDENDUM#18-01B  
April 17, 2018**

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**INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS**

Mono County is proposing to amend the Mono County General Plan Land Use Element to update policies and regulations pertaining to short-term rentals including countywide policies, June Lake Area Plan policies, revisions to certain residential land use designations to permit short-term rentals subject to a use permit and a Short-Term Rental Activity Permit that shall be set forth in Mono County Code Chapter 5.65, Chapter 2 – Definitions, Chapter 25 – Short-Term Rentals, and Chapter 26 – Transient Rental Standards & Enforcement. The proposed amendments include identification of June Lake neighborhoods where short-term rentals are allowable and prohibited; the addition of new policies and regulations governing short-term rental uses; a separation of the permitting process for short-term rentals located in certain residential land use designations versus transient rental uses in non-residential or Multi-Family High land use designations; defines a Type III permit that is non-owner occupied and subject to a Use Permit approved by the Planning Commission, followed by a Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65 and approved by the Board of Supervisors or designee; and the establishment of a second, required discretionary permit for short-term rentals in certain residential land use designations that is specific to the property owner and is non-transferrable.

The process to permit transient or nightly rentals in single-family residential areas continues to require two separate actions by the County, depending on whether the rental is a residential land use designation (SFR, ER, RR, MFR-L or RMH) or in a non-residential land use designation, including MFR-H, that permits such uses (or permits such uses subject to Use Permit or Director Review approval). Short-term rentals in residential land use designation require 1) an application to the County for a Use Permit for Type I or Type III rentals, or a General Plan Amendment for Type II rentals, and 2) an application to the County for a Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65. Short-term rentals in non-residential land use designations and MFR-H require 1) an application for a Use Permit or Director Review permit pursuant to permitted uses in the land use designation, and 2) compliance with a vacation home rental permit as set forth in Chapter 26, Transient Rental Standards and Enforcement. Approval of these actions would allow the rental of single-family home(s) on a transient or nightly basis, in accordance with the terms of the approvals.

**ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR**

In 2015, Mono County certified an Environmental Impact Report (EIR) for the Regional Transportation Plan/General Plan Update (SCH #2014061029). The General Plan EIR analyzed the impacts of designating areas of the County as SFR, ER, RR, or RMH based on a “practical buildout” scenario that is based on a simplified analysis of selected known constraints (hazards, infrastructure and agricultural preservation), and concluded “no impact” on induced population growth in an area, either directly or indirectly (EIR §4.12(a)). As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

*“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

*“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*

*(A) the project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

## **DISCUSSION OF IMPACTS**

The current General Plan contains an existing policy allowing for short-term rentals in specified residential land use designations (see Chapter 25) and provides for the regulation of these properties through Chapter 26, Transient Rental Standards & Enforcement. The proposed General Plan Amendment adds supporting policies both countywide and specific to June Lake to define the approach for regulating short-term rentals and specify neighborhoods in June Lake where these rentals are and are not acceptable. The policies further limit where short-term rentals may be established in June Lake by prohibiting the use in certain neighborhoods, and maintain the two-step approval process. Thus, the impact to the “practical buildout” or induced population growth is not impacted or, if anything, is decreased compared to the current language.

The rationale above concludes that General Plan Amendment 18-01B does not require major revisions to the General Plan EIR because it does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are no substantial changes with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete for the following reasons:

1. The short-term rental amendments will not have a significant effect on the environment nor increase the severity of previously identified significant effects. Transient rentals are currently allowed in the existing 2015 General Plan through Chapter 25, and the 2015



RTP/GPU EIR concluded “no impact” for substantial induced population growth in an area, either directly or indirectly (see EIR §4.12(a)). The short-term rental amendments potentially reduce the intensity of existing policy by prohibiting short-term rentals in certain June Lake neighborhoods, and creating a new Type III rental that expires upon sale or transfer of the property, which may eventually result in the elimination an approved rental. The other changes are related to the process, such as separate approval tracks for residential versus non-residential (and MFR-H) land use designations, and do not have environmental impacts.

2. The short-term rental amendments do not change the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full time residents or long-term renters. In addition, short-term/transient rentals will continue to be subject to compliance with regulations governing the management of these units stipulated in Mono County Code Chapter 5.65 (to be adopted concurrently) and Chapter 26. These existing regulations remain substantially the same as the currently adopted 2015 RTP/GPU (Chapter 26) and as analyzed in the EIR, and address aesthetics, noise, parking, utilities, or other similar issues. If anything, increased regulatory requirements further mitigate parking issues, light trespass, and noise issues. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the 2015 RTP/GPU EIR.

## **CONCLUSION**

CEQA Sections 15164(c) through 15164(e) states, *“An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”*

The information presented above indicates that the proposed General Plan Amendment 18-01B does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and or effectiveness of applicable mitigation measures or alternatives previously addressed in the 2015 RTP/GPU EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

## **GPA 18-01 B) SHORT-TERM RENTALS**

### **SECTION I: NEW PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS AMENDMENTS**

#### Countywide

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

#### June Lake – Community Development: Land Use

16. *In recognition of the complexity, controversy, and sometimes personal nature of the impacts of short-term rentals in residential neighborhoods, effort is being made to avoid the trap of “yes” vs. “no” in policy and regulatory solutions, which often result in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.*
17. *In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 300 hours of staff time from December 2016 to December 2017. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for the development of policies and regulations.*
18. *Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.*
19. *Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.*

## **SECTION II: NEW PROPOSED COUNTYWIDE LAND USE ELEMENT POLICY AMENDMENTS:**

**Objective 1.L.** *Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH, excluding MFR-M and MFR-H) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.*

**Policy 1.L.1.** *Approvals of Type I and Type III short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.*

**Action 1.L.1.a.** *The following permits are required to operate Type I and III short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION III. NEW PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS**

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

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

**Policy 13.M.1.** *Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.*

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

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

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

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

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

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

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

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

## **SECTION IV. REVISIONS TO LAND USE DESIGNATIONS**

Revisions to some Land Use Designations are necessary for internal consistency with the existing Chapter 25.

For Single-Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), Multi-Family Residential Low (MFR-L), and Rural Mobile Home (RMH) land use designations, add the following under "Uses Permitted Subject to Use Permit:"

- Short-term rentals (less than 30 consecutive days) in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with a valid Short-Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies (e.g., see June Lake Area Plan, see Objective 13.M.).

## **SECTION V. REVISIONS TO PROPOSED LANGUAGE FOR CHAPTER 2 - DEFINITIONS**

### **02.1035 Short-term rentals.**

"Short-term rental" 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 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, the term "short-term rentals" applies to such uses in residential land use designations (governed by Chapter 25 and Mono County Code Chapter 5.65), in contrast to "transient rentals."

### **02.1210 Transient rental.**

"Transient rental" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging or similar reasons. A "transient" is any person who exercises occupancy, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, the term "transient rental" applies to such uses in non-residential land use designations and MFR-H (governed by those designations and Chapter 26), in contrast to "short-term rentals."

**SECTION VI. REVISIONS TO EXISTING GENERAL PLAN CHAPTERS 25 & 26 (countywide):**

**DEVELOPMENT STANDARDS**

**CHAPTER 25 – SHORT-TERM RENTALS**

**Sections:**

<b>25.010</b>	<b>Intent.</b>
<b>25.020</b>	<b>Establishment of Type I Short-term Rental: Owner-Occupied.</b>
<b>25.030</b>	<b>Establishment of Type II Short-term Rental: Not Owner-Occupied.</b>
<b>25.035</b>	<b><u>Establishment of Type III Short-term Rental: Not-Owner Occupied in June Lake only.</u></b>
<b>25.040</b>	<b>Notice requirements.</b>
<b>25.050</b>	<b>Uses permitted.</b>
<b>25.060</b>	<b>Uses permitted subject to director review</b>
<b>25.070</b>	<b>Uses permitted subject to use permit</b>
<b>25.080</b>	<b>Additional requirements</b>

**25.010 Intent.**

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

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

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence on the same parcel or one 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. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65. The ~~use STR Activity Permit~~ for this rental (MCC 5.65) shall be specific to run with the owner and not run with the land, and shall terminate upon a change of ownership. The short-term rental must be if consistent with this Chapter and applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.<sup>14</sup> Fees for appeal of Type I Use Permit decisions shall be waived.

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

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel, or one physically contiguous adjacent parcel, as a principal residence concurrently occupied by the owner. The short-term rental use may be established in the on any parcel (or group of parcels) with a single-family unit, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH on a group of parcels meeting the minimum district size of the underlying land use designation. The short-term rental must be consistent with applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this Chapter, initiation and application for a Type II short-term rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use

Designation Amendments) and subject to Chapter 26. The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

### **25.035 Establishment of Type III Short-Term Rental: Not Owner-Occupied in June Lake Only**

Type III short-term rentals apply only in June Lake. Type III rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be permitted for any single-family unit having a land use designation(s) of SFR subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65. The STR Activity Permit (MCC 5.65) for this rental shall be specific to the owner and not run with the land, and shall terminate upon a change of ownership. The short-term rental must be consistent with this Chapter and applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access unless restricted as a seasonal rental.

### **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-drawn 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 as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 120 days in advance of the hearing by mail, electronic mail, or other noticing means provided pursuant to by 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 ~~or multi-family~~ residence ~~located within an~~ approved ~~pursuant to short-term rental established by this~~ Chapter, for a period of less than thirty (30) days, must first obtain a Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65 vacation home rental permit and comply with all applicable requirements of that permit prior to operating, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

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.

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

## DEVELOPMENT STANDARDS

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

#### Sections:

26.010	Purpose and Findings.
<del>26.015</del>	<del>Applicability.</del>
26.020	Vacation Home Rental Permit.
26.030	Application and Issuance of a Vacation Rental Permit.
26.040	Standards and Requirements.
26.050	Rental Agreement and Owner Responsibility.
26.060	Compliance with Transient Occupancy Tax Requirements.
26.070	Enforcement.
<del>26.080</del>	<del>Existing and Otherwise Permitted Rentals.</del>
26.0890	Unauthorized Rentals Prohibited.

#### 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; ~~and to~~ provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs), and non-residential land use designations and MFR-H where the use is listed; ~~designated pursuant to Chapter 25 of the Mono County General Plan~~ and ~~to~~ provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the ~~County~~ designated as TRODs or for non-residential use 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 communities designations and MFR-H should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

#### 26.015 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 ~~on a transient basis~~ shall comply with the provisions of this Chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental, 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; ~~and~~

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-

7.8. 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 in order to obtain a vacation home rental permit and to maintain that permit in good standing:

A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:

1. The address of the rental unit must be clearly visible;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 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 for 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 as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
  - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit; and
  - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
  
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
  - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
  - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
  - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department; and
  - e.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 as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

## 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 reasonable-timely request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

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

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

### **26.070 Enforcement.**

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~~shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.~~

5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.

E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance 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 Existing and Otherwise Permitted Rentals.~~**

~~Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this Chapter.~~

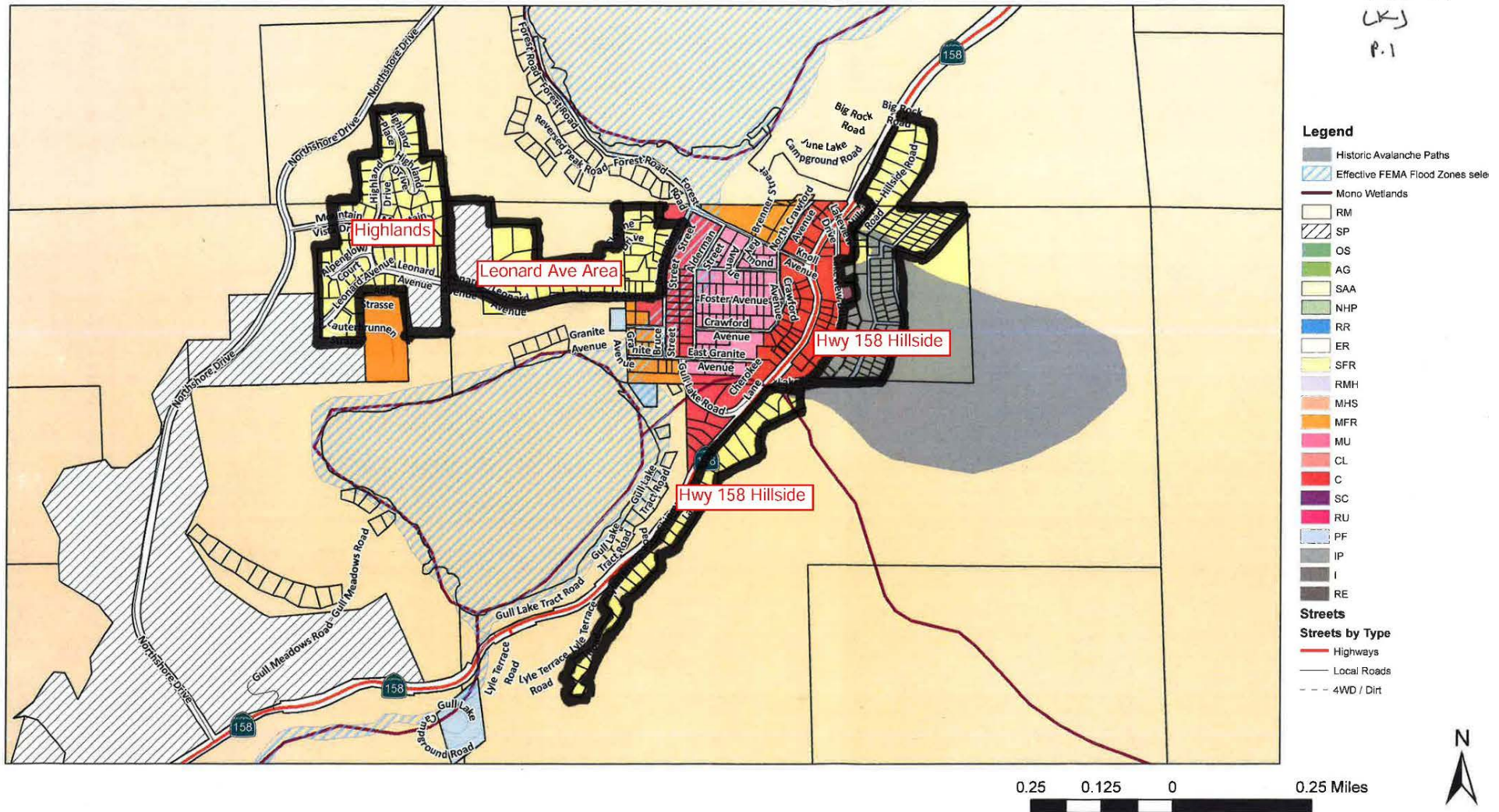
**A.80 Unauthorized Rentals Prohibited.**

- 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.

**Neighborhood Maps referenced in June Lake Area Plan Policy 13.M.1.**  
 (to be digitized and added to General Plan maps)

# June Lake: The Village

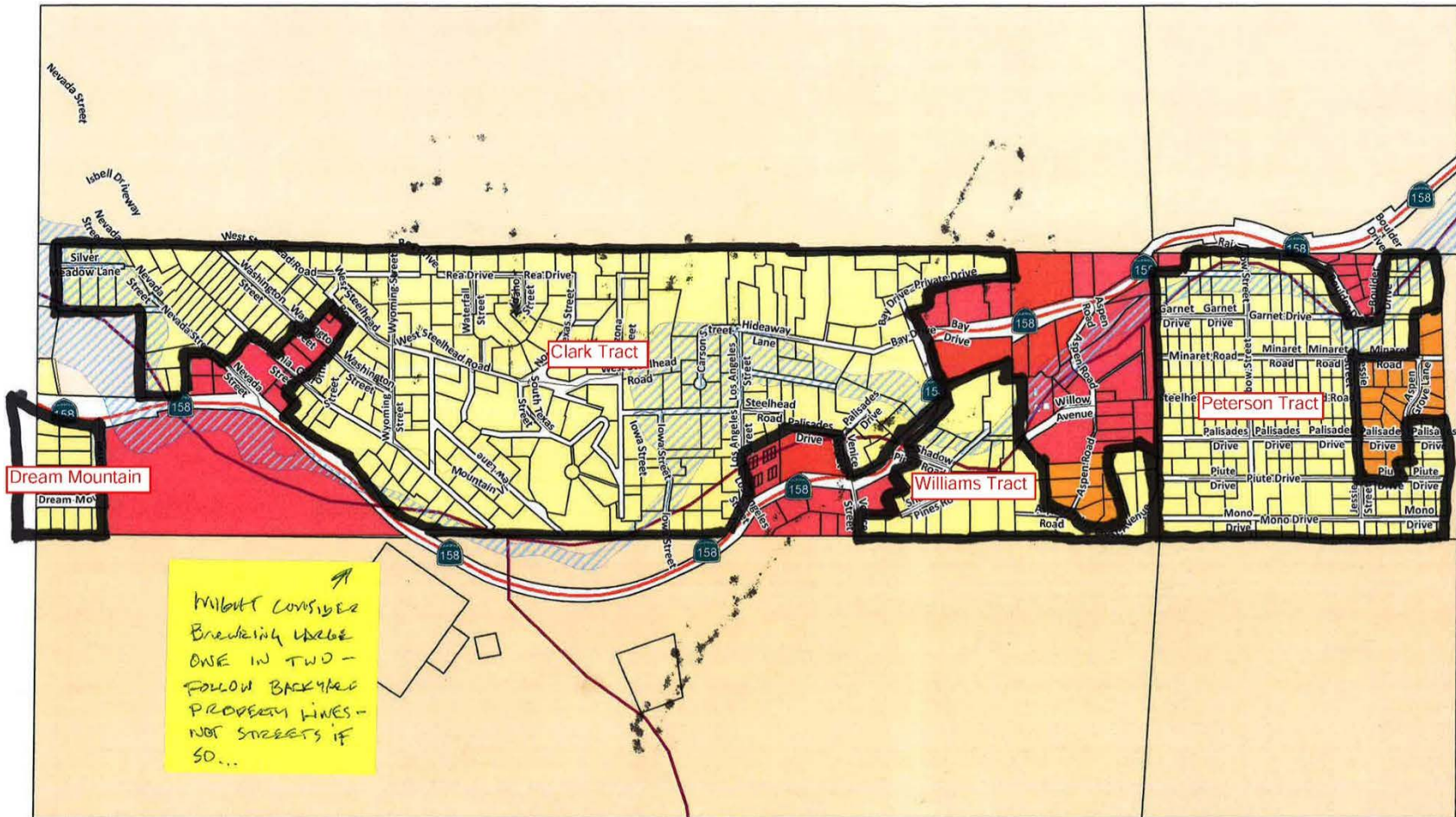
DRAFT  
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 P.1





# June Lake: The Clark & Peterson Tracts

DRAFT  
 "NEIGHBORHOODS"  
 1-23-17  
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 P. 2



- Legend**
- Historic Avalanche Paths
  - FEMA Flood Zone A
  - Mono Wetlands
  - RM
  - SP
  - OS
  - AG
  - SAA
  - NHP
  - RR
  - ER
  - SFR
  - RMH
  - MHS
  - MFR
  - MU
  - CL
  - C
  - SC
  - RU
  - PF
  - IP
  - I
  - RE
- Streets**
- Streets by Type**
- Highways
  - Local Roads
  - 4WD / Dirt

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 Will not consider  
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 follow backyard  
 property lines -  
 not streets if  
 so...



**Attachment 3: NEW PROPOSED MONO COUNTY CODE CHAPTER 5.65 (countywide):**

**Chapter 5.65  
SHORT-TERM RENTAL ACTIVITY IN RESIDENTIAL LAND USE DESIGNATIONS**

**Sections:**

- 5.65.010 – Purpose and Findings**
- 5.65.020 – Applicability**
- 5.65.030 – Definitions**
- 5.65.040 – Permits Required**
- 5.65.050 – Short-Term Rental (STR) Activity Permit Required**
- 5.65.060 – Limitations on Number of Permits**
- 5.65.070 – Short-Term Rental (STR) Activity Permit Nontransferable**
- 5.65.080 – Application and Procedure of a Short-Term Rental (STR) Activity Permit**
- 5.65.090 – Short-Term Rental (STR) Standards and Requirements**
- 5.65.100 – Rental Agreement and Owner Responsibility**
- 5.60.110 – Short-Term Rental (STR) Activity Permit Renewal Process and Grounds for Denial**
- 5.60.120 – Fees**
- 5.60.130 – Suspension or revocation of a Short-Term Rental (STR) Activity Permit**
- 5.65.140 – Enforcement**
- 5.65.150 – Existing and Otherwise Permitted Rentals**
- 5.65.160 – Prohibitions**
- 5.65.170 – Severability**

**5.65.010 Purpose and Findings**

The purpose of this chapter is to implement procedures, restrictions, and regulations; provide for the payment of transient occupancy tax and applicable fees for the short-term rental of properties within residential land use designations (SFR, ER, RR, MFR-L or RMH) pursuant to Chapter 25 of the Mono County General Plan Land Use Element; and to provide enhanced enforcement tools to address unauthorized short-term rentals countywide.

An approval may be granted only when the following finding can be made in the affirmative: All applicable provisions of Chapter 5.65 are complied with, and the property owner has demonstrated adequate management responsiveness/capacity for the property and an intent to minimize impacts that may be disruptive to the residential neighborhood.

**5.65.020 Applicability**

Any person who rents a residential structure that is not a condominium (hereinafter “rental unit” or “property”) within an area of the unincorporated County with a residential land use designation (SFR, ER, RR, MFR-L or RMH and excluding MFR-M and MFR-H) on a short-term basis shall comply with the provisions of this chapter, the Mono County General Plan (e.g., Chapter 25), and any applicable area plans or specific plans. Short-term rental of a private residence within a residential land use designation without a valid Short-Term Rental Activity Permit is a violation of this chapter.

**5.65.030 Definitions**

The definitions in the Mono County General Plan, primarily contained in Chapter 2, shall apply to this Mono County Code Chapter.

#### **5.65.040 Permits Required**

Short-term rental activities shall not be allowed in the unincorporated areas of Mono County without first securing all permits, licenses or other entitlements required by County regulation.

- A. A Use Permit shall be required for all short-term rental activities in residential land use designations, excluding MFR-M and MFR-H. 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 rental activities 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.
- B. A Short-Term Rental (STR) Activity Permit pursuant to this chapter shall be required for all short-term rental activities in residential land use designations (SFR, ER, RR, MFR-L or RMH, except MFR-M and MFR-H). Non-residential designations and MFR-H are regulated by their land use designation and the General Plan Land Use Element (e.g., Chapter 26).
- C. All short-term rental property owners located in the unincorporated areas of the county must obtain a valid business license pursuant to Mono County Code (MCC) Chapter 5.04.
- D. Each owner shall be responsible for obtaining a transient occupancy tax certificate and for complying with MCC Chapter 3.28. 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.
- E. The owner shall conduct short-term rental activity 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.

#### **5.65.050 Short-Term Rental (STR) Activity Permit Required**

- A. Any person who intends to engage in a short-term rental in a residential land use designation shall obtain a Short-Term Rental (STR) Activity Permit, which is subject to a noticed public hearing before the Board of Supervisors (see Section 5.65.080.C.).
- B. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in a short-term rental activity in the unincorporated portion of Mono County, unless the County has issued such person a permit under this chapter and the permit is in effect. Notwithstanding the above, the permits issued under this chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.
- C. The applicant must receive all necessary land use entitlements as required by Chapter 25 of the Mono County General Plan before the County will issue an STR Activity Permit under this chapter.

- D. Only the property owner is eligible to apply for an STR Activity Permit, and the owner is the party directly responsible for the management of the unit.
- E. STR Activity Permits shall be limited to one per parcel and one per person regardless of whether the ownership interest is in part or whole. In other words, an STR Activity Permit shall not be approved if an individual with an ownership interest in the property, whether in part or whole, has an existing active STR Activity Permit on another property.
- F. STR Activity Permits are prohibited as follows in 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.)

**5.65.060 Limitations on Number of Permits**

The number of STR Activity Permits may be limited to protect neighborhood character and reduce adverse impacts. In no case shall the number of issued STR Activity Permits exceed the number of rentals authorized by General Plan policies and regulations. The Community Development Department shall develop an equitable process to distribute STR Activity Permits within the established caps or limits.

- A. In the upper Clark Tract of June Lake (excluding Nevada Street/Silver Meadow), the number of permit approvals shall not exceed eight parcels total (3% of existing parcels), including existing Transient Rental Overlay Districts (TRODs).

**5.65.070 Short-Term Rental (STR) Activity Permit Nontransferable**

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

**5.65.080 Application and Procedure for a Short-Term Rental (STR) Activity Permit**

- A. Applicant. An applicant for an STR Activity Permit shall be the owner of title to the subject property.
- B. Application. An application for an STR Activity 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 an STR Activity Permit will be issued:
  1. The rental unit must be located on a property with the appropriate land use approvals;
  2. The full name and contact information for all property owners or, if the applicant is an entity, having an ownership or financial interest in the entity;
  3. The rental unit must comply with the standards and requirements as set forth in this section and section 5.65.090, and any other requirement provided by this chapter or the Mono County General Plan. An inspection to verify 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. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;

4. A 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. For Type I rentals, the property owner may serve as the property manager, or may hire a duly-licensed property manager. For Type III 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 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;
6. 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 short-term rental;
7. Any required fees must be paid in full; and
8. A Mono County Transient Occupancy Tax Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the STR Activity Permit is issued and all conditions of approval have been met.

C. Noticing:

1. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.
2. "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 subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Community Development Department more than 20 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 provided by Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have requested noticing.

D. Approval: The STR Activity Permit is evaluated and approved at public hearing (noticed pursuant to section 5.65.080.C.) by the Board of Supervisors.

1. In the case of a new use permit application under Chapter 25, the public hearing by the Board of Supervisors to consider approval of the associated STR Activity Permit, if the use permit is approved by the Planning Commission, shall be included in the use permit noticing and shall satisfy the noticing requirements in this section.



2. If the property 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 a public hearing (noticed pursuant to section 5.65.080.C.) by the Board of Supervisors.
- E. The STR Activity Permit number shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.

#### **5.65.090 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 ordinances and regulations, including but not limited to, the following:

A. Health and Safety Standards.

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;
6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;

8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit;
9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
12. 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 10 feet of any chimney or flue openings;
20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
21. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

#### B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 1/2 x 11 inches in size that shall be posted as long as the unit is being rented on a

transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:

- a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit; and
  - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
- a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
  - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
  - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
  - 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 shall 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.

- A. **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.
- B. **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.
- C. **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.
- D. **Other Requirements.** In addition to the foregoing sections, the following requirements shall be met:
- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply;
  - Owner or property manager must be able to respond within a reasonable timeframe, preferably within an hour;
  - Quiet hours from 10 pm to 7 am, and outdoor amplified sound is prohibited at all times;
  - If applicable, the owner shall notify lender of change in use to short-term rental and provide verification to County upon request; and
  - 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.

#### **5.65.100 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 the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The 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. In the Clark Tract, to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions; and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

#### B. Owner Responsibility

1. The owner, managing agency, and/or 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 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.

#### **5.65.110 Short-Term Rental Activity Permit Renewal Process and Grounds for Denial.**

*Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.*

#### **5.65.120 Fees.**

The filing of an application for an STR Activity Permit, for renewal of an STR Activity Permit, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this chapter. Permit applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this chapter.

*GPA 18-01B Attachment 3: Mono County Code Chapter 5.65*

**5.65.130 Suspension or revocation of a Short-Term Rental (STR) Activity Permit**

*Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.*

**5.65.140 Enforcement**

*Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.*

**5.65.150 Existing and Otherwise Permitted Rentals.**

Any lawful use of property as a transient rental occurring, 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.

**5.65.160 Prohibitions.**

- A. The short-term or transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have not been granted, is prohibited. Any violation of this section shall be subject to the provisions of Section 5.65.140, including the fines set forth therein.
  
- B. Any form of advertising for an unpermitted short-term rental unit is prohibited.

**5.65.170 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.

# Mono County Community Development Department

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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)

## GPA 18-01 C) Housing Policies

April 17, 2018

**TO:** The Honorable Board of Supervisors

**FROM:** Wendy Sugimura, Interim Director  
Megan Mahaffey, Accountant  
Amanda Benbow, Assistant Planner

**RE:** General Plan Amendment 18-01 C) Housing Policies

### **CEQA COMPLIANCE**

An Addendum to the 2015 General Plan Update Environmental Impact Report has been prepared for the housing policies amendment (see Attachment 1). As described in the addendum, these housing policies were contained in the 2015 General Plan Update in the June Lake Area Plan policies, and are now being applied countywide while the Housing Mitigation Ordinance is suspended. The proposed General Plan revisions do not change existing conditions nor result in any additional impacts beyond those described in the 2015 EIR, and therefore an addendum is appropriate. The supporting rationale for this conclusion is described in the addendum.

### **BACKGROUND**

In November 2017, the Mono County Housing Mitigation Ordinance was suspended through August 30, 2018, with a Board request to review General Plan housing policies to ensure new development is providing a “fair share” of workforce housing during the suspension of the ordinance. Potential Housing Policy language was reviewed with the Board at the February 20, 2018, meeting, along with a discussion and direction to staff to present the housing mitigation toolbox, including the ordinance, to the Regional Planning Advisory Committees (RPACs) for community feedback.

### **DISCUSSION**

The Mono County Housing Element contains a policy for development to provide a “fair share” of housing, but largely relies upon the Housing Mitigation Ordinance to implement the policy. Amendments to the Housing Element, however, may require approval by the State Department of Housing and Community Development, and a required update is scheduled for June 2019. During this interim period, policy language is proposed to be added to the Land Use Element to ensure housing impacts are mitigated by larger developments while the Housing Mitigation Ordinance is suspended (see Attachment 2). The amendment language is duplicated from the June Lake Area Plan in the Land Use Element to apply countywide.

### **ATTACHMENTS**

1. Addendum 18-01C to the 2015 General Plan Update EIR
2. General Plan Amendment text for GPA 18-01C



**Mono County General Plan Land Use Amendment  
GENERAL PLAN EIR ADDENDUM#18-01C  
April 17, 2018**

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**INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS**

Mono County is proposing to amend the Mono County General Plan Land Use Element to apply a policy from the June Lake community policies (June Lake Area Plan) to the entire county. The revision consists of housing policies that address the provision of a "fair share" of affordable/workforce housing by future development projects with the potential for significant housing impacts, as determined through a housing impact assessment, while the housing mitigation toolbox is being finalized and the Housing Mitigation Ordinance is suspended.

**ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR**

In 2015, Mono County certified an Environmental Impact Report (EIR) for the Regional Transportation Plan/General Plan Update (SCH #2014061029). The General Plan EIR concluded "no impact" on induced population growth in any area, either directly or indirectly (EIR §4.12(a)). As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

*"(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."*

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

*"(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*

*(A) the project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."*

## **DISCUSSION OF IMPACTS**

The revised General Plan policy applies to "future development projects with the potential for significant housing impacts, as determined through a housing impact assessment," which will be discretionary projects (e.g., use permit, specific plan amendment) subject to a project-specific CEQA analysis. The housing need generated by the project, as well as any environmental impacts associated with the project itself or additional required housing units, would be evaluated by the project's CEQA document. The General Plan policy revision by itself, therefore, does not have any impacts

## **CONCLUSION**

CEQA Sections 15164(c) through 15164(e) states, "*An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*"

The information presented above indicates that the proposed General Plan Amendment 18-01C does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and or effectiveness of applicable mitigation measures or alternatives previously addressed in the 2015 RTP/GPU EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

# Proposed General Plan Amendment 18-01C: Housing Policies

## Proposed Amendments to the Mono County General Plan Land Use Element

April 17, 2018

**Countywide Policies:** Existing language is in standard text, proposed policies are in “track changes” format.

### **Objective 1.D.**

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

**Policy 1.D.1.** Designate adequate sites for a variety of residential development in each community area.

**Action 1.D.1.a.** Designate areas for high-density residential development only in existing community areas. High density residential development should be located in areas with convenient access to employment, shopping, recreation, and transportation, including public transit.

**Action 1.D.1.b.** Residential development outside existing community areas should be of a low overall density. Higher- density residential development in certain locations may be permitted through clustering and transferring densities.

**Policy 1.D.2.** Provide for affordable housing.

**Action 1.D.2.a.** Encourage the provision of a variety of rental housing in community areas.

**Action 1.D.2.b.** Implement policies in the county Housing Element pertaining to the provision of affordable housing.

**Policy 1.D.3.** Designate a sufficient amount of land for a variety of lodging facilities.

**Action 1.D.3.a.** Designate suitable areas in communities as "Commercial Lodging."

**Action 1.D.3.b.** Designate suitable areas outside communities as "Rural Resort."

**Policy 1.D.4.** Require future development projects with the potential for significant housing impacts to provide a fair share of affordable and workforce housing units; e.g., an amount sufficient to accommodate the housing demand created by the development project, as determined through a housing impact assessment or compliance with the Mono County Housing Mitigation Ordinance.

**Action 1.D.4.a.** The County shall work with proponents during the specific plan or planning permit processes to ensure compliance.

**Action 1.D.4.b.** The County shall monitor the employee housing programs to ensure compliance and adjust employee housing policies when necessary.

# Mono County Community Development Department

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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)

## GPA 18-01

### D) Circulation Element

April 17, 2018

**TO:** Mono County Planning Commission

**FROM:** Gerry Le Francois, Principal Planner

**RE: General Plan Amendment 18-01 D) Transportation/Circulation Element**

### **CEQA COMPLIANCE**

An addendum to the 2015 General Plan/Regional Transportation Plan Environmental Impact Report for the existing RTP has been prepared in compliance with the California Environmental Quality Act (CEQA; see Attachment 1). An addendum is permitted for changes or additions in accordance with Section 15164 of CEQA Guidelines, and none of the conditions described in CEQA Guidelines 15162 have been identified to require the preparation of a subsequent EIR.

### **BACKGROUND**

The Regional Transportation Plan (RTP) is the primary planning document on transportation issues and priorities for the Local Transportation Commission, and is also adopted as the core of the General Plan Circulation Element. The RTP establishes the policy framework for funding regional transportation priorities and projects, and is required to coordinate and balance regional transportation systems under Government Code §65080.

The RTP has been on a five-year adoption schedule, with a Regional Transportation Improvement Program (RTIP) adoption every two years to identify programming for specific projects in the RTP.

### **DISCUSSION**

Mono County's road capital improvement program (Attachment 2) was adopted into Appendix D of the RTP by the Local Transportation Commission on December 11, 2017, in order to prioritize funding of regional and local road improvement projects to implement the goals and policies of the RTP.

This General Plan Amendment, 18-01D, incorporates the updated Appendix D program list into the Mono County General Plan Circulation Element for consistency.

In addition, this amendment changes the RTP adoption cycle from five years to four years. This action allowed both Mammoth Lakes and Mono County to convert from a five-year Housing Element adoption cycle to an eight-year adoption cycle, saving significant time, cost and staff effort. (Adoption timeframes for the Housing Element and RTP are stipulated in the Government Code.) The ultimate intent is to align the RTP and Housing Element updates so every eight years the RTP and Housing Element are updated concurrently.

### **ATTACHMENTS**

1. Addendum 18-01D to the 2015 General Plan Update EIR
2. Mono County road capital improvement program adopted into RTP Appendix D

**Mono County General Plan Amendment 18-01D:  
Transportation/Circulation Element**

**April 17, 2018**

**Addendum to Final Environmental Impact Reports** (SCH# 201406029)

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## **Executive Summary**

The potential environmental effects resulting from implementing the Mono County Regional Transportation Plan, including the Financial Element, have been analyzed in the Final Environmental Impact Report (FEIR) for the Mono County Regional Transportation Plan (SCH# 201406029). The Final Mono County General Plan EIR (SCH# 201406029) analyzed the potential impacts of the portion of the RTP that served as an update to the County General Plan's Circulation Element. The Final Program EIR for the Town of Mammoth Lakes 2005 General Plan EIR (SCH #2003042155) analyzed the potential impacts of the portion of the RTP that served as an update to the Town's General Plan Circulation Element, including associated costs and revenues.

The 2017 amendment of the Mono County RTP incorporates the County's five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects to implement existing goals and policies of the RTP. At this point, there have been no updates or additions to the policy section or the action/implementation programs in the RTP.

## **Addendum Determination**

Mono County has determined that an Addendum to the Final Environmental Impact Report is the appropriate level of environmental review under CEQA. An Addendum is appropriate because the analysis in Table 1 below demonstrates that none of the conditions described in CEQA Guidelines Section 15162 has occurred.

CEQA Section 15164 (a) provides that "the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." None of the conditions described in section 15162 have occurred.

Section 15162 provides for the preparation of a subsequent EIR where:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponent declines to adopt the mitigation measure or alternative.

**Table 1: Review of findings under CEQA Guidelines Section 15162**

<b>CEQA Guidelines Section 15162</b>	<b>Analysis of Proposed Changes in RTP Appendix D</b>
(1) Substantial changes are proposed in the project... [resulting in] new significant environmental effects or a substantial increase in the severity of previously identified effects.	This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.
(2) Substantial changes occur with respect to the circumstances under which the project is undertaken resulting in new significant environmental effects or a substantial increase in the severity of previously identified effects.	This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.
(3a) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows the project will have one or more significant environmental effects not discussed in the previous EIR.	This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.



<p>(3b) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows the project will have significant effects previously examined will be substantially more severe than shown in the previous EIR.</p>	<p>This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.</p>
<p>(3c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows the project has feasible mitigation measures or alternatives but the project proponent declines to implement those mitigation measures or alternatives.</p>	<p>This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.</p>
<p>(3d) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows there are new feasible mitigation measures or alternatives, but the project proponent declines to implement those mitigation measures or alternatives.</p>	<p>This amendment incorporates the County’s five-year Road Capital Improvement Program and 2018 RTIP into Appendix D of the RTP to prioritize funding of regional and local road improvement projects, and CEQA is required on a project-by-project basis. There have been no changes to existing goals or policies that would result in significant environmental effects or a substantial increase in the severity of previously identified effects.</p>





**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** April 17, 2018

**Departments: Public Works - Engineering Division**

**TIME REQUIRED** 30 minutes

**PERSONS APPEARING BEFORE THE BOARD** Garrett Higerd

**SUBJECT** 2018 SB 1 Road Project List and Proposition 69

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

An annual SB 1 project list must be adopted to receive SB 1 revenues. Proposition 69 would add protections for taxpayers by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes.

**RECOMMENDED ACTION:**

1. Approve Resolution R18-\_\_\_, Adopting a list of projects for 2018-19 funded by SB 1: The Road Repair and Accountability Act.
2. Approve Resolution R18-\_\_\_, Supporting Proposition 69 and opposing SB 1 repeal.

**FISCAL IMPACT:**

All revenues from SB 1 for 2018-2019 is estimated at \$1,761,966. The Road Maintenance and Rehabilitation Account (RMRA) revenue is estimated at \$1,649,073. The list of projects presented today will be included in the upcoming budget process.

**CONTACT NAME:** Garrett Higerd

**PHONE/EMAIL:** 760.924.1802 / ghigerd@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Project Reso</a>
<input type="checkbox"/> <a href="#">Prop 69 Reso</a>

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
4/12/2018 4:54 AM	County Administrative Office	Yes
4/11/2018 3:51 PM	County Counsel	Yes
4/12/2018 2:17 PM	Finance	Yes



# MONO COUNTY DEPARTMENT OF PUBLIC WORKS

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POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517  
760.932.5440 • Fax 760.932.5441 • [monopw@mono.ca.gov](mailto:monopw@mono.ca.gov) • [www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: April 17, 2018  
To: Honorable Chair and Members of the Board of Supervisors  
From: Garrett Higerd, County Engineer  
Re: 2018 SB 1 Road Project List and Proposition 69

## **Recommended Action:**

1. Approve Resolution R18-\_\_ adopting a list of projects for 2018-19 funded by SB 1: The Road Repair and Accountability Act.
2. Approve Resolution R18-\_\_ supporting Proposition 69 and opposing SB 1 repeal.

## **Fiscal Impact:**

All revenues from SB 1 for 2018-2019 are estimated at \$1,761,966. The Road Maintenance and Rehabilitation Account (RMRA) revenue is estimated at \$1,649,073. The list of projects presented today will be included in the upcoming budget process.

## **Background:**

With the passage of SB 1: The Road Repair and Accountability Act, Public Works has a sustainable funding source to begin addressing deferred road maintenance.

In November 2017, the Board of Supervisors adopted a 5-year Road Capital Improvement Program (CIP) with project priorities and timing based on preliminary estimates of all realistic road and bridge funding sources over the next five years, including SB 1, the State Transportation Improvement Program (STIP), the Highway Safety Improvement Program (HSIP), etc. The timing and scope of projects needs to be adjusted due to changes in funding estimates and I plan to come back with a comprehensive 5-Year Road CIP update. However, SB 1 requires Counties adopt a 2018 Road Maintenance and Rehabilitation Account (RMRA) project list that must be submitted to the California Transportation Commission by May 1<sup>st</sup>.

To meet this deadline, I recommend a project list consistent with FY18-19 of the 5-Year Road CIP. Please see a resolution adopting the 2018-19 SB 1 RMRA project list attached.

Also, as you are aware, there is an effort to repeal SB 1 which would halt implementation of the 5-Year Road CIP. Proposition 69 on the June 2018 ballot would add protections for taxpayers by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes. Please see a resolution supporting Proposition 69 and opposing SB 1 repeal attached for consideration.

Please contact me at 760.924.1802 or by email at [ghigerd@mono.ca.gov](mailto:ghigerd@mono.ca.gov) if you have any questions.

Respectfully submitted,



Garrett Higerd, PE  
County Engineer

Attachments:

Resolution Adopting SB 1 Project List

Resolution Supporting Proposition 69 and Opposing SB 1 Repeal



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS ADOPTING A LIST OF PROJECTS  
FOR 2018-2019 FUNDED BY  
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of our County are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, the County must adopt by resolution a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, the County, will receive an estimated \$1,649,073 in RMRA funding in Fiscal Year 2018-19 from SB 1; and

**WHEREAS**, the County has undergone a public process to ensure public input into our community's transportation priorities/the project list; and

**WHEREAS**, the County used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

**WHEREAS**, this is the second year in which the County is receiving SB 1 funding and it will help the County maintain and rehabilitate many miles of streets/roads throughout the County; and

**WHEREAS**, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the County's streets and roads are in an "at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade is expected to bring our streets and roads into a "good" condition; and

**WHEREAS**, without revenue from SB 1, the County, would have otherwise not been able to fund these projects throughout the community; and

1           **WHEREAS**, the SB 1 project list and overall investment in our local streets and roads  
 2 infrastructure with a focus on basic maintenance and safety, investing in complete streets  
 3 infrastructure, and using cutting-edge technology, materials and practices, will have significant  
 4 positive co-benefits statewide.

5           **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF  
 6 MONO FINDS, RESOLVES and ATTESTS** that:

7           1.       The foregoing recitals are true and correct.

8           2.       The fiscal year 2018-19 list of projects planned to be funded with Road  
 9 Maintenance and Rehabilitation Account revenues include:

Description	Location	Estimated Useful Life	Anticipated Year of Construction
County-wide Fog Seal and Stripe - Phase 2	Roads not included in Phase 1 - Rock Creek Road, Convict Lake Road, etc.	5 years	2019
Mono City Slurry Seal & Dig-outs	Mono City	5 years	2019
Benton Crossing Road Slurry Seal - Phase 1	Benton Crossing Road	5 years	2019
South Landing Road Overlay	Crowley Lake	10 years	2019
Hackney Drive/Shop Road Rehabilitation	Walker	25 years	2019

17  
 18           **PASSED, APPROVED and ADOPTED** this 17<sup>th</sup> day of April, 2018, by the following  
 19 vote, to wit:

20  
 21           **AYES:**

22           **NOES:**

23           **ABSENT:**

24           **ABSTAIN:**

25  
 26  
 27           \_\_\_\_\_  
 Bob Gardner, Chair  
 Mono County Board of Supervisors

28           **ATTEST:**

29           **APPROVED AS TO FORM:**

30           \_\_\_\_\_  
 Clerk of the Board

31           \_\_\_\_\_  
 County Counsel





R18-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS SUPPORTING PROPOSITION 69  
AND OPPOSING SB 1 REPEAL**

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

**WHEREAS**, cities and counties are facing a funding shortfall of \$73 billion over the next 10-years to repair and maintain in a good condition the local streets and roads system and the State Highway System has \$57 billion worth of deferred maintenance; and

**WHEREAS**, SB 1 – the Road Repair and Accountability Act of 2017 – will raise approximately \$5.4 billion annually in long-term, dedicated transportation funding to rehabilitate and maintain local streets, roads, and highways, make critical, life-saving safety improvements, repair and replace aging bridges and culverts, reduce congestion and increase mobility options including bicycle and pedestrian facilities with the revenues split equally between state and local projects; and

**WHEREAS**, SB 1 provides critically-needed funding in Mono County that will be used for implementing the 5-Year Road Capital Improvement Program; and

**WHEREAS**, SB 1 contains strong accountability and transparency provisions to ensure the public knows how their tax dollars are being invested and the corresponding benefits to their community including annual project lists that identify planned investments and annual expenditure reports that detail multi-year and completed projects; and

1           **WHEREAS**, SB 1 requires the State to cut bureaucratic redundancies and red tape to  
2 ensure transportation funds are spent efficiently and effectively, and also establishes the  
3 independent office of Transportation Inspector General to perform audits, improve efficiency and  
4 increase transparency; and

5           **WHEREAS**, Proposition 69 on the June 2018 ballot would add additional protections for  
6 taxpayers by preventing the State Legislature from diverting or raiding any new transportation  
7 revenues for non-transportation improvement purposes; and

8           **WHEREAS**, there is also a proposed ballot measure aimed for the November 2018 ballot  
9 (Attorney General #17-0033) that would repeal the new transportation revenues provided by SB  
10 1 and make it more difficult to increase funding for state and local transportation improvements  
11 in the future; and

12           **WHEREAS**, this proposed November proposition would raid approximately \$1,761,966  
13 dedicated to Mono County in FY 2018-19, and much more annually, and halt critical investments  
14 in future transportation improvement projects in our community; and

15           **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
16 **MONO FINDS, RESOLVES and ATTESTS** that:

17           1.       The County of Mono hereby supports Proposition 69, the June 2018 constitutional  
18 amendment to prevent new transportation funds from being diverted for non-transportation  
19 purposes; and

20           2.       The County of Mono hereby opposes the proposed November ballot proposition  
21 (Attorney General #17-0033) that would repeal the new transportation funds and make it more  
22 difficult to raise state and local transportation funds in the future; and

23           3.       The County of Mono supports and can be listed as a member of the Coalition to  
24 Protect Local Transportation Improvements, a diverse coalition of local government, business,  
25 labor, transportation and other organizations throughout the state, in support of Proposition 69  
26 and in opposition to the repeal of SB 1.

27           **PASSED, APPROVED and ADOPTED** this 17<sup>th</sup> day of April, 2018, by the following  
28 vote, to wit:

29           **AYES:**

30           **NOES:**

31           **ABSENT:**

32           **ABSTAIN:**

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\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel