

MONO COUNTY PLANNING COMMISSION

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

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

AGENDA

July 20, 2017 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. **MEETING MINUTES:** Review and adopt minutes of June 15, 2017

4. **BYLAW AMENDMENT ON REMOTE MEETING ATTENDANCE** *(see red text on pages 2-3)*

5. PUBLIC HEARING

10:15 A.M.

A. CONDITIONAL USE PERMIT 17-011/Day for use of a home for short-term rental with owners living on site (type I). The property is located at 193 Willow Brook Road in Crowley Lake. This parcel (APN 060-210-062) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed. *Staff: Gerry Le Francois & Michael Draper*

6. WORKSHOPS

A. CANNABIS REGULATIONS. *Staff: Michael Draper*

B. LOCAL HAZARD MITIGATION PLAN. *Staff: Wendy Sugimura*

7. REPORTS

A. DIRECTOR

B. COMMISSIONERS

8. **INFORMATIONAL:** No items

9. **ADJOURN** to August 17, 2017

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

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

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

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

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

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DRAFT MINUTES

June 15, 2017

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

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Paul McFarland, assistant planner; Justin Nalder, intern; Christy Milovich, assistant county counsel; Nate Greenberg, IT director; Jeff Walters & Peter Chapman, public works; CD Ritter, commission secretary

GUESTS: Hap Hazard, Ron Day, Glenn Inouye, Donna Simensen, Sandy Powell, Michael Paiva, Raul Alcazar, Isabel & John Connolly

1. **CALL TO ORDER:** Acting Chair Chris Lizza called the meeting to order at 10:13 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. **PUBLIC COMMENT:** No items

3. MEETING MINUTES

MOTION: Adopt minutes of April 20, 2017 (*no May meeting*) as amended: Item 5, last line: Milovich clarified "may" **is not** a "shall." (*Pipersky/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

4. PUBLIC HEARING

A. INTERPRETATION USE PERMIT 17-005/Simensen for use of a home for a short-term rental (type I) with the owners living on site on an adjacent property. The properties are located at 332 and 342 Kinsley Street in Bridgeport. These parcels (APNs 008-132-027 & -017) have a land use designation of Multi-Family Residential Low (MFR-L). A Planning Commission Interpretation will be required to issue the proposed use permit. A CEQA exemption is proposed.

Gerry Le Francois reviewed the proposal by PowerPoint. He emphasized owner on same parcel, didn't anticipate this happening. "Similar use" category. Planning Commission, not staff, has discretion. No barriers between properties, good view of driveway. Use Permit runs with owner, not land, in this case. If ownership changes, goes away.

--- Scott Bush arrived at 10:17 am ---

Lizza saw two issues. Bush recalled bylaws on less than full commission when PC is final decision maker. Option to allow applicant to request continuance, as PC is final decision maker on interpretation and use permit. Applicant indicated proceed with four commissioners.

Le Francois noted when Ch. 25 was crafted, type I would work with merged parcels. Creates circumstances if sell property, or rental no longer viable in Bridgeport. Applicants asked for workaround. If merged, would be use permit only.

If split lot later? *No CEQA exemptions for splitting property, so negative declaration or other if try to re-divide property.*

OPEN PUBLIC HEARING: Donna Simensen, co-owner, talked to neighbors and community, who were supportive. Wants Bridgeport to thrive, keep privacy.

--- Scott Bush clarified he was present as planning commissioner, not sheriff in uniform. ---

Live here now? *Yes, know the community.*

Long-term tenant before? *No.*

Bought properties at same time? *Brother wanted to keep it in family.*

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Why did you buy? *Little house only 842 sf. Loved history behind both houses. Family visited, saw sign on Main Street about vacation rentals.* **CLOSE PUBLIC HEARING.**

DISCUSSION: Bush questioned size of houses. *6,000 sf and 842 sf.* If want to do rental, lots this size OK. Problematic to merge lots.

Lizza noted provision says entire dwelling unit for owner. Intended same parcel. Don't need type II.

Bush suggested including total lot size in future. Owners are close by. Not revisit again on small lots.

Lagomarsini thought lot size insignificant. How close homeowner is to rental house is important. Owner supervises guests. If two separate parcels, could be adjacent, maybe visual or audio control of rental house, easy access (shared driveway). Owner control is issue.

Language OK as exists? Lagomarsini thought technically did not fit for two separate parcels.

Pipersky reminded Mono Supervisors adopted Ch. 25. It's their words.

Milovich quoted from previous PC discussions. Type I "associated" is ambiguous. Interpretation today would apply countywide.

Pipersky spoke with one BOS member. Reason talked about Type I was to avoid homeowner monetizing property. If allow countywide, could buy house next door and rent, keep out of hand of working people. Maybe not issue in Bridgeport, but mistake to allow two parcels with one rented nightly, taken off market for renting monthly. Mistake to move forward. If look at case by case, maybe go forward. Intent is to not allow people to monetize private homes in Mono except monthly rentals.

Lizza noted mother-in-law on same parcel OK. Does "associated with" mean on same parcel?

Pipersky countered it was not intent of Type I rentals.

Scott Burns stated could issue use permit, could do merger, not totally shut it down. Narrow precedence. Substandard lots, shared driveway, in middle of town. Not speculating, purchased adjacent properties. Find this would apply countywide.

Lizza thought not allow separate parcels, but similar uses findings. First issue is Ch. 25 permits on adjacent, separate parcels.

Bush wanted to tailor finding to specific topographical limitations so not just open up. If detrimental to public welfare, businesses limited in scope.

Lagomarsini noted shared driveway, could look into each other's windows.

Bush thought they did not buy house next door to rent. Way to limit it?

Milovich stated any tailoring of interpretation would not apply legally. Interpretation would apply countywide, become part of General Plan amendment.

Lizza thought wording intended to apply to this case, "associated with."

Milovich indicated Stacey Simon said tailoring just for this situation is attractive, but not legally sound.

Why not go into type II if can't tailor? How different? Milovich reminded of moratorium on type II.

Bush saw it as a good project, looking for way not to make next project problematic.

Could county counsel write best legalese to fit scenario? Milovich did not know answer. As independent body, Planning Commission needs to make decision on its own.

If room for interpretation, why make decision? If new proposal came up, not automatically granted.

Milovich reminded that use permits are discretionary.

If similar deal arose, would PC look at it? Milovich stated if interpret type I as different parcels adjacent, apply same interpretation.

If do it today, do it next week?

Lizza saw interpretation flexibility. Only means can but not have to consider separate parcel.

Lagomarsini suggested specific findings on interpretation.

Bush noted it has to do with size, proximity today. Next case may be quite different.

Lizza thought findings lock into those reasons, so case by case then.

--- Lizza passed gavel to Vice-Chair Bush ---

Milovich suggested PC could implement cleanup language in type I definition. Bush reminded that Mono Supervisors came up with wording.

MOTION: Approve Interpretation of Similar Use. In this instance, properties fall under Ch. 25 short-term rental type I. (*Lizza/Lagomarsini. Ayes: 3. No: Pipersky. Absent: Roberts.*)

DISCUSSION: Pipersky thought opened up Mono to speculation on nightly rentals in residential areas. BOS meant all on same parcel, so she would not vote for this.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 17-005 subject to findings and conditions contained in staff report. (*Lizza/Pipersky. Ayes: 3. No: Pipersky. Absent: Roberts.*)

B. CONDITIONAL USE PERMIT 17-004/Connolly for use of a home for a short-term rental with the owners living on site (type I). The property is located at 326 Juniper Drive in Crowley Lake. This parcel (APN 060-120-005) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed.

Gerry Le Francois described rental on Juniper Drive. Building is existing nonconforming use along creek. 274 sf cabin, private road. Owner-occupied principal residence on same parcel. Subject to use permit that runs with owner, not the land. Changed one condition 6 if approved: Potable water provided for domestic purposes. Comment letter on parking. Cond 4, unnecessary vehicles screened from surrounding properties.

Already renting, so why this permit? *Mono now has short-term rentals, so Connollys applied.*

OPEN PUBLIC HEARING: Isabel Connolly, co-owner, wanted nightly rentals. Open for family and friends, but Airbnb kind of approved. Rented short-term and long term (greater impact with two cars, overflow parking). Generally one car. People with boat next week will park at marina to address Ms. Qualls' concern.

Summer cabin or year-round? *Fishing cabin originally.*

John Connolly stated long-term rentals worked OK, some liked, and some did not. At 275 sf, is small for full-time living. Insulation in winter is problematic. Monthly rental, but not in winter.

David Bemis sees rental house, but never knows if it's occupied or not. Fully supported permit.

John Connolly noted living there 13 years, volunteering a lot, will return for skatepark hearing. People might not like extra trailers/boats. Wanted to be in harmony with neighbors. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky saw this as a perfect type I rental, meeting intent of BOS, on property. Bush indicated this is what he envisioned for type I. Lizza mentioned workforce housing, but a little too small. Bush noted it's substandard for workforce housing. Lagomarsini saw parking as a concern, but owners are trying to work it out. Vacation rental.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301 and fine Notice of Exemption; approve CUP 17-004 subject to findings and conditions in staff report; and add Condition 6 to provide potable water for occupants (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

C. CONDITIONAL USE PERMIT 17-010/Paiva. Construction of a new 2,300-square foot retail space, sign and landscaping plan for a Western arts and crafts gallery. The two-acre vacant property is located adjacent to Toiyabe Motel and Walker Flea Market on US 395 in Walker (APN 002-332-009). Land use designation is Mixed Use (MU) and Estate Residential (ER). A CEQA exemption is proposed.

Gerry Le Francois reviewed Walker parcel across from river. Currently vacant. Want 2,300 sf retail building. Mixed Use designation would allow residence in future. Signs comply. Sign 17' not 12'. Minimum 12 spaces. All parking paved, but compacted gravel meets intent of semipermeable surface. Double Eagle has gravel parking. Exception to today's standards. Maybe clean language up to avoid exceptions. Maintain trees next to property. Dark Sky Regulations technically not apply to Walker, but apply standards here.

Earlier interpretation bound by it? *Two standards. Gravel totally permeable. Paving costly.*

Require variance? *No.*

OPEN PUBLIC HEARING: Sandy Hough said proposal makes practical sense, benefit community, make destination eventually. Broad community support. Represent 16 Western artists that preserve spirit of Old West. Seasonal six-month business. Maybe offer workshops that benefit motels.

Caltrans vetoed circular driveway. Align with Walker Burger. Caltrans wants no gravel on 395. Pave encroachment 25'. Need vision left and right. Majority of businesses go from asphalt to dirt. Bush noted diagonally on/off creates washboard effect.

Paiva indicated more than adequate parking in front, in back also. **CLOSE PUBLIC HEARING:**

Lizza thought nice infill in Walker. Bush saw sophistication/culture for Walker.

Le Francois added finding 4B: transit stop at Walker Country Store, so OK.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15303(c) and file Notice of Exemption; make required findings in staff report; and approve Use Permit 17-010 subject to Conditions of Approval. (*Lizza/Pipersky. Ayes: 4. Absent: Roberts.*)

D. CONDITIONAL USE PERMIT 17-006/Race Communications – Mono City/South of Chalfant & VARIANCE 17-001/Race Communications – Mono City Connector over US 395. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in Mono City and the community of White Mountain Estates located south of Chalfant. The project entails placement of new overhead strand and fiber on existing utility poles, installation of existing and new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A Variance is required to permit installation of new overhead strand crossing US 395 on existing poles within a Scenic A CEQA exemption is proposed.

Paul McFarland noted different project conditions for the four Race applications. Unresolved issue last meeting on Domaille? Race's Raul Alcazar resolved matter.

Project summary by PowerPoint. Line over US 395, need variance. Single word change p. 1, graph 3: Public rights of way, not County. Not require entire new CEQA exemption. All of Mono City on overhead existing poles. Load-test existing poles of SCE or Frontier. Space rental. Thirty poles failed load test. Temporary poles will be directly adjacent to existing poles. Owner must remove failed poles, replace with permanent, pull temporary poles. Benefits public health/safety. White Mountain Estates is all underground.

Variance is required in scenic corridor. Not pristine as intended, but not significantly diminish scenic character, already has wind socks, etc. Natural intersection. Undergrounding will require encroachment permits. Comment letters from Mono City. New condition#4 to notify occupants of communities of new line installation. Race will walk through communities, verbally speak or leave hang tag.

Bush heard rumblings of long time with no internet in Walker due to other communities. McFarland noted Race purchased existing broadband in Bridgeport and Lee Vining.

Alcazar cited abandoned infrastructure from former carriers, no service. Took down old, put up new. Escape broadband. Minimize disruption when cable removed for fiber replacement, maybe two months. New service will be better than downtown San Francisco. Not affect wireless, only if Escape Broadband.

Lagomarsini mentioned new streets at White Mountain Estates. Bob Stark is in contact with Race. Chalfant Loop Road person? McFarland would pass along to Race.

Why communities grouped the way they were? *How apps were received.*

OPEN PUBLIC HEARING: Ron Day spoke of extensive RPAC outreach, majority wanted lines on existing poles, not underground. **CLOSE PUBLIC HEARING.**

DISCUSSION: None

MOTION: Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file Notice of Exemption; make required findings in project staff report; approve Use Permit 17-006 subject to Conditions of Approval; and approve Variance 17-001. (*Lagomarsini/Lizza. Ayes: 4. Absent: Roberts.*)

E. CONDITIONAL USE PERMIT 17-008/Race Communications – Sunny Slopes, Aspen Springs and Tom's Place. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Sunny Slopes, Aspen Springs and Tom's Place. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted fiber along existing utility poles. All new overhead at Aspen Springs. Fobes 40 included.

Do 150 properties include Pine Glade? *USFS land, so not included. Would require NEPA.*

McFarland noted overhead drops only upon request.

OPEN PUBLIC HEARING: Ron Day repeated positive comments. **CLOSE PUBLIC HEARING.**

DISCUSSION: None

MOTION: Find that project qualifies as a Categorical Exemption under CEQA guidelines 15301, 15303 & 15304, and instruct staff to file Notice of Exemption; make required findings contained in project staff report; and approve Use Permit 17-008 subject to Conditions of Approval (*Pipersky/Lagomarsini. Ayes: 4. Absent: Roberts.*)

--- Break: 12:15-12:30 pm ---

F. CONDITIONAL USE PERMIT 17-009/Race Communications – Swall Meadows, Paradise, Benton, Benton Hot Springs. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Swall Meadows, Paradise & Benton. The project entails placement of new overhead strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A new backhaul line installed on existing poles following a portion of Lower Rock Creek Road is also proposed. A CEQA exemption is proposed.

Paul McFarland noted some on Paiute land in Benton. Questions from Swall on svc to properties, forwarded on to Race, who responded. Some homeowners in Paradise need to meet at Race???

OPEN PUBLIC HEARING: Glenn Inouye agreed on face-to-face meeting. Formerly outside communication loop. Race agreed to communicate. Water lines very shallow. Trenching or existing conduit at Lower Swall? Always use existing if possible. *New trenching, micro-trenching.*

Inouye had concern going under rock. If trenching, how go under driveways, limit access? *Alcazar would go over maps, work with CSDs (Community Services Districts) in joint effort. Prefer underground if possible, via existing conduits. By default, put in trenching plan, then consult on site. Try to accommodate, but get out of way ASAP. If willing to spend time with Race, will go over concerns.*

Hap Hazard issued disclaimer that since leaving BOS, still has communications/relationship with Race. D-395 approval involved Tribe under different process. Race will service almost all property available in Mono County. Effort to get service to all who want it. As supervisor, received more Internet service requests than anything else, including paramedics and taxes.

Ron Day worked with Hazard on getting D-395 in. Communities in south really want this to happen, either overhead or underground. **CLOSE PUBLIC HEARING**

MOTION: Find that project qualified as Categorical Exemption under CEQA guidelines 15301, 15303 & 15304; instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-009 subject to Conditions of Approval. (*Lagomarsini/Pipersky. Ayes: 4. Absent: Roberts.*)

--- Bush departed at 12:46 pm, passed gavel to Pipersky ---

G. CONDITIONAL USE PERMIT 17-007/Race Communications – Walker & Bridgeport. Project proposes to provide telecommunication services (phone, internet and video) connected to the Digital 395 internet backbone to private parcels in the communities of Walker and Bridgeport. The project entails placement of new overhead strand and fiber on existing utility poles, removal and replacement of existing strand and fiber on existing utility poles, installation of new underground conduit, installation of associated infrastructure (power vaults and distribution pedestals), and future new overhead line drops to connect individual properties. A CEQA exemption is proposed.

Paul McFarland noted remove/replace infrastructure from previous companies. No public comment.

OPEN PUBLIC HEARING: Ron Day endorsed this project.

Raul Alcazar saw unfortunate downtime, but outcome will justify it. Time is of essence to get on board. Bridgeport served at Paradise Shores along reservoir? *Not that far north.*

Alcazar described it as part of acquisition, but take on as 100% issue. **CLOSE PUBLIC HEARING.**

MOTION: Find that project qualifies as Categorical Exemption under CEQA guidelines 15301, 15302, 15303 & 15304, and instruct staff to file a Notice of Exemption; make the required findings contained in project staff report; and approve Use Permit 17-007 subject to Conditions of Approval (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

H. CONDITIONAL USE PERMIT 15-004/Crowley Lake Skatepark. Planning Commission review and approval of final design for skatepark (Condition 8 requires Planning Commission's approval of final design). Project is located adjacent to the community center at 58 Pearson Road, Crowley Lake. Project was approved with a prior Negative Declaration.

Peter Chapman cited a condition to return to PC for design final approval. Distributed handouts. Since 2015, Public Works entered into contractor contract. Adding 10 parking spaces, ADA sidewalk, and restroom. 15' elevation drop on property. Skatepark lower than parking lot (depressed into hillside). Two community workshops were held for local youth and parents.

Barriers across from parking lot? *Remove material from site with small rocks, sporadically put them between sidewalk and actual skatepark. Tiered levels so water won't wash dirt into skatepark. No culvert, no border. All water collected in underground system would feed dry well.*

Danger of falling? *Upper half pipe about 3'. Border maintains height, so not a cliff.*

Seating area? *Maximize actual skatepark in small footprint. Maybe seating, picnic tables by creek near delineated wetlands.*

OPEN PUBLIC HEARING: Kim McCarthy, CSA-1, noted space by bathrooms for picnic tables, umbrellas. Completion by November, so not much use this year. Address issue next year.

Ron Day favored skatepark for kids. Not much available for them now.

John Connolly cited extensive design work. Community asset, nice park. **CLOSE PUBLIC HEARING.**

RPAC approve by vote? *Ron Day indicated it was discussed at meetings, not directly at RPAC. No direct vote. Lost RPAC planner Courtney Weiche, not specifically brought up, but community generally behind it.*

Chapman stated contractor held well-attended workshops.

MOTION: Review proposed Skatepark design developed through community workshops led by contractor and approve final skatepark design with no changes (*Lizza/Lagomarsini. Ayes: 3. Absent: Bush, Roberts.*)

6. WORKSHOP: No items

7. REPORTS

A. WENDY SUGIMURA: 1) June Lake Area Plan: Six days of workshops, 20 neighborhood meetings, good feedback on non-contentious format. Policy development stage now, much harder, emotions running a bit higher, but getting through so far. CAC will look at draft policy Aug. 2, then to PC. **2) Cannabis:** Ban in whole or in part, adopt state regulations, develop local regulations. Michael Draper developed nice initial framework. Strategy: Look at how existing regulations accommodate, then adjust up or down, but not more permissive than State. BOS presentation, direction reaffirmed. Framework out to RPACs. Changing statewide regulatory landscape. Residents investing in use when no regulations exist. Heads up to BOS based on public safety, General Plan, community character, people spending money not knowing if could result in profit. If adopt local regulations, must be by Dec. 31, before enacting Proposition 64.

B. COMMISSIONERS: No items

8. INFORMATIONAL: No items

9. ADJOURN at 1:11 pm to July 20, 2017

Prepared by CD Ritter, PC secretary

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PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS (Authority: MCC 2.36.040 C)

ARTICLE I

SECTION 1. OFFICERS

- A. Chair, Vice-Chair. The officers of the Commission shall be a Chair and a Vice-Chair, who shall be members of the Commission elected by the Commission as soon as practicable following the first day of every year, and who shall serve at the pleasure of the Commission.
- B. Secretary. There shall also be a Secretary who shall not be a Commissioner. The Secretary shall be vested with all the powers and duties of Secretary pursuant to these rules and the various ordinances of the County of Mono.
- C. In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order, whereupon a Chair shall be elected from the members of the Commission present to preside for that meeting only.

SECTION 2. POWERS & DUTIES OF OFFICERS

- A. The Chair shall preside at all meetings of the Commission, swear witnesses in all proceedings of the Commission where sworn testimony is taken, and exercise and perform such other powers and duties as are conferred upon him/her by law and these rules.
- B. The Vice-Chair shall have and perform all the powers and duties of the Chair in the absence of the Chair from any meeting of the Commission or whenever the Chair is unable for any reason to act.
- C. The Secretary shall:
 1. Keep and record the minutes of all meetings of the Commission, and *include* a copy of the minutes of each meeting *in the next meeting's agenda packet*;
 2. Keep complete files of all communications to the Commission, documents filed with the Commission, and all other necessary records of the Commission;
 3. Act as custodian of the minutes and of all the records of the Commission; and
 4. Perform such other duties as the Commission may from time to time prescribe.

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SECTION 3. MEMBERS OF THE COMMISSION

- A. The Planning Commission shall consist of five members and shall be organized and exercise powers as prescribed by the California Government Code and by ordinance of the County of Mono.
- B. Terms of the Commission
1. The terms of office are as follows:

| <u>DISTRICT</u> | <u>FOUR-YEAR TERM EXPIRES</u> |
|-----------------|---------------------------------|
| # 1 | March 1, 2015, 2019, 2023, 2027 |
| # 2 | March 1, 2017, 2021, 2025, 2029 |
| # 3 | March 1, 2017, 2021, 2025, 2029 |
| # 4 | March 1, 2017, 2021, 2025, 2029 |
| # 5 | March 1, 2015, 2019, 2023, 2027 |
 2. Commissioners *may serve in excess of a period of 12 years per Board of Supervisors ordinance ORD07-01, adopted Feb. 13, 2007.*
 3. Members of the Planning Commission may be removed by a majority of the Board of Supervisors for the following reasons:
 - a. Failure to meet the following attendance requirements: A Commissioner shall not have three consecutive unexcused absences from regular meetings, nor may a Commissioner miss five or more regular meetings in any 12-month period;
 - b. Acting inappropriately, in the sole discretion of the Board, in matters regarding conflict of interest or personal bias;
 - c. Failure to carry out Commissioner duties over a period of time due to a frequent inability to vote caused by repeated conflict-of-interest issue;
 - d. Failure to carry out the duties of Commissioner by repeatedly abstaining on matters when there are no apparent conflict-of-interest or bias issues; and
 - e. Any other cause not enumerated herein which, in the opinion of a majority of the Board, reflects the Commissioner's failure to carry out the duties of the Commission, or which brings discredit to the County of Mono.

ARTICLE II

MEETINGS

SECTION 1. REGULAR MEETINGS

The regular meetings of the Commission shall be held on the third Thursday of every month, commencing at 10:00 a.m. All meetings shall be duly noticed. Unless otherwise provided, meetings shall be held in the Board of Supervisors chambers, Courthouse, Bridgeport, California, **and teleconferenced to the Town/County Conference Room in Mammoth Lakes. Although Commission preference is for all Commissioners to convene in a single location, if inclement weather necessitates, Commissioners may attend and participate at the noticed**

teleconference site. The Commission may, on a majority vote of its members, or with the approval of the Chair upon consultation with the Community Development Director, cancel any regular meeting.

SECTION 2. SPECIAL MEETINGS

A special meeting may be called at any time by the Chair, and the Chair shall call a special meeting at the written request of three members of the Commission. Notice of each special meeting shall be given by delivering personally, or by email, a written notice thereof to each Commissioner, and to each newspaper of general circulation, radio, or television station requesting notice in writing. Such notice must be delivered personally or by email at least 24 hours before the time of such meeting. Such written notice may be dispensed with as to any Commissioner who at or prior to the time the meeting convenes, files with the Secretary a written waiver of notice. Such written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes. **Special meetings occasionally convene in Mammoth Lakes to accommodate proposals of interest to South County applicants and residents. In such cases, the teleconference site typically is the Board of Supervisors chambers, Courthouse, Bridgeport,**

SECTION 3. ADJOURNED MEETINGS

The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the Commission are absent from any meeting, the Secretary shall declare the meeting adjourned to a stated time and place. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified in these rules for regular meetings.

SECTION 4. WORKSHOPS

- A. A workshop may be convened by the Commission as a whole, or by a committee of the Commission. It shall be convened in the manner prescribed for the calling of a regular or special meeting.
- B. Workshops shall be duly noticed and open to the public in accordance with the Brown Act.

SECTION 5. QUORUM

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SECTION 6. RESOLUTIONS & MOTIONS

Any actions or decisions of the Commission at any meeting shall be expressed by motion, duly seconded and voted upon by members of the Commission. The roll need not be called in voting upon a motion, except when requested by a Commissioner. If the roll is not called, in the absence of an objection, the Chair may order the motion unanimously approved. When the roll is called on any motion, any Commissioner present who does not vote in an audible voice shall

be recorded as voting aye. The minutes or other public record of the meeting shall reflect the vote or abstention of each Commissioner.

The Chair of the Commission may second any motion and present and discuss any matter as a Commissioner without having to step down from the chair. The Chair of the Commission shall be entitled to vote on all matters before the Commission.

Every Commissioner must vote except when disqualified by reason of a conflict of interest or as otherwise required by law.

The adoption by the Commission of findings or recommendations to be made and reported to the Board of Supervisors may be made by resolution adopted on motion duly seconded and carried. Resolutions of the Commission may be adopted with modification or corrections stated orally by the Commission in the record, and referred to the Secretary of the Commission for incorporation of any such changes.

SECTION 7. REPORTS TO THE BOARD

When the Commission has by resolution made a recommendation to the Board of Supervisors, this action shall be reported to the Board as soon as practicable thereafter except as otherwise may be provided for. The action of the Commission shall be reported by the Director, or a member of his or her staff designated by him or her, but the Chair, or in his absence the Vice-Chair, or another Commissioner appointed by the Chair, may be present at the Board meetings when deemed advisable by the Commission.

SECTION 8. ORDER OF BUSINESS

At the regular meetings of the Commission, the following shall be the order of business:

1. Call to order
2. Pledge of allegiance
3. Public comment
4. Approval of minutes
5. Agenda of Commission
 - A. Consent agenda
 - B. Public hearings
 - C. Action items
 - D. Workshop items
 - E. Reports
 - 1) Director
 - 2) Planning Commissioners
6. Adjournment

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

SECTION 9. AGENDA

Routine items to be placed on the agenda shall be determined by the Director; non-routine items shall be determined by the Director in consultation with the Chair. Any Commissioner may request the Chair to place any matter on the agenda, and it shall be so placed unless the Chair

determines that the matter is not germane to Commission business as provided by law. In the case of such determination by the Chair, the Chair shall place the request and determination before the Commission, for its decision, at the next regular meeting.

The length of the agenda shall be determined by the Director in consultation with the Chair, and when deemed necessary, shall be limited to those items that can be satisfactorily concluded during a meeting day. When the workload becomes excessive, special meetings may be called.

SECTION 10. HEARING CONTINUANCES

Upon receipt of a request by the applicant or representative for good cause shown in writing, and prior to the mailing of the official public notices announcing the time and place of the meeting, the Director shall reschedule a hearing date. The Director may, in his discretion, reschedule a hearing date for the convenience of the Commission or the orderly conduct of business of the Department or the County.

In the event that less than the full Commission is present to hear a matter regarding which the Commission is the final decision maker, and upon the request of the project applicant or representative, made prior to the commencement of the hearing, the hearing shall be continued until such time as the full Commission can be present. Alternatively, at any time after commencement and prior to the close of the hearing at which less than a full Commission is present, the project proponent or representative may request, and may be granted, a rehearing before the full Commission. Such rehearing shall be considered a "continued hearing" for the purposes of the applicability of any fees or costs to the project applicant. For purposes of this paragraph, a full Commission means the presence of all five Commission members at the meeting, regardless of whether any individual member recuses himself or herself or abstains from participation in the particular matter.

SECTION 11. OTHER RULES FOR CONDUCT OF MEETINGS

Robert's Rules of Order (latest edition) should govern in all matters and procedures not provided for herein or in the code, providing, however, that the failure of the Commission to conform to said rules shall not, in any instance, be deemed to invalidate the action taken.

The Chair shall remove items from the consent agenda and schedule them elsewhere on the agenda when requested by a Commissioner.

The Chair may decide to take public comment during any item on the agenda if he/she determines public comment is germane to the matter before the Commission or otherwise useful or desirable. Any citizen making a public comment shall state his/her name prior to making comment. The Chair shall instruct the person addressing the Commission to keep comments relevant to the agenda item, and in the interests of an orderly meeting, may limit the time for public comment. The Chair may also decide not to take public comment on items other than Public Hearings and during the agenda item public comment period.

SECTION 12. CONDUCT OF PUBLIC HEARINGS

The purpose of a Public Hearing is to provide the public with an opportunity to address the Commission on matters pending before the Commission. The Commission shall consider public comments along with the applicant's and staff's comments prior to taking action. The Chair shall facilitate Public Hearings to elicit all relevant information for decision-making purposes in an orderly and expeditious way.

The order of procedure for Public Hearings shall be as follows:

1. The Chair shall announce the subject of the particular hearing as advertised.
2. Planning staff shall present the substance of the application or other project, staff report, and recommendation to the Commission and shall answer technical questions of the Commission.
3. The Public Hearing is opened by the Chair. The order of testimony is as follows:
 - a. Applicant's statement;
 - b. Public's statements; and
 - c. Rebuttal statements from applicant if necessary.
4. When all relevant testimony is deemed to have been heard, the Chair shall close the Public Hearing. When a hearing is closed, it shall remain closed except when the matter is continued to another date for further hearing, or when the Chair, or Commission consensus, determines that additional testimony is necessary or desirable, in which case the Chair shall reopen the hearing.
5. Following the close of the public hearing, the Commission shall discuss and deliberate regarding the matter and then either determine the matter or continue it to a date and time certain.
6. Rules of Testimony:
 - a. Persons addressing the Commission shall address the Commission from a designated location. They shall state their name for the record. No person shall address the Commission without first securing permission from the Chair. Comments made must be relevant to the matter before the Commission.
 - b. The Chair may set rules regarding time and relevance of public testimony. The Chair may end testimony when a presentation exceeds the time limit; and may rule "out of order" or otherwise limit repetitive testimony and testimony deemed non-germane. Additionally, irrelevancies (including comments on race, religion, creed, political matters, etc.) shall be ruled out of order by the Chair.
 - c. All comments shall be addressed to the Commission.
 - d. If a Commissioner is in possession of extra-record evidence that is relevant to his or her decision making but which does not require recusal, then, the Commissioner shall state such evidence for the record.
 - e. The Chair shall discourage complaints regarding the staff or individual members of the Commission during a Public Hearing. Complaints should be presented as a separate item on the agenda, or submitted to the Commission in writing for later consideration.

ARTICLE III

COMMITTEES & REPRESENTATIVES ON OTHER BOARDS

SECTION 1. APPOINTMENT OF COMMITTEES

The Chair shall appoint such committees of members of the Commission as the Commission shall from time to time authorize to investigate and report to the Commission on matters within its jurisdiction.

SECTION 2. PUBLIC REPORTS

The Commission may issue public reports setting forth its consensus on matters before the Commission. After the adoption of such a report by the majority of the Commission, those voting in dissent may concurrently submit a minority report. Majority reports shall reflect the views of the Commission and shall not be prepared in consultation with the Board of Supervisors. Minority reports shall reflect the views of the member preparing them and shall not be prepared in consultation with the Board of Supervisors.

ARTICLE IV

DOCUMENTATION

SECTION 1. POLICY

Policies in addition to those set forth herein applicable to the Commission, when not otherwise set forth by law, may be adopted by resolution of the Board of Supervisors. In the absence of policies established by the Board of Supervisors, the Commission may by resolution adopt such policies consistent with the authority granted by subdivision C of Mono County Code section 2.36.040, and may, but is not required to, request confirmation of such policies by the Board.

SECTION 2. STAFF REPORTS & SERVICES

On all applications for change of land use designation, requests for approval of subdivision maps, proposed amendments to the Land Use Element and other matters that may be brought before the Commission, the Director (or his or her designee) shall furnish written reports containing an analysis and recommendation. The Commission shall look to the Director and his or her designees for all information and staff services. The Director will be responsible for all assignments to staff members.

When a matter is contested and a written request is submitted to the Secretary at least 24 hours before the commencement of the hearing, the Secretary shall cause a record of such hearing to be made. If a hearing is tape-recorded, a copy of the tape may be purchased at its reproduction cost from the Secretary, provided that a deposit in an amount estimated by said Secretary to cover the cost of reproduction shall be first made. If any person desires to have a hearing reported by a stenographic reporter, he or she may employ one directly at his or her expense, and shall notify the Secretary of his or her intent at least 24 hours in advance of the meeting if possible.

When a written Planning Staff report exists, the report shall be made public at the time it is presented to a majority of the members of the Commission. All reports shall be a matter of public record, and shall be included in the record of the hearing.

ARTICLE V

ETHICS

SECTION 1. CONFLICT OF INTEREST

No Commissioner shall participate in the making of a decision or vote on any item in which he or she has a financial interest as defined in Government Code Sections 87100 et seq. (the Political Reform Act) and its implementing regulations, or a financial interest pursuant to Government Code Section 1090. Further, no Commissioner shall participate in the making of a decision or vote on any item with respect to which he or she is biased or otherwise conflicted due to personal interests, consistent with applicable law. Possible biases, financial interests, and other conflicts of interest shall be discussed with County Counsel.

SECTION 2. SPECIAL REQUESTS TO COMMISSIONERS

Commissioners shall place in the record of Commission meetings a report of requests for special consideration received from any source either verbally or in writing. The purpose of this section is to keep the public and the Board of Supervisors informed regarding any showing of unusual or special interest by any person or group in any matter before the Commission.

SECTION 3. APPEARANCES BEFORE THE BOARD OF SUPERVISORS

Any Commissioner presenting a minority report to the Board may do so as a Commissioner, but shall make it clear to the Board that he or she is not presenting the sentiment of a majority of the Commission. Any Commissioner intending to make a minority report to the Board of Supervisors shall report this intention at a Commission meeting prior to making the minority report or to the Director if no Commission meeting is scheduled prior to the item's being heard by the Board of Supervisors.

ARTICLE VI

AMENDMENT TO RULES FOR THE TRANSACTION OF BUSINESS

SECTION 1. AMENDMENT TO RULES FOR THE TRANSACTION OF BUSINESS

These rules may be amended by the Commission by a majority of all members of the Commission at any regular meeting or special meeting.

ARTICLE VII

DEFINITIONS

SECTION 1. DEFINITIONS

For the purpose of these rules certain words, phrases and terms shall be construed as specified in this section:

- A. "Commission" shall mean the Planning Commission of the County of Mono;
- B. "Board" shall mean the Board of Supervisors of the County of Mono;
- C. "Law" or "Code" shall mean the ordinances of the County of Mono, the Constitution of the State of California, and any other law of the State of California that is applicable;
- D. "Director" shall mean the Community Development Director of the County of Mono; and
- E. "Staff" shall mean any County employee reporting to the Planning Commission for the County of Mono.

ARTICLE VIII

ADOPTION

SECTION 1. ADOPTION

The foregoing rules for the transaction of the business of the Planning Commission of the County of Mono were adopted by action of the Planning Commission of the County of Mono at its regular meeting held on the 15th day of the month of December 2016, and signed by Planning Commission Chair Chris I. Lizza.

MONO COUNTY PLANNING COMMISSION RULES

Chris I. Lizza, Chair

DATED: December 15, 2016

ATTEST:

CD Ritter, Secretary
Mono County Planning Commission

Mono County Community Development Department

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

July 20, 2017

To: Mono County Planning Commission
From: Michael Draper, Planning Analyst
Subject: Conditional Use Permit 17-011/Short-Term Rental type I - Day

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; and
- 2) Approve CUP 17-011 subject to the findings and conditions contained in this staff report

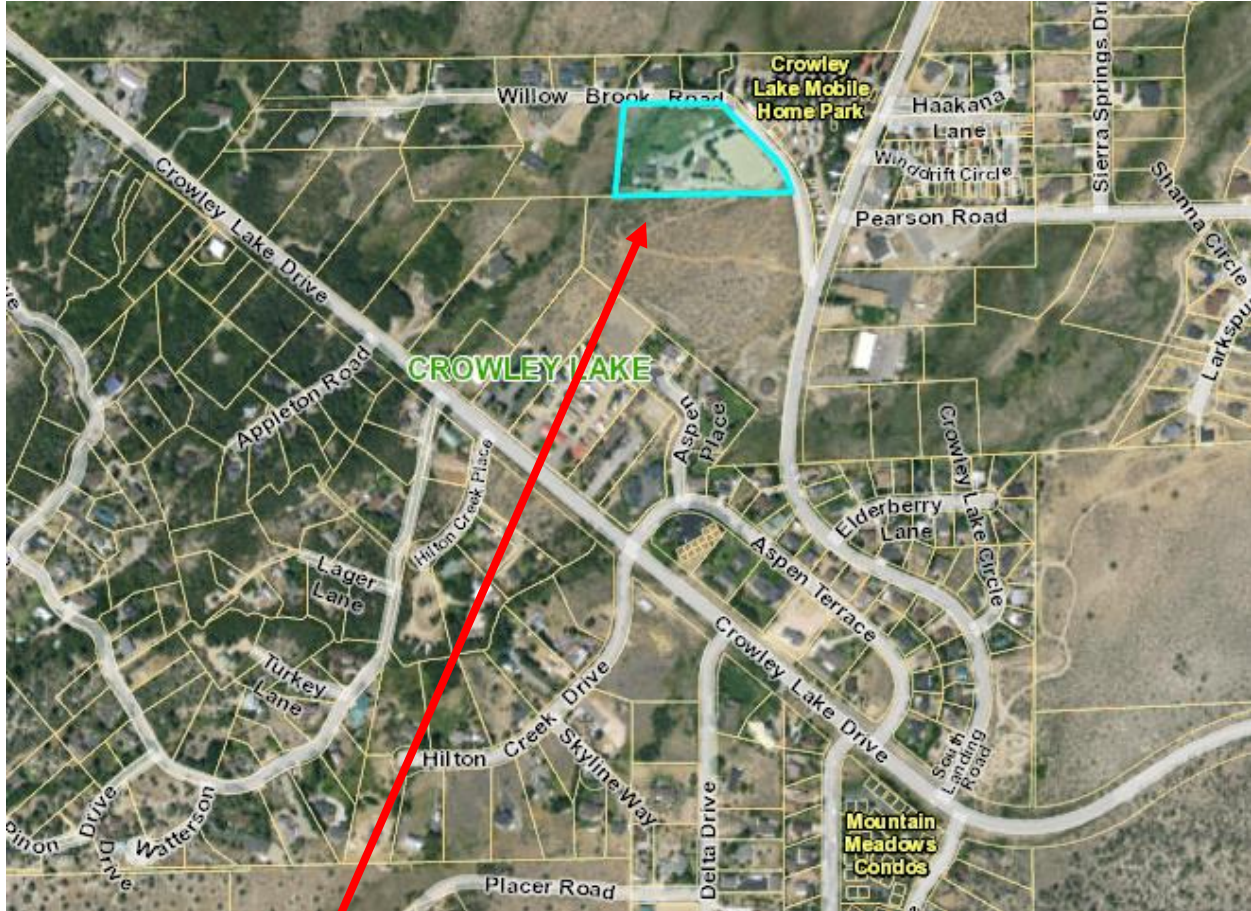
BACKGROUND

This proposal, CUP 17-011 / Day, is located at 193 Willow Brook Road, Crowley Lake, and has a land use designation of Estate Residential (ER). The property has a main house and a 1040-square foot, 2-bedroom, 1-bathroom accessory dwelling unit located above the detached garage. The parcel (APN 060-210-062) is approximately 3.2 acres in size (see site plan). The applicant is a full-time resident of the main house.

Chapter 25 of the Mono County General established type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The use permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership.

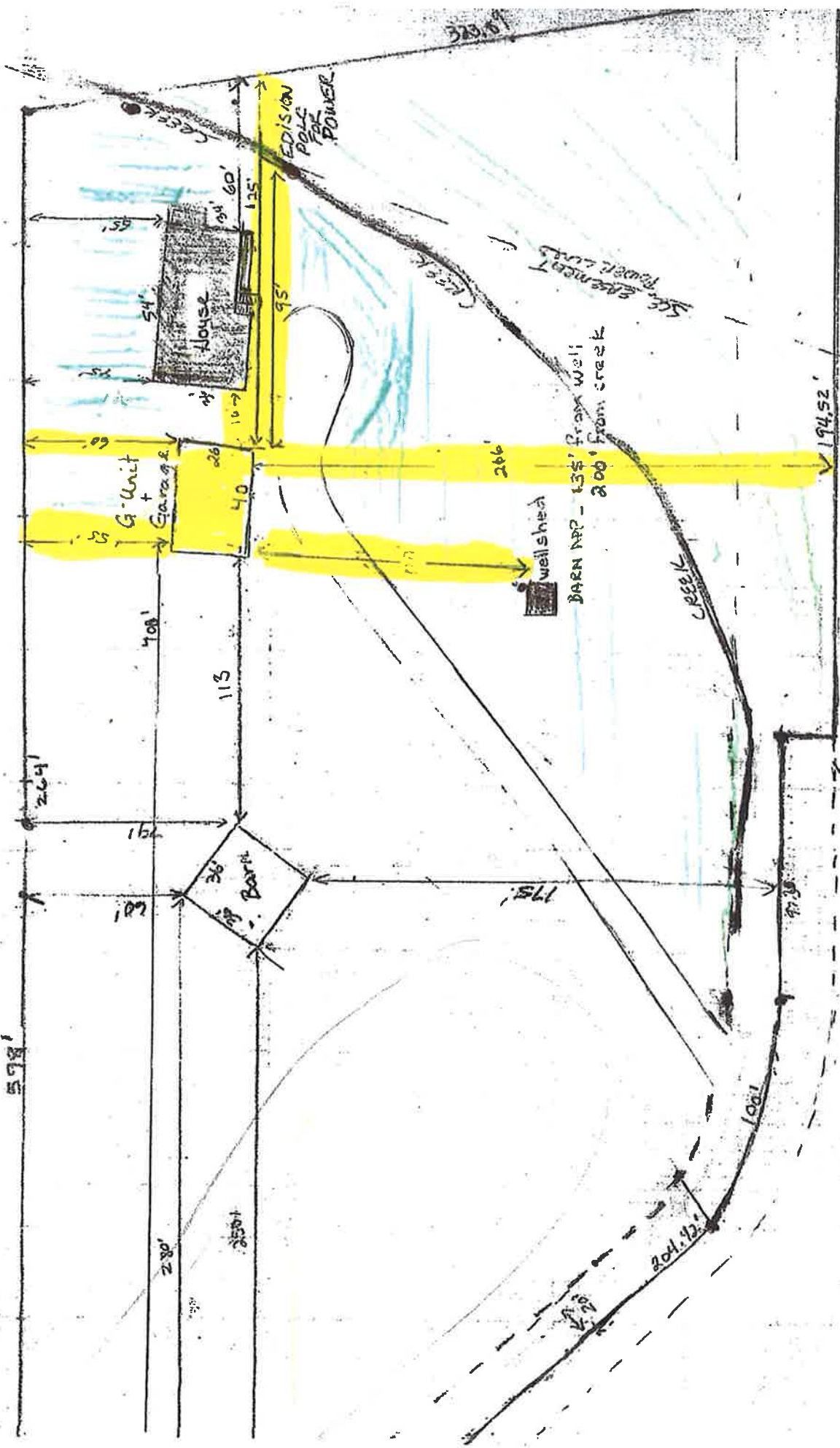
Also, the type I use is subject to a number of restrictions and requirements as contained in Ch. 26 of the Land Use Element.

Site Plan: CUP 17-011 / Day Type I Short-Term Rental



Project location 193 Willow Brook Rd.
APN: 060-201-062





- Natural
 - Lawn & Landscaping
 - Pastures
 - Arena-Barn
- Propose G-Unit's Garage



DAY PROPERTY - PLOT PLAN
 143 Willow Brook Rd. Crowley Lake.
 AP 60-201-62
 Ron and Kai Day

Site Plan: CUP 17-011 / Day Type I Short-Term Rental



Project location 193 Willow Brook Rd.
APN: 060-201-062



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met May 23, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing.

COMMENTS RECEIVED

Consistent with the requirements of Ch. 25, a 30-day notice has been provided in local newspapers and to all property owners within 500 feet. Only a single comment has been received, asking to prevent increased traffic through the Crowley Lake Mobile-Home Park, east of the site.

GENERAL PLAN CONSISTENCY

The project is consistent with the intent of Chapter 25, Short-Term Rental Type I. This is recognition of the demand by visitors for diverse lodging options. This chapter establishes 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.

The project is required to comply with Chapter 26, Transient Rental Standards and Enforcement. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

The project is consistent with the following **Long Valley Area Plan Policies**:

Objective 23.B. Maintain, protect and enhance the quality and livability of community areas.

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

Policy 23.C.1. Provide adequate land for existing and future commercial needs.

Action 23.C.1.a Designate a sufficient amount of land to accommodate tourist and community commercial needs.

CEQA COMPLIANCE

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

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

Examples include but are not limited to:

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

Single-family homes that are rented on a transient basis (as a Type I rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Project provides the necessary parking of one space for the Type I rental; and
 - b) The 1,040-sq. ft. rental is an existing structure.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The property is accessed by Willow Brook Road, a private road, and use of property for a Type I rental is not expected to generate a significant increase in traffic.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a) The proposed Type I short-term rental of an existing 1,040-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
 - a) The proposed type I short-term rental is required to comply with Chapters 25 and 26 of the General Plan.
 - b) 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 Use Permit, if consistent with applicable Area Plan policies. The project's ER designation is consistent with this requirement and thus allows for short-term rentals.

CONDITIONS OF APPROVAL
Use Permit 17-011 / Day

- 1) The owner/applicant shall require that short-term renters access the property using South Landing Road to Willow Brook Road.
- 2) The rental unit shall obtain a Certificate of Occupancy prior to any use as such.
- 3) The project shall comply with provisions of Chapter 25, Short-Term Rental.
- 4) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
- 5) Property shall be maintained in a neat and orderly manner. Any unnecessary vehicles should be stored and screened from nearby properties.
- 6) Project shall comply with all Mono County Building Division requirements.
- 7) Project shall comply with Environmental Health requirements and occupants using this Type I Short-Term Rental shall be provided with potable drinking water.
- 8) Applicant shall obtain a “will-serve” permit from the Long Valley Fire Protection District, if required.
- 9) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

Cannabis Regulation

July 20, 2016

Mono County Planning Commission

California

YES: 56.4%

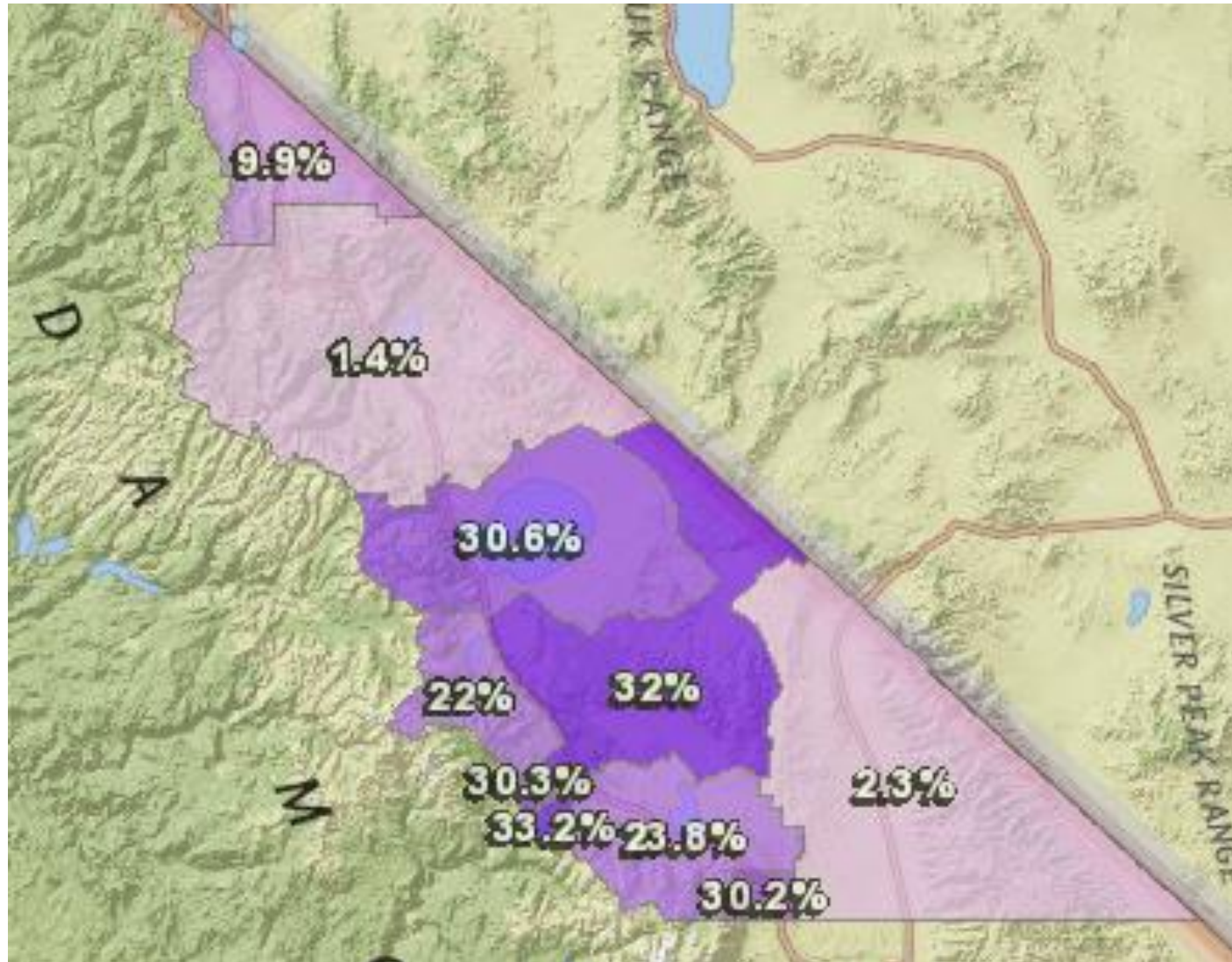
NO: 43.6%

Mono County

YES: 3,303 61.6%

NO: 2,061 38.4%

Background



Options

A. State Regulates

- Allow activities subject to State regulations.

B. Ban

- In whole or in part

C. Draft County Regulations

- Direction from March Board meeting
- Types of cannabis activities
- Locations & development standards
- If desired, regulate personal cultivation

Planning Process

Goal: Develop & adopt land use policies/regulatory standards for cannabis by Dec. 31.

Challenges:

- Rapidly changing landscape of state laws
- Unknown impacts across multiple departments = collaboration challenge
- Emotional response to issue, outreach
- Speculation

The County's regulatory framework is not yet established.

- Commercial cannabis activities are currently illegal.
- Individuals investing in future uses do so at their own risk with no guarantees.

Rationale Planning Process:

- Public health & safety
- Consistency with General Plan Vision, community character, and related public input

Regulating Land Uses

Personal Cultivation

- Regulate?

Commercial Operations

- Option 1 – Fit within existing designations
- Option 2 – Add more regulation
- Option 3 – Less regulation
- Use Permit

Personal Cultivation

Adult Use State Regulations:

- No person shall sell cannabis without proper state licensing
- Within residences and permanent accessory structures
- 6 plants maximum
- Single private residence or upon the grounds of that private residence
- Locked space, not visible by normal unaided vision from a public place
- May give away not more than 28.5 grams

Medical State Regulations:

- Prop. 215 (1996)
- SB 420
- Medical Marijuana Regulation and Safety Act (MCRSA)

Personal Cultivation: Regulate?

Potential issues that may be addressed:

- Indoors vs. outdoors: one or the other
- Location
- Ventilation/odor
- Security features
- Maximum area
- Screening/visuals
- Setbacks
- Many details are addressed by building codes

Commercial

Retail

Manufacturing

Test

Cultivation

Commercial Retailer

Potential Land Use Designations:

- Commercial
- Service Commercial
- Industrial & Industrial Park
- Agriculture (as an accessory to main use)
- Mixed-Use

- The parcel must be located 600' from any school
- Hours of operation 6am – 9pm
- Must meet Security Plan requirements

Commercial Manufacturing

To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

- Type P license: only package and/or label another manufacturer's products;
- Type N license: only conduct infusions and/or packaging and labeling their own products.
- State operational requirements

Potential Land Use Designations:

- Agriculture
- Service Commercial
- Industrial & Industrial Park
- Commercial?

Commercial Testing (Type 8)

A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products

- Security protocols
- Control access
- Security alarm system required
- Storage area with Commercial-grade lock
 - Test samples
 - Waste containing cannabis

Potential Land Use Designations:

- Commercial
- Industrial and Industrial Park

Commercial Cultivation (Type 1-5)

No Adult-use Type 5 prior to Jan.1, 2023.

Potential Land Use Designations:

- Agriculture
- Industrial and Industrial Park

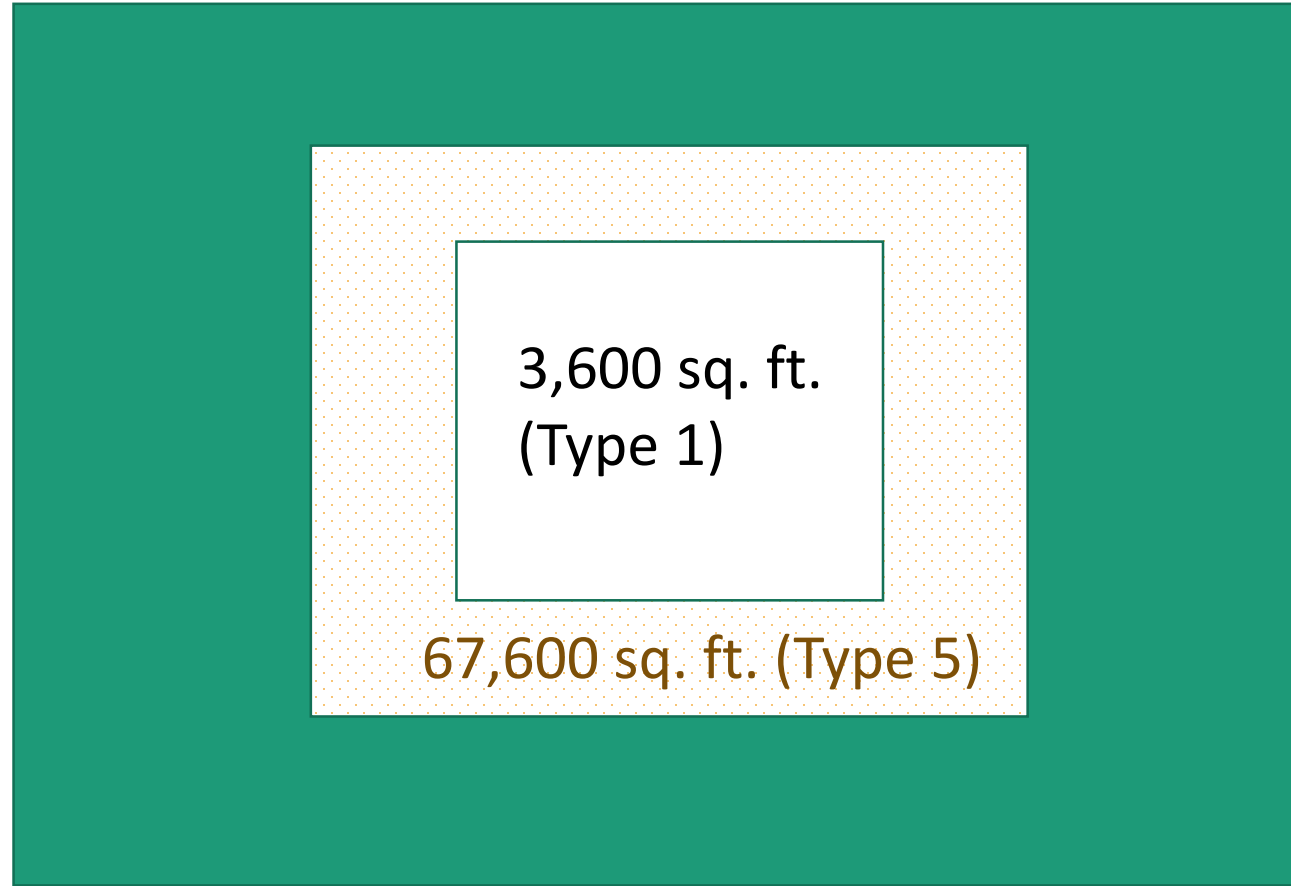
Defining “Agriculture”

- Green house building permits
- LUD Resource Management & Open Space
 - Ag is a permitted use, but cannabis seems incompatible with land use intent
- **Land Use Policies Objective 1.G.**
 - Protect open space and agricultural lands from conversion to and encroachment of developed community uses.
 - **Policy 1.G.1.** Protect lands currently in agricultural production.
 - **Action 1.G.1.a.** Designate large parcels in agricultural use as "Agriculture."

Commercial Cultivation: Potential Regulations

- Setbacks from property lines & expanded list of facilities
- Security
- Visuals/screening
- Odors/ventilation
- Lighting
- Environmental Management Plan

10 acres



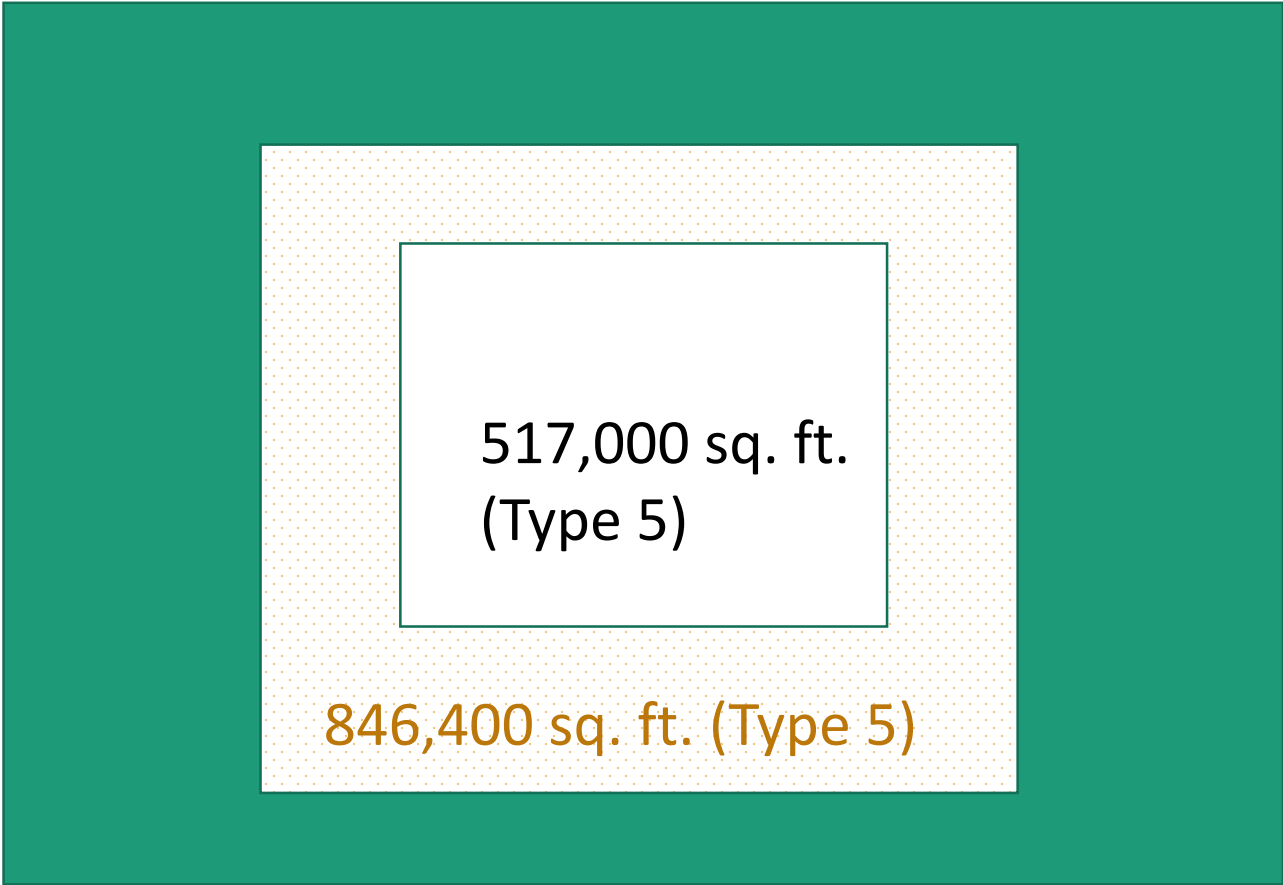
3,600 sq. ft.
(Type 1)

67,600 sq. ft. (Type 5)

300' set back

200' set back

40 acres



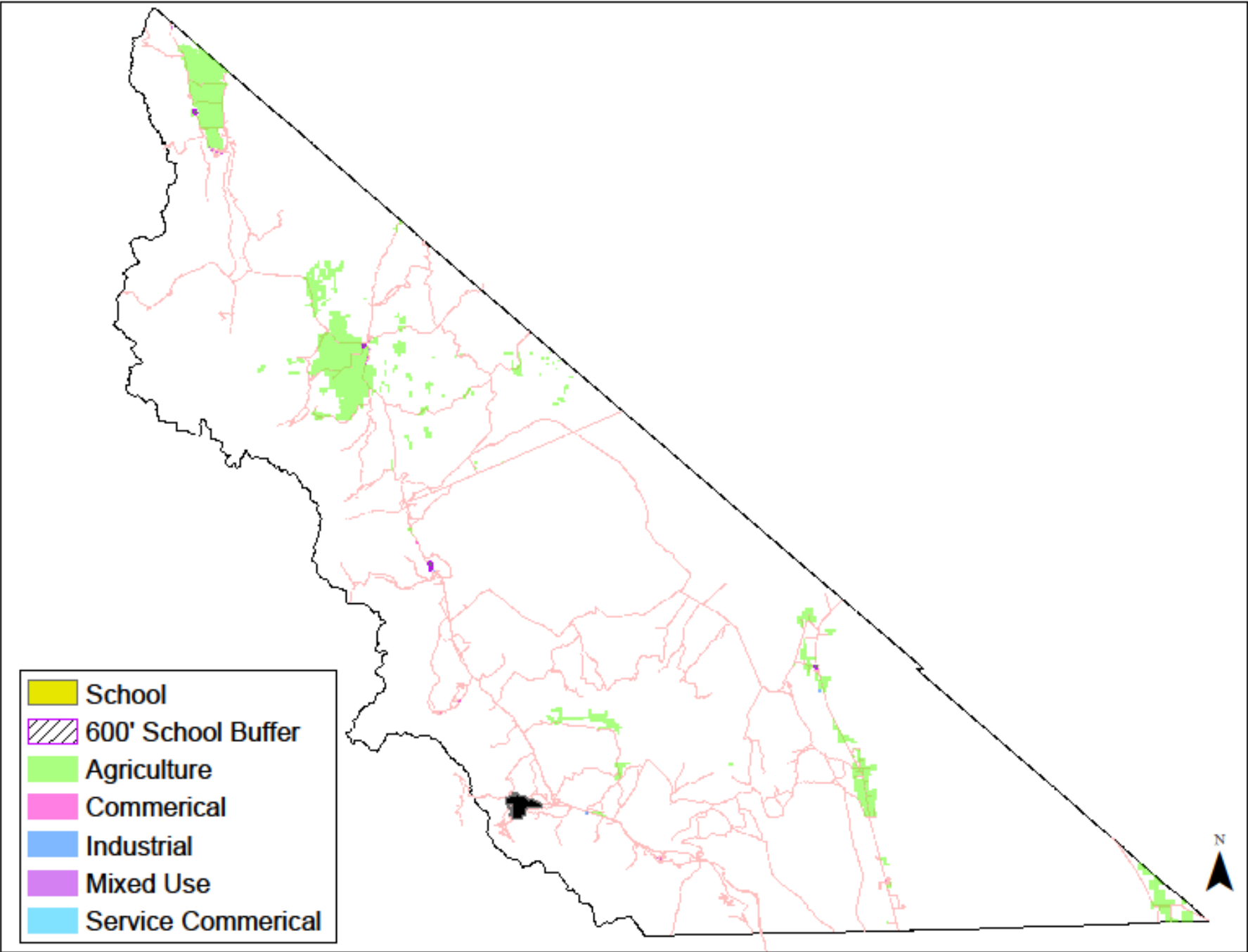
300' set back

517,000 sq. ft.
(Type 5)

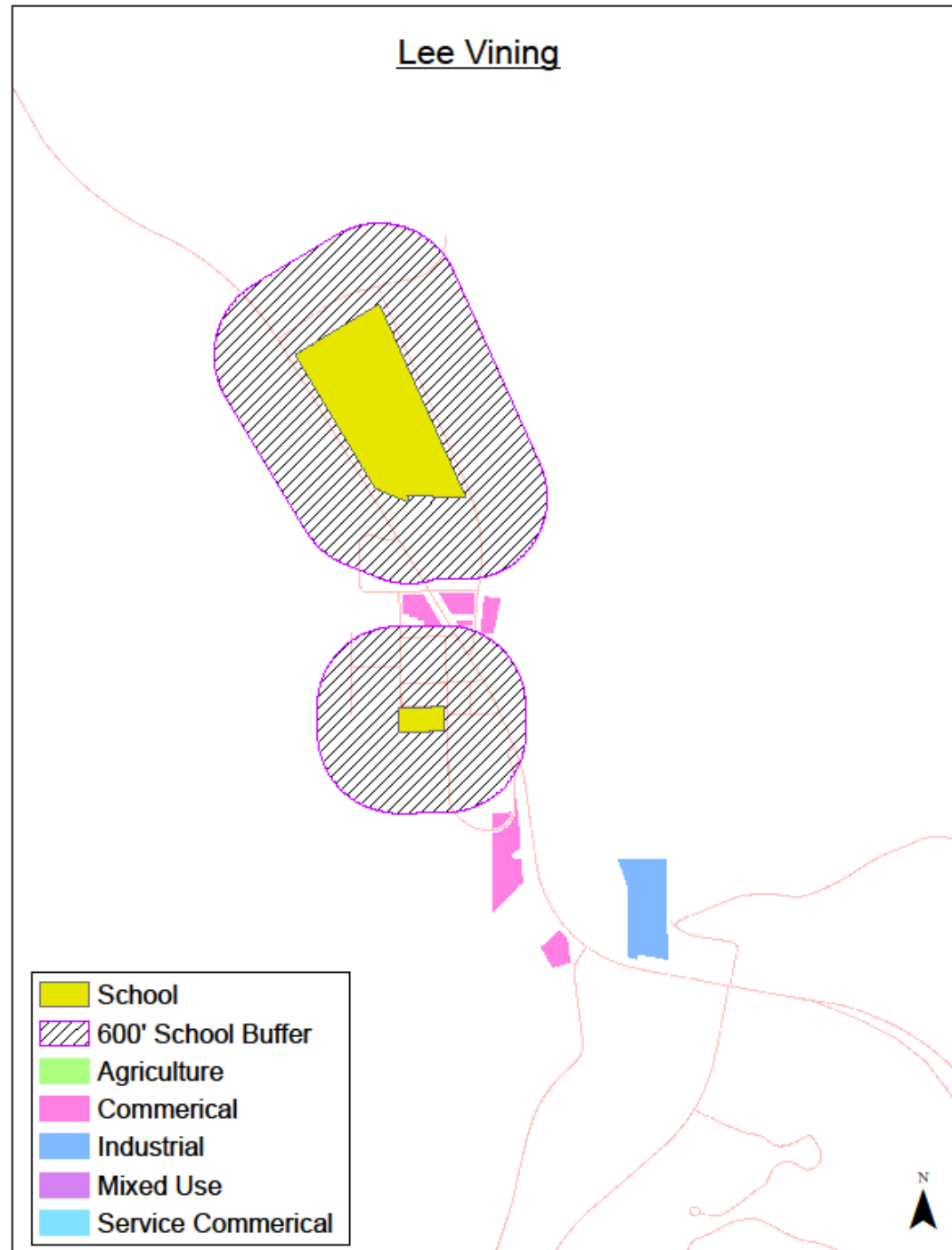
200' set back

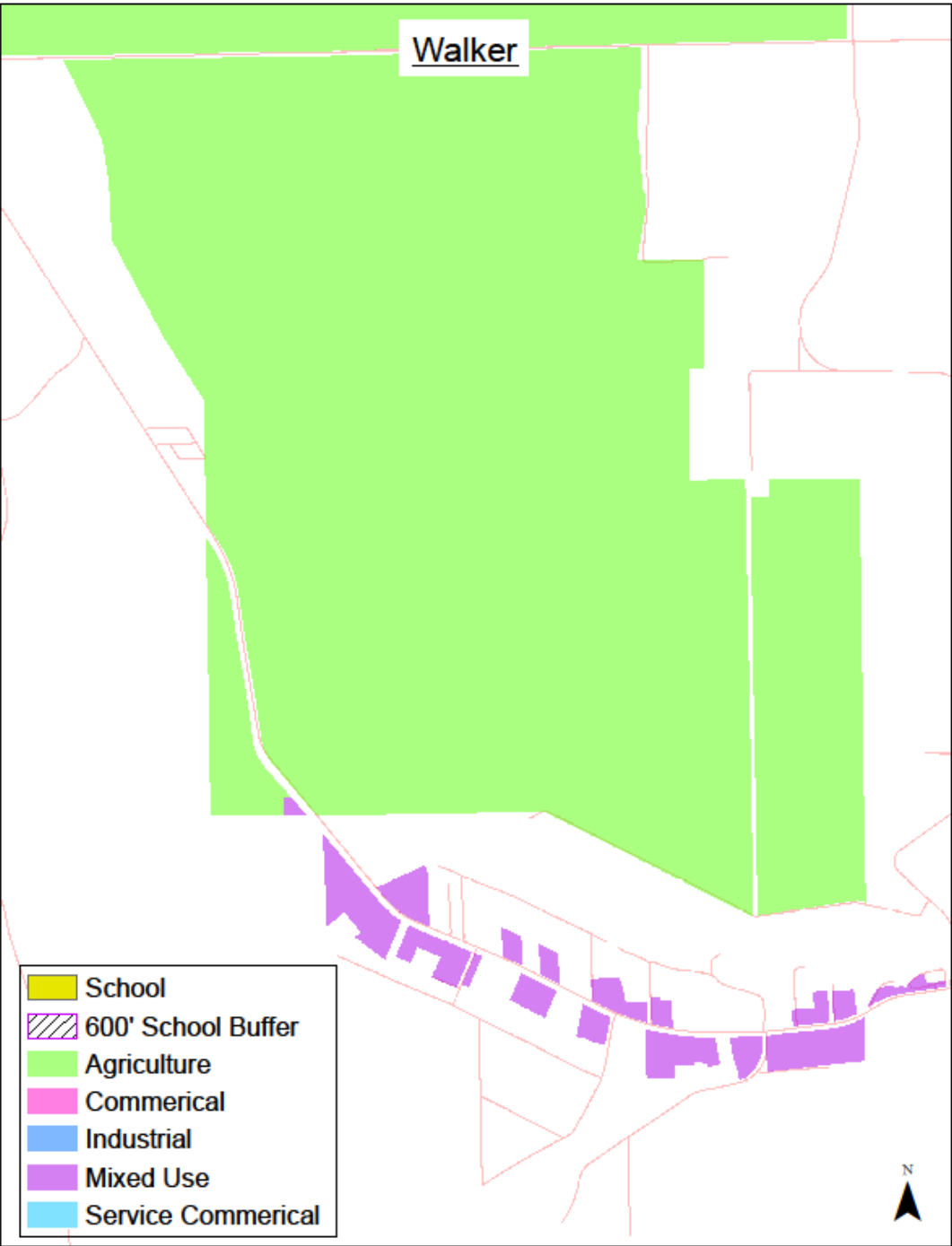
846,400 sq. ft. (Type 5)

| | Cultivation | Manufacturing | Testing | Retail |
|--|-------------|---------------|---------|---------|
| | Type 1-5 | Type 6 & 7 | Type 8 | Type 10 |
| Agriculture (AG) | X | X* | | X* |
| Commercial (C) | | | X | X |
| Commerical Lodging (CL) | | | | |
| Commerical Lodging Moderate (CL-M) | | | | |
| Commerical Lodging High (CL-H) | | | | |
| Estate Residential (ER) | | | | |
| Idustrial (I) | X | X | X | X |
| Industrial Park (IP) | X | X | X | X |
| Mixed Use (MU) | | | | X |
| Multi-Family Residential Low (MFR-L) | | | | |
| Multi-Family Residential Moderatle (MFR-M) | | | | |
| Multi-Family Residential High (MFR-H) | | | | |
| Natural Habitat Protection (NHP) | | | | |
| Open Space (OS) | | | | |
| Public and Quasi-public Facilities (PF) | | | | |
| Resource Extraction (RE) | | | | |
| Resource Management (RM) | | | | |
| Rural Mobile Home (RMH) | | | | |
| Rural Residential (RR) | | | | |
| Rural Resort (RU) | | | | |
| Scenic Area Agriculture (SAA) | | | | |
| Single-Family Residential (SFR) | | | | |
| Service Commercial (SC) | | X | | X |
| Specific Plan (SP) | | | | |
| *INCIDENTAL USE ACCESSORY TO MAIN USE | | | | |



Lee Vining





Use Permit

- Discretionary permit approved by the Planning Commission
- Allows for public comment
- Provides flexibility through conditions
- Required to meet “findings”
- Environmental review required
- \$495 deposit + bill hourly for staff time

Building Permit

- Different activities will trigger different occupancy classifications & different code requirements

General Requirements:

- Site Plan & architectural details
- Structural engineering
- Mechanical plans, including electrical, plumbing, irrigation
- HVAC & Ventilation
- Waste disposal
- Other project dependent health & safety features: CO2 & sulfur sensors, fire sprinklers

Land Use Questions

1. Do we regulate personal cultivation (medical and/or adult use)?
2. Do we continue to develop regulations for commercial cannabis?
3. If we are to continue....
 - Should we apply current land use designation definitions to cannabis industry types?
 - Should we add additional requirements for cannabis industry types applicable to specific land-uses?