

# MONO COUNTY PLANNING COMMISSION

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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## SPECIAL MEETING AGENDA

March 22, 2018 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's 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). Interested persons can subscribe on the website for inclusion on the e-mail distribution list,

*\*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 February 15, 2018 – *p. 1*

### 4. PUBLIC HEARING

#### **10:10 A.M.**

**GENERAL PLAN AMENDMENT 18-01** – Consider recommending the following amendments for adoption by the Board of Supervisors: – *p. 6*

**A) Commercial cannabis activities:** 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. – *p. 79*

**B) Short-term rentals:** 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. – *p. 132*

**C) Housing policies:** 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. – *p. 169*

**D) Circulation Element/Regional Transportation Plan (RTP):** 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. In accordance with the California Environmental Quality Act, commercial cannabis policies are exempt under Business & Professions Code §26055(h), and the Planning Commission will make a recommendation regarding approval of an addendum 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. – *p. 174*

*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

**5. WORKSHOPS:** No items

**6. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**7. INFORMATIONAL: CANNABIS POWER GENERATION REGULATIONS – p. 181**

**8. ADJOURN** to Special Meeting April 5, 2018

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

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting 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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Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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## DRAFT MINUTES

February 15, 2018

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

**STAFF:** Gerry Le Francois, principal planner (videoconference); Wendy Sugimura, interim CDD director; Michael Draper, planning analyst; Walt Lehmann, public works; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

**GUESTS:** Sheriff Ingrid Braun, Eric Edgerton, Michael Schwartz, D'Linda Briggs, Jephraim Gundzik

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-Chair Scott Bush called the meeting to order at 10: a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of January 18, 2018, as submitted. (*Pipersky/Lizza. Ayes: 4. Abstain due to absence: Lagomarsini.*)

**4. ELECTION OF CHAIR & VICE-CHAIR:** Scott Bush nominated for chair (Pipersky/Roberts. Ayes: 4.). Pipersky nominated for vice-chair (Bush/Lizza. Ayes: 4.).

**5. PUBLIC HEARINGS:** No items

### 6. WORKSHOP

**A. TWO-PERMIT SYSTEM FOR APPROVALS SPECIFIC TO PROPERTY OWNER:** Wendy Sugimura: STR goes with owner, not land. Cannabis same model. Permit approved under General Plan: Use Permits go with land. Other issues related to political and social impacts fall outside land use requirements. Propose separate section in Mono Code, approval process will live there. Proposed two step-process: Use Permit to PC, secondary approval specific to operations of that use, approval under Mono Code, separate approval body to approve. BOS determines who approves second permit or assigns hearing officer. When applicant applies, first property owner would have two-step approval process. If owner sells, Use Permit still exists but operations permit would be subject to public hearing. Provide public comment on new approval, both need discretionary permits. BOS not weighed in yet.

Bush: Not meet June Lake criteria. If STR approved, why deny to next owner? June Lake wanted permit tied to owner, not property.

Sugimura: CAC thought sufficient. Main concern: if property owner changed, would like opportunity to discuss at public hearing. Educate property owner it's a really big deal. Responsibility of owner operating facility. Email on double jeopardy if highly contentious. Second approval body. Combine public hearings as much as possible, process concurrently.

Bush: Illegal to end Use Permit.

Milovich: If permit cap exists, no other individual could obtain Use Permit. Introducing operations permit, different standards.

Conditions of Use Permit apply to new owner? Milovich: Remain same, operations permit applies to new person.

Bush: Store is accepted as store. Milovich: Use permit, if person B shows up criminal. Bush: Businesses different. If Use Permit runs with it, then judging person. Milovich: Option to run as STR whether exercised. Subject to operations permit.

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
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Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

Lagomarsini: Encourage someone to buy property, make STR, sell to someone who wants to do it. Milovich: Only operations permit. Bush: How stop new owner? Milovich: History background checks, criminal activity. Sugimura: Or existing owner committed violations, unwilling to respect regulations. Not limited to personal or social nature. Store itself is land use.

What would be relevant on new owner? Kangaroo court hearing. How start process again?

Pipersky: Operations permit, making sure OK. Sugimura: Use Permit could end if use is discontinued for two years, land owner violates conditions, or property sells.

Milovich: Use Permit runs with land, by law. Bush: Why second person go through process? Sugimura: Subject to public input, review conditions, impress importance of following rules. Make land use outright permitted use subject to code section. Every property owner in the LUD has right to that use.

Lizza: Operations permits for other uses? Sugimura: Yes. Special events, adult-oriented business.

Pipersky: Alternative way would allow all property to either grow or manufacture cannabis, or STR. Need second step to actually do it.

Sugimura: Reasonable opposition under land use terms (e.g., traffic impacts). Operations permit maybe allowed 10 people, but cul-de-sac, etc. not favorable.

Possible for every land use? Sugimura: Operations permit to conduct activity. Permitting outright in LUD, CEQA issues.

Cannabis operations and STRs? Sugimura: STRs apply to types I and II in residential LUDs (Ch. 25). Commercial STR OK with DR. Already listed as appropriate uses in LUD, that's what they're for.

What about approved STRs not under two-step process? Sugimura: Could grandfather in, convert.

Who would approve operations permit if not PC? Sugimura: BOS, separate body or hearing officer.

How is Inyo dealing with? Sugimura: Discretionary business license process. Different terminology, criteria, caps.

Why not like that setup? Sugimura: Few permits with caps. Odd to approve activity before land use compatibility. Mono proposes concurrent processing. One CEQA would cover both permits. Always start with LUD on inquiries.

Milovich: Most other jurisdictions use two-model approach: Monterey, Calaveras, Sonoma, and Santa Cruz. Commonplace for cannabis regulations. Look through Mono Code.

Bush: Buy land, don't know what can do with it. Milovich: Business model without land, taking risk. Reverse also. Developers do it all time, find out can't develop way want to. Sugimura: If under Use Permit process, no guarantee.

Lizza: Eliminate two hearings. Why not deal with Use Permit at PC? If specific issues like parking occur, add conditions to Use Permit. Sugimura: Property transfers for Use Permit, no way to require public input.

Why change requirement with ownership change? Sugimura: CAC wants public hearing for public to have a say. Formal process with hurdles in order to impress upon owner importance to community. Bush: Hearing to talk about what?

John DeCoster, June Lake. Extremely problematic to have two-tier licensing for cannabis. Expiration date, annual review could scare away investors. Not know how political landscape might change. Rules of game change at halftime. Why not just UPs? Devalues a business. If can't sell without permission, community not like hours or whatever, extra tier to change rules of game would scare investors away.

Sugimura: Not ready to bring Code forward, only discretionary process at initial application. Maybe inspections. After operations permit issued, not come back for continuing operation.

DeCoster: Expiration date? Sugimura: Not Mono, but Inyo. Proposing renewal date as check-in point like business license.

Milovich: Unless State changed its laws, Mono would have to adjust regulations. Why new conditions on renewal? State requires annual cannabis renewal, new fees. Renewal process is standard procedure.

Sugimura: CAC intent not allow STR to prevent distortion of real estate market. For cannabis, other considerations such as background checks. Lizza: Backgrounds at State level? Sugimura: Share databases? State's temp licenses have no background checks. Would fall to Mono.

DeCoster: Intentions good, but prospective business invests in furniture, fixtures, equipment. Personal guarantee tying personal aspects. OK to be compliant with laws, could revoke Use Permit. Adding a condition impacts business. Know rules, follow law, conduct business ethically. Not risk board member coming in could change things.

Bush: June Lake not like STR overall. Use Permit expires when property sells. Not change rules yearly. Possibility when someone's done, next person must sell how want to do it. DeCoster: Speaking in context of cannabis.

STR type I outside June Lake? Sugimura: STR specific to owner in Ch. 25. Applies countywide. Reiterated Type I v. Type II. Details of application different, but overall approval idea similar. Prefer one hearing but couldn't determine defensible legal way. Another option, not have run with owner, just Use Permit process. Next owner would have land use entitlement.

Cap system? Sugimura: Need both permits to operate legally. Cap is with operations permit. Get through process first. Operations permits not transferable.

Lottery system, first-come, first-served? Sugimura: Not prepared to explain process right now. Concept is first piece of approval structure.

DeCoster: Not really represent faction of June Lake desire. Wanted to expire, go away with owner. Sugimura: CAC has been apprised of permitting system, did not express discontent.

Roberts: Faction of June Lake community still very much against idea of STR at all, placated by ideas. CAC not monolithic opinion. Pipersky: Did so much to get community input, not want to let go of that. Roberts: Not giving people what they want. Lagomarsini: Can't give that due to LUD. Already issued permits that don't follow this.

Lizza: Done what we can. Worked on issue for so long, must move forward, get to BOS. Almost every month queue of people awaits permits. Rather than create new process, new bodies, take quicker path. Ch. 26 into code. Ch. 25 based on land, not personalities or other subjective criteria. Hate to switch gears.

What would like to see? *Let's move forward. Keep going down path. Not need extra hearing or extra body.* Lagomarsini: Mono can't afford time for new [entity], maybe PC hearing officer. Lizza: Operations permit expires, but not LUD. Policy issue to BOS. Each permittee exterminate use with land owner or two-hearing process. Avoid two-step-process.

Sugimura: Will convey PC recommendation to BOS.

Two-body for whole county? Sugimura: Implementation differences. Bush: Why is cannabis in this process? Sugimura: Not posed to communities but permitting model throughout CA. Provides additional layer of flexibility and analysis. With cannabis, how operating, separating products, labeling, etc. not fall into land use permit. Cannabis concept clearer, regulated at State level. STR driven by community concern.

Lizza: Staff can impose additional requirements without public input. Why need public hearing? Sugimura: Checklist, building code, can't add additional conditions. Ch 26 criteria.

DeCoster: How handle liquor licenses? Sugimura: Evaluate land use compatibility analysis, nothing to do with liquor license.

Pipersky: Impact of STRs: Not think owner's ability to use land or home for STR should be specific to land, in perpetuity. Should be tied to owner. Get rid of that? Sugimura: Practical effect of legal operation. Two permits achieve final goal. Awkward, but accomplishes desired outcome.

Bush: If person buys house with STR on land, somebody already in queue, but no Use Permit while other one exists. Unintended consequences. One has land, not permit. Person wants, but not available.

Possible to shorten time frame for STR if already been done? Two-step only way. Traffic, strangers. Cannabis should look more like liquor license.

Bush: New owner might have different plan, present to some body.

Lagomarsini: Shorten two-year time frame for STR, if BOS not want hearing, have PC do double duty.

Sugimura: Because purview of PC is land use, BOS could appoint without conflict of interest. Cap issue: Inyo requires business license first. Lottery system on cap for processing.

Lizza: First-come, first-served. Could have 12 applications, but only eight permits. Sugimura: Choose process that would work best, fairly. Bush: Make property's new owner get operations permit.

Pipersky: OK with two-step process.

Roberts: Most defensible solution, but misgivings about two-step process for STR and cannabis.

**B. CANNABIS – DRAFT GENERAL PLAN LANGUAGE:** Wendy Sugimura reviewed past PC discussions. Milovich working on code section, today weigh in on land use section. Issues: Buffers in June Lake to limit number of cannabis retail [sites]. Bridgeport Valley RPAC voted to recommend banning all cannabis.

Extraordinarily silent till then. Bush: Have right to ban business in area? Sugimura: Advisory body making recommendation to PC, could refer to BOS to approve.

Bush: It's a legal business, how ban? Sugimura: Local jurisdictions can ban outright at BOS level with hearing process.

DeCoster of June Lake spoke from business owner perspective. Open cannabis retail store, work 20 yr, time to retire, pass on or sell. Two-tier licensing process scary. Use Permit could grandfather in. Communities change their minds. Material financial concern.

Lizza: How did Bridgeport (BP) vote? Sugimura: 51.4% in favor. Staff's responsibility to pass along BP recommendation to PC. Showed map of BP planning area. BP had five at meeting, will draft letter. Sugimura staffed CAC discussion. Provided map with artificial number of retail [sites] based on spatial analysis. Potential seven businesses. Reality is business locates wherever it works.

Bush: Once business is there, stop park or school from building?

Sugimura: 600' buffer around schools, daycare centers existing at time. No market factor involved. Best CAC summary: nobody favored or opposed 500' buffer between retail outlets. At two CAC meetings. Policy is C and MU level of density is acceptable.

Bush: Basis for decision? Lizza: Create green-light district. Market considerations will determine where go. Sugimura: Town uses 500' buffer between retail outlets. No restriction at all is another possibility. June Lake only town where land base is available.

Roberts: Go to CAC for opinion. Probably default to no regulation as in other communities. Lizza and Lagomarsini agreed.

Michael Draper reviewed Ch. 13. Sugimura: Permittee can hire, but permittee submits. Mono has no responsibility for those materials.

DeCoster: What if Use Permit denied after got business license?

Sugimura: Standard items for Use Permit. Can get business license after Use Permit approved.

Draper: Sometime issues with Caltrans on access. Power line consideration.

Notarized? Sugimura: Fear: it was an illegal industry in shadows, protecting against. Notarizing makes sure all is up and up. Milovich: Notarizing ensures identity of person signing. Lizza: Added burden. Not required of other businesses. Sugimura: Strike notarize.

DeCoster: Fingerprinting, Live Scan. Bureaucratic overhang on this industry. Makes process difficult

Sugimura: May contract with ag commissioner, qualifications for inspectors, how conducted. Two-year pilot program with some counties to what regulate on site and how. Track and trace program not running. Mono going on state emergency regulations.

Pipersky: PC discussed proximity buffers. Delete. Edgerton suggested finding an alternative.

Sheriff Ingrid Braun: Did not want loss of life in case of robbery. Prevent shootout at OK Corral.

Jephraim Gundzik: Prohibition of firearms for operators? Can't defend self if sheriff can't get there. Fugitives, meth. Braun clarified intent was not to ban gun in own home to protect private property. Related to retail site with gun under counter. Unlikely someone at gunpoint take property. Enclosed facility.

Milovich thought maybe also apply to testing lab site. If not apply to cultivation, add language.

Bush noted schools are soft targets. Cannabis could be soft target. Shoot everybody, take their stuff.

Milovich reminded cannabis still illegal at federal level.

DeCoster noted if business gets robbed, hire security guard or continue to remain target. Braun stated armed security guard outside premise required in some areas, but not inside. Pipersky wanted to prevent gun violence when possible. Braun noted ideal owner knows who he/she's hiring. Increase comfort level.

Gundzik questioned Live Scan. Hiring 10 for three to four weeks for harvest would incur significant cost. Bush countered that Live Scan for about \$32 for CA is not that expensive.

Results time frame? Bush: Within a week.

D'Linda Briggs: Liquor stores get background checks?

Gundzik would do what he could to make sure trust employees. Not need someone to say can't get permit. Discriminatory, file complaint, legal liability? Braun can't control who is hired. Up to compliance to follow up on hiring good people so Mono has some control over who's in this business.

Briggs: Why property owner get involved? Sugimura: Cole Memo lays out set of practices to ensure operation conducted that does not allow for criminal element. Mono not making judgment on type of people conducting these businesses. Basic principles are to hire good people. Not uncommon to do Live

Scan. Discussion at State level to share info so not repeat Live Scans. Can't share Live Scans. State is discussing concerns.

Braun was not implying owners are bad people but wanted safeguards in place to avoid perception: Look how lax in Mono. Nothing to hide, nothing to fear. Not open to outside entities, undesirable element. Not opposed to lesser Live Scan for seasonal harvesters, maybe only local background check. Less burdensome.

Laundry list of disqualifying convictions? Express that more directly, maybe fairer. Milovich explained any applicant or owner must submit list of all convictions except traffic. Live Scans take time, cost money. Unlikely State require, so falls on locals.

Lizza: Live Scan for people in public safety position. Why important for cannabis?

Bush noted possibility of bringing in a lot of new people. Need idea of who's here.

Gundzik does not want to hire out-of-county people – local product, local income, local opportunity. Not expect/want people from outside.

Braun indicated not deny employment to people who made mistakes not related to narcotics industry. Don't want worst of worst selling cannabis at counter. Not something we've been doing forever. Still federally illegal, under scrutiny.

Briggs: What if employee not want background check but wants job? MMSA does not do it.

Pipersky reminded still federally illegal. Why not share expense for Live Scan? Not here to grease skids of capitalism.

Bush stated \$100 Live Scan required for law enforcement work. Owner makes decision, sheriff knows who it is. Braun indicated State has info. Sheriff might say person questionable, up to owner. Benefits to knowing who's involved in cannabis. Good business practice to know who's working there.

Sugimura indicated no hard checklists. Evaluative process, judgment applied. Ensure business operates in legitimate way.

Milovich mentioned State requires applicant list all convictions, include rehab statement. Sheriff can't tell who can/can't be hired.

Lagomarsini: Background check shared with sheriff? Bush: To authority who needs to see info. Here, back to sheriff and employer.

Braun: Whole range of criminal convictions.

Bush: Live Scan gets fingerprints, not maintained in files. Employer gets info.

Braun: Cannabis new to CA, previously illegal in State, currently at federal. Higher level of scrutiny.

Roberts: Make benefit to employer rather than potential disqualification. Sugimura will bring back reworded language next meeting.

**Security systems:** Why infrared? *Sees at nighttime. Reword: Cameras functional at night.*

**Odor control:** Sugimura stated no quantifiable threshold established. Here, try prevent impacts. Edgerton noted chemicals bond to odor, pull it out of environment. Pipersky did not feel as strongly about odor control now. Caveat: Be very careful with this. Sugimura cited nuisance as perception, hard for compliance. Odors might not be from cannabis itself. Edgerton noted large greenhouse facility in downtown Denver. Takes money.

--- Break 2:30-2:45 pm ---

**Signage:** Blend with landscape and buffer visuals.

**C. SHORT-TERM RENTALS: DRAFT GENERAL PLAN LANGUAGE FOR COUNTYWIDE AND JUNE LAKE AREA PLAN POLICIES** – Wendy Sugimura noted June Lake CAC would review extensive redline changes at its Feb. 14 meeting. She indicated the State issues a license, whereas Mono issues a permit. Type II short-term rental moratorium expires Feb. 25, will extend one year.

## 7. REPORTS

### A. DIRECTOR

### B. COMMISSIONERS

## 8. INFORMATIONAL: Eric Edgerton comment letter

## 9. ADJOURN at 3:30 pm to Special Meeting March 22, 2018

*Prepared by CD Ritter, PC secretary*

# Mono County Community Development Department

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March 22, 2018

**To: Planning Commission**

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

## RECOMMENDATION

Following public hearing, adopt Resolution R18-01 recommending that the Board of Supervisors approve General Plan Amendment 18-01 for the proposed revisions described below, and accept the exemption under Business and Professions Code §26055(h) and the addendums 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:

**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 topic to facilitate discussion 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.

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

### **ATTACHMENT**

- Resolution R18-01 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, and 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**, Addendums to the 2015 RTP/General Plan Update (GPU) Environmental Impact  
21 Report (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 project; 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 addendums 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 the General Plan Amendment, 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  
as all applicable area plans.

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

6 **PASSED AND ADOPTED** this 22<sup>nd</sup> day of March 2018, by the following vote:

7 AYES:

8 NOES:

9 ABSENT:

10 ABSTAIN:

11 \_\_\_\_\_  
12 Scott Bush, Chair

14 Attest:

Approved as to form:

15 \_\_\_\_\_  
16 CD Ritter, Commission Secretary

\_\_\_\_\_   
Christian Milovich, Assistant County Counsel

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

## **GPA 18-01 A) COMMERCIAL CANNABIS**

### **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>GP</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>
- Commercial composting facilities
- Exotic animals <sup>1P</sup>
- Commercial cannabis activities: Cultivation, Processing, Nursery, Retail\*, Manufacturing\* 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) <sup>gp</sup> (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 cannabis plants under the Compassionate Care 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: Processing, Manufacturing Type 6, 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 cannabis plants under the Compassionate Care 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 cannabis plants under the Compassionate Care 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’<sup>4</sup>

**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 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 cannabis plants under the Compassionate Care 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: 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:**

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 cannabis plants under the Compassionate Care 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



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 cannabis plants under the Compassionate Care 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 §P
- Single-family dwelling §P
- Commercial aquaculture activities
- Outdoor cultivation of a maximum of six cannabis plants under the Compassionate Care 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) §P

### **DEVELOPMENT STANDARDS**

**Minimum Parcel Size:** None

**Minimum District Area:** None

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

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

**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 cannabis plants under the Compassionate Care 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 cannabis plants under the Compassionate Care 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 cannabis plants under the Compassionate Care 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>RP</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 cannabis plants under the Compassionate Care 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, 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:** 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) 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 cannabis plants under the Compassionate Care 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	Purpose
13.020	Definitions
13.030	Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter
13.040	Compliance with Laws
13.050	Permits Required
13.060	Use Permit Application Requirements
13.070	General Standards and Requirements
13.080	Cannabis Cultivation
13.090	Cannabis Distribution and/or Processor
13.100	Cannabis Manufacturing
13.110	Cannabis Testing Facilities
13.120	Cannabis Retail and Delivery
13.130	Cannabis Microbusiness

#### 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 for each State-licensed Commercial Cannabis Activity to take place,

- 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. Notarized, written authorization from all persons and private entities having a right, title or interest in the property or Premises on which the Commercial Cannabis Activity is located consenting to the application and the operation of the proposed Commercial Cannabis Activity on the property or Premises;
- B. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of Commercial Cannabis Activity(s) being requested;
- C. Documentation, plans, or specifications demonstrating compliance with the General Standards and Requirements of this Chapter, 13.08, and any additional applicable requirements for specific Commercial Cannabis Activities found in all applicable State and local laws and regulations.;
- D. A completed Cannabis Operation Permit application (see Chapter 5.60 of the Mono County Code);
- E. A valid Mono County Business License (must be obtained prior to permit issuance); and
- F. All required application materials shall be prepared and submitted at the time of application, with the required fee. Incomplete applications shall be rejected.

### **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. Cannabis and Cannabis Products shall be transported only by and between permitted and licensed 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.
  - 2. All indoor, greenhouse and mixed-light cultivation operations and any drying, aging, trimming, processing and packing facilities shall be equipped with odor-control filtration and ventilation system(s) to control odors.
  - 3. The Odor Mitigation Plan shall include devices and/or techniques incorporated into the facility or Premise to mitigate the off-site detection of Cannabis odors. Cannabis Operations 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.

4. 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.
5. An applicant may request an exemption from the Odor Mitigation Plan requirement upon the provision of sufficient evidence to the Planning Commission during the Conditional Use Permit public hearing. Any grant of such waiver is subject to a finding by the Planning Commission that odors generated by the Commercial Cannabis Activity shall not unreasonably impact adjacent or nearby properties and uses.

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. No markers, indicators, signs, postings or evidence indicating Cannabis is being cultivated, sold, processed, or manufactured on the property shall be visible from the public right of way.
2. 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.
3. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
4. A Visual Screening Plan is required to demonstrate the visual compatibility of linear features, including but not limited to fencing, with the surrounding landscapes and views. 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.
5. The Visual Screening Plan may be contained within the Security Plan.

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 and interior lighting shall be detailed in the Lighting Plan.
  - iii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure and detailed within the Lighting Plan.
  - iv. Light shielding, window covering, and any other 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
2. Commercial Cannabis Activities located north of Mountain Gate Park shall adhere to 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 off-street 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. The use of generators is prohibited, except as short-term, temporary, emergency back-up systems.
  2. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16
  3. General Plan Noise Element shall apply to all Commercial Cannabis Activities.
- 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 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. Safety Plan. Compliance with the safety 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 in cannabis cultivation operations, consistent with the Resource Efficiency Plan policies, to minimize use of water where feasible.

### **13.080 Cannabis Cultivation**

In addition to 13.08 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 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 and Sign Plan).
  4. Cultivation within a "hoophouse" or shade-cloth structure shall be deemed outdoor cultivation subject to the requirements of this Code, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.08).
  5. The Planning Commission may waive, reduce, or increase the requirements based upon a finding of unusual hardship for that parcel, or a site plan demonstrating improved security, visual mitigation, and/or odor mitigation.
- B. 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.
- C. The Permittee shall provide a site plan displaying 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.
- D. 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.
- E. Closed to general public. Cannabis cultivation premises shall be inaccessible by the general public; and

- F. In no case shall a building intended for residential use be used for cultivation.
- G. 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;
  3. Unique identifier, inventory, and quality control procedures; and
  4. A floor plan identifying the location, dimensions, and boundaries of all proposed Canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries.

### **13.090 Cannabis Distribution and/or Processor**

In addition to 13.08 requirements, the following information shall be provided with a Use Permit application for a Distributor:

- 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; and
- 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 13.08 requirements, the following apply to a Manufacturer:

- 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; and
- D. Closed loop system. Cannabis manufacturing using 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 13.08 requirements, the following information shall be provided with the Use Permit application for a Testing Laboratory:

- 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; and
- 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 13.08 requirements, Cannabis Retailers shall comply with the following:

- A. Delivery. All Delivery of Cannabis and/or Cannabis Products to the public is prohibited.
- 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. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer is prohibited. 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 the above, Cannabis Retailers shall comply with the following:

- 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 \_\_\_\_\_

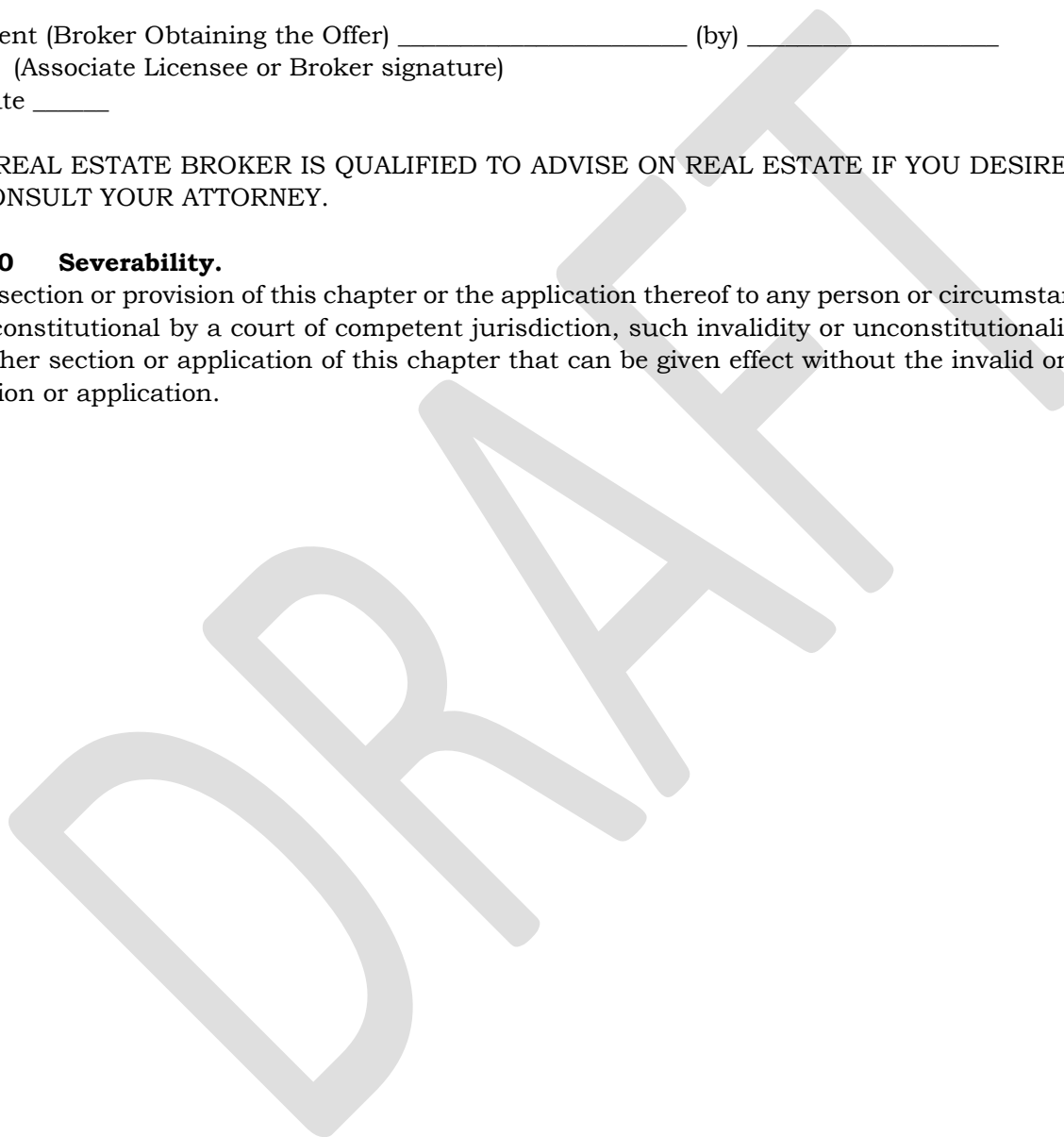
Agent (Broker Obtaining the Offer) \_\_\_\_\_ (by) \_\_\_\_\_  
(Associate Licensee or Broker signature)

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 by regulating online platforms any time soon 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 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, and the County's understanding is that short-term rentals are allowed up to two weeks. 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**

**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>Establishment of Type III Short-term Rental: Not-Owner Occupied in June Lake only.</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 STR Activity Permit for this rental (MCC 5.65) 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, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel. ~~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 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 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 at least 10 days in advance of the hearing by mail, electronic mail, or other noticing means pursuant to the California Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have made a written request for notice under this section.

### **25.050 Uses permitted.**

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

A. All uses permitted in the underlying land use designation.

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

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

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

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

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

### **25.080 Additional requirements.**

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

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

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

DRAFT

## DEVELOPMENT STANDARDS

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

#### Sections:

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

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

- A. The purpose of this Chapter is to implement procedures, restrictions, and regulations related to land uses for transient rentals; provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs), and non-residential land use designations and MFR-H where the use is listed; and provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the County designated as TRODs or non-residential designations and MFR-H will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the County, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within non-residential designations and MFR-H should be regulated 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 shall comply with the provisions of this Chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental, or advertisement of a transient rental, of a private residence within a transient overlay district or in a non-residential land use designation, including MFR-H, without a valid vacation home rental permit is a violation of this Chapter.

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

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

7. A Mono County Transient Occupancy Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met; and
8. The Vacation Home Rental permit number shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.

#### **26.040 Standards and Requirements.**

The following standards and requirements must be met 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
  - 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 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 certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

### **26.070 Enforcement.**

A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district

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

B. An inspection and/or audit of each unit subject to this Chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.

C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.

D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.

1. The County shall provide the property owner with a written notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative Officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.
2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
  - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
  - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer may immediately render a decision, continue the proceeding or take the matter under submission and later render a decision.

5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.

E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance written notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:

1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;
2. The hearing shall be in accordance with the procedures set forth in section D above; and
3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.

F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this Chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

**26.080 Unauthorized Rentals Prohibited.**

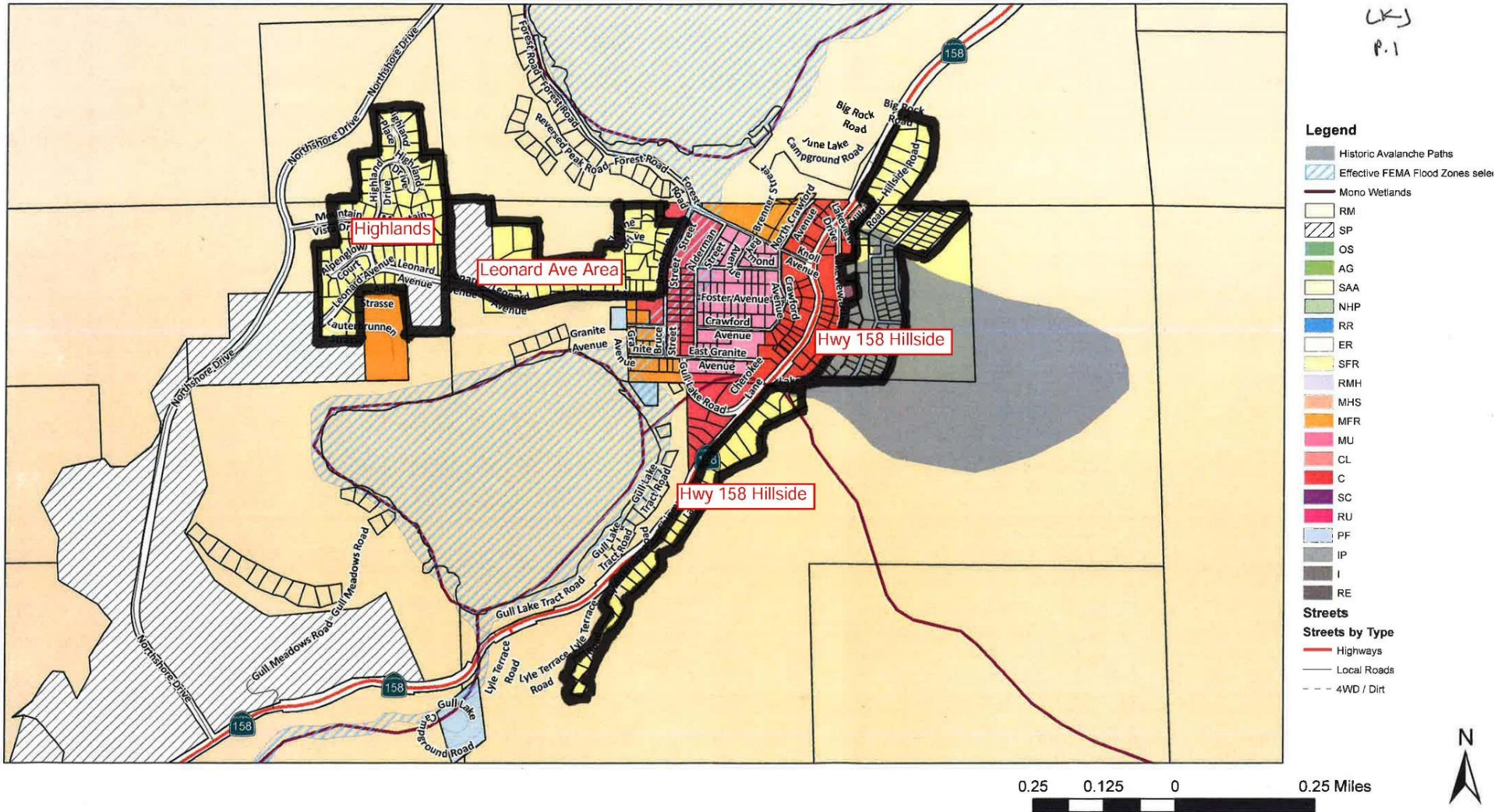
A. The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions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

C. 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)

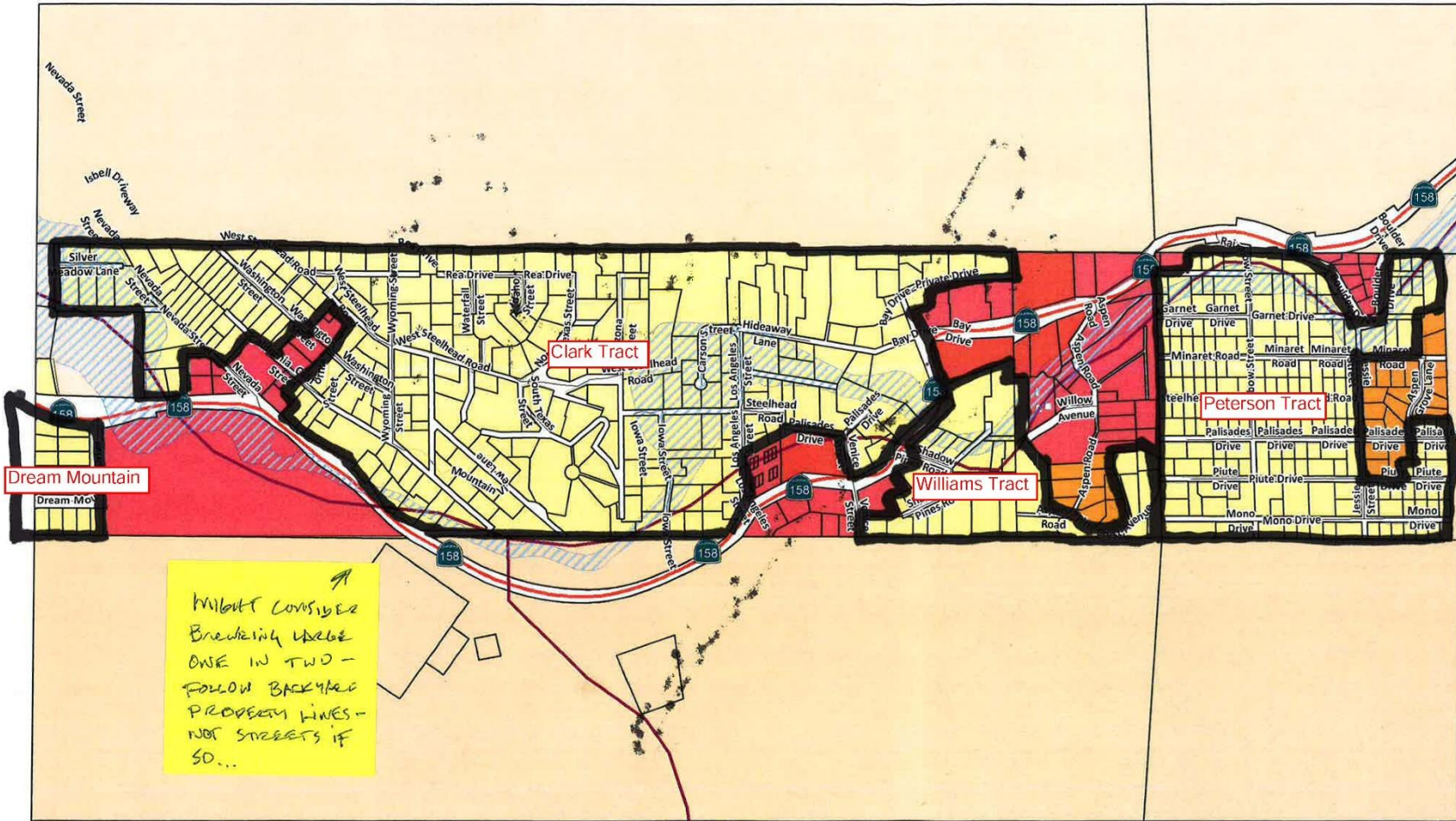
**June Lake: The Village**

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 NEIGHBORHOODS  
 1-20-17  
 LKJ  
 P.1



# June Lake: The Clark & Peterson Tracts

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"NEIGHBORHOODS"  
1-20-17  
LKS  
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

0.15 0.075 0 0.15 Miles



## 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.

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## GPA 18-01 D) TRANSPORTATION/CIRCULATION ELEMENT

### Appendix D RTP amendment Mono County 5-Year Road Capital Improvement Program (CIP)

Recommended Projects	5-year Investment	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
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
	\$ 19,443	\$ 1,409	\$ 2,884	\$ 3,440	\$ 7,250	\$ 4,460
Amounts are in \$1,000s						
Remaining Balance		\$ -	\$ -	\$ -	\$ -	\$ -





**Mono County  
Community Development Department**

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

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**GPA 18-01**

**A) Commercial Cannabis**

March 22, 2018

To: Mono County Planning Commission

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 was reviewing 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 new 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 Commission has 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

Operations 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.

Based on the Commission's previous discussion, 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, and distribution as an accessory use to a bona fide agricultural operation);
- Commercial: Processing, Manufacturing Type 6, 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: 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); and
- Service Commercial: 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)

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 land use designations to a maximum of six plants, which would include cultivation 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

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

## 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>
- Commercial composting facilities
- Exotic animals <sup>1P</sup>
- **Commercial cannabis activities: Cultivation, Processing, Nursery, Retail\*, Manufacturing\* 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) §P (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 §P (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 cannabis plants under the Compassionate Care 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: Processing, Manufacturing Type 6, 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 cannabis plants under the Compassionate Care 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 cannabis plants under the Compassionate Care 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%  
Proposed GPA 18-01 A) Commercial Cannabis



**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’<sup>4</sup>

**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 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 cannabis plants under the Compassionate Care 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: 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:

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>SP</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 cannabis plants under the Compassionate Care 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





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 cannabis plants under the Compassionate Care 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 §P
- Single-family dwelling §P
- Commercial aquaculture activities
- **Outdoor cultivation of a maximum of six cannabis plants under the Compassionate Care 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) §P

### DEVELOPMENT STANDARDS

**Minimum Parcel Size:** None

**Minimum District Area:** None

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

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

**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 cannabis plants under the Compassionate Care 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 sl</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 cannabis plants under the Compassionate Care 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 cannabis plants under the Compassionate Care 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>RP</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 cannabis plants under the Compassionate Care 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, 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:** 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 cannabis plants under the Compassionate Care 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:**

<b>13.010</b>	<b>Purpose</b>
<b>13.020</b>	<b>Definitions</b>
<b>13.030</b>	<b>Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter</b>
<b>13.040</b>	<b>Compliance with Laws</b>
<b>13.050</b>	<b>Permits Required</b>
<b>13.060</b>	<b>Use Permit Application Requirements</b>
<b>13.070</b>	<b>General Standards and Requirements</b>
<b>13.080</b>	<b>Cannabis Cultivation</b>
<b>13.090</b>	<b>Cannabis Distribution and/or Processor</b>
<b>13.100</b>	<b>Cannabis Manufacturing</b>
<b>13.110</b>	<b>Cannabis Testing Facilities</b>
<b>13.120</b>	<b>Cannabis Retail and Delivery</b>
<b>13.130</b>	<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 for each State-licensed Commercial Cannabis Activity to take place,*
- 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. Notarized, written authorization from all persons and private entities having a right, title or interest in the property or Premises on which the Commercial Cannabis Activity is located consenting to the application and the operation of the proposed Commercial Cannabis Activity on the property or Premises;*
- B. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of Commercial Cannabis Activity(s) being requested;*
- C. Documentation, plans, or specifications demonstrating compliance with the General Standards and Requirements of this Chapter, 13.08, and any additional applicable requirements for specific Commercial Cannabis Activities found in all applicable State and local laws and regulations.;*
- D. A completed Cannabis Operation Permit application (see Chapter 5.60 of the Mono County Code;*
- E. A valid Mono County Business License (must be obtained prior to permit issuance); and*
- F. All required application materials shall be prepared and submitted at the time of application, with the required fee. Incomplete applications shall be rejected.*

### **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. Cannabis and Cannabis Products shall be transported only by and between permitted and licensed 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.*
  - 2. All indoor, greenhouse and mixed-light cultivation operations and any drying, aging, trimming, processing and packing facilities shall be equipped with odor-control filtration and ventilation system(s) to control odors.*
  - 3. The Odor Mitigation Plan shall include devices and/or techniques incorporated into the facility or Premise to mitigate the off-site detection of Cannabis odors. Cannabis Operations 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.*
  - 4. 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.*

5. An applicant may request an exemption from the Odor Mitigation Plan requirement upon the provision of sufficient evidence to the Planning Commission during the Conditional Use Permit public hearing. Any grant of such waiver is subject to a finding by the Planning Commission that odors generated by the Commercial Cannabis Activity shall not unreasonably impact adjacent or nearby properties and uses.

**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. No markers, indicators, signs, postings or evidence indicating Cannabis is being cultivated, sold, processed, or manufactured on the property shall be visible from the public right of way.
2. 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.
3. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
4. A Visual Screening Plan is required to demonstrate the visual compatibility of linear features, including but not limited to fencing, with the surrounding landscapes and views. 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.
5. The Visual Screening Plan may be contained within the Security Plan.

**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 and interior lighting shall be detailed in the Lighting Plan.
  - iii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure and detailed within the Lighting Plan.
  - iv. Light shielding, window covering, and any other 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
2. Commercial Cannabis Activities located north of Mountain Gate Park shall adhere to 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 off-street 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. The use of generators is prohibited, except as short-term, temporary, emergency back-up systems.
2. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16
3. General Plan Noise Element shall apply to all Commercial Cannabis Activities.

- 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 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. *Safety Plan.* Compliance with the safety 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 in cannabis cultivation operations, consistent with the Resource Efficiency Plan policies, to minimize use of water where feasible.

### **13.080 Cannabis Cultivation**

In addition to 13.08 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 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 and Sign Plan).
  4. Cultivation within a "hoophouse" or shade-cloth structure shall be deemed outdoor cultivation subject to the requirements of this Code, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.08).
  5. The Planning Commission may waive, reduce, or increase the requirements based upon a finding of unusual hardship for that parcel, or a site plan demonstrating improved security, visual mitigation, and/or odor mitigation.
- B. *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.
- C. The Permittee shall provide a site plan displaying 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.
- D. 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.
- E. Closed to general public. Cannabis cultivation premises shall be inaccessible by the general public; and
- F. In no case shall a building intended for residential use be used for cultivation.
- G. 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;
  3. Unique identifier, inventory, and quality control procedures; and

4. A floor plan identifying the location, dimensions, and boundaries of all proposed Canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries.

### **13.090 Cannabis Distribution and/or Processor**

In addition to 13.08 requirements, the following information shall be provided with a Use Permit application for a Distributor:

- 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; and
- 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 13.08 requirements, the following apply to a Manufacturer:

- 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; and
- D. Closed loop system. Cannabis manufacturing using 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 13.08 requirements, the following information shall be provided with the Use Permit application for a Testing Laboratory:

- 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; and
- 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 13.08 requirements, Cannabis Retailers shall comply with the following:

- A. Delivery. All Delivery of Cannabis and/or Cannabis Products to the public is prohibited.
- 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. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer is prohibited. 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 the above, Cannabis Retailers shall comply with the following:*

- 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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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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## GPA 18-01

### B) Short-Term Rentals

March 13, 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\\_prdngs\\_as\\_of\\_02.15.18.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf)

The 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 and Type III 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. A couple solutions could be considered given the results of the June Lake workshop, as follows:

1. 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 Single-Family Residential (SFR) 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 of five acres for the SFR land use designation, meaning an entire neighborhood would need to substantially agree that short-term rentals are an acceptable use and reflects the character of their neighborhood.
2. 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.



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). 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 blue 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.

Mono County Code Chapter 5.65 is provided as part of this item (Attachment 3) to ensure a complete understanding of the regulatory process. However, the Board of Supervisors approves the ordinance enacting these regulations and the Planning Commission does not take action on this code chapter.

### **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  
December 15, 2016**

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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.

# Mono County Community Development Department

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## Proposed General Plan Amendment 18-01B: Short-Term Rentals Proposed Amendments to the Mono County General Plan Land Use Element

March 22, 2018

### **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 by regulating online platforms any time soon 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 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, and the County's understanding is that short-term rentals are allowed up to two weeks. 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 GPA 18-01B Attachment 2: Short-term rentals General Plan amendment text

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 had 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:

<b>26.010</b>	<b>Purpose and Findings.</b>
<del>26.015</del>	<del><b>Applicability.</b></del>
<b>26.020</b>	<b>Vacation Home Rental Permit.</b>
<b>26.030</b>	<b>Application and Issuance of a Vacation Rental Permit.</b>
<b>26.040</b>	<b>Standards and Requirements.</b>
<b>26.050</b>	<b>Rental Agreement and Owner Responsibility.</b>
<b>26.060</b>	<b>Compliance with Transient Occupancy Tax Requirements.</b>
<b>26.070</b>	<b>Enforcement.</b>
<del>26.080</del>	<del><b>Existing and Otherwise Permitted Rentals.</b></del>
<del>26.0890</del>	<del><b>Unauthorized Rentals Prohibited.</b></del>

#### 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 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 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.~~

*GPA 18-01B Attachment 2: Short-term rentals General Plan amendment text*

**26.080 Unauthorized Rentals Prohibited.**

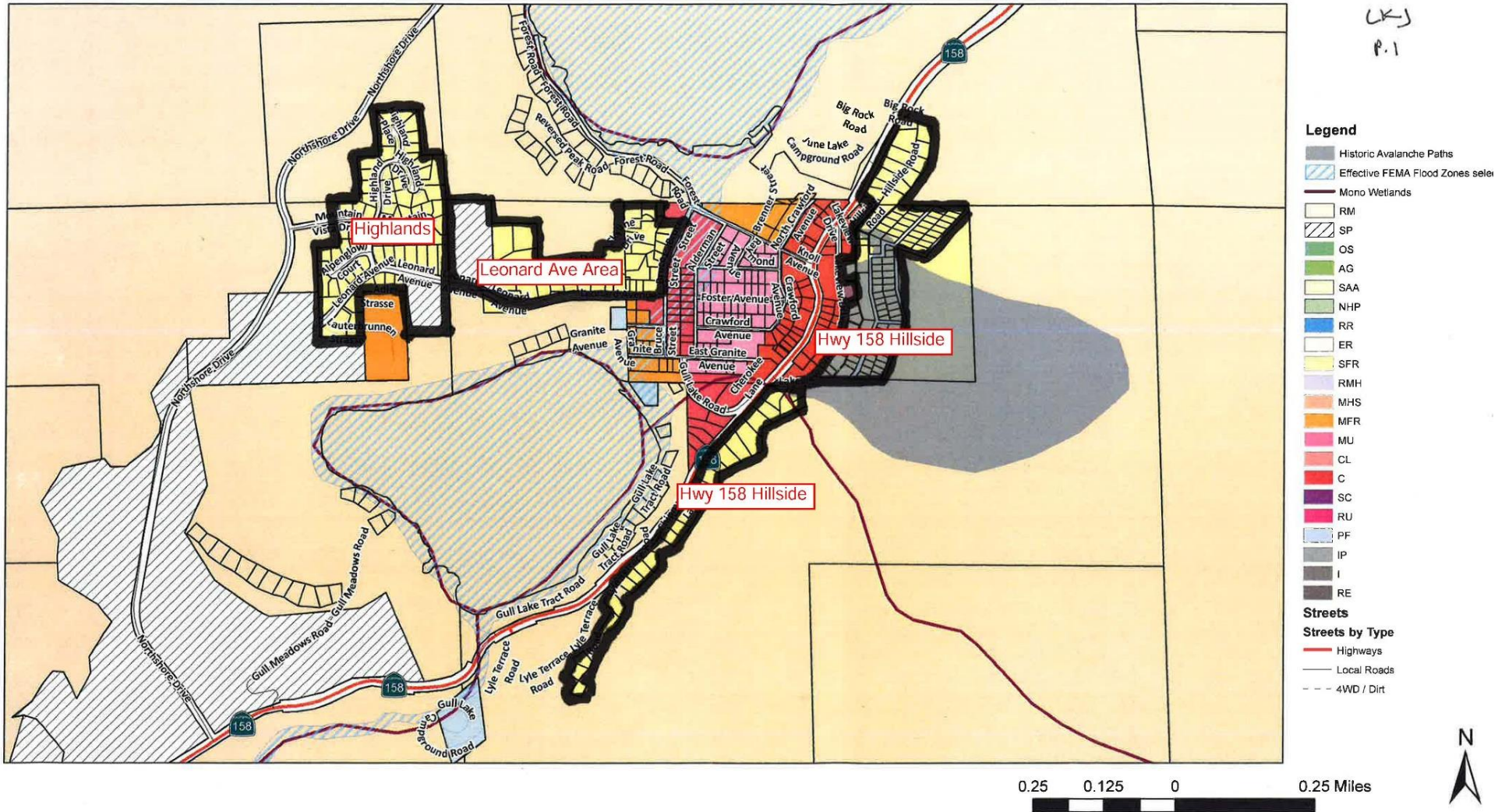
A. The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions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

C. Any form of advertising for an unpermitted short-term rental unit is prohibited.

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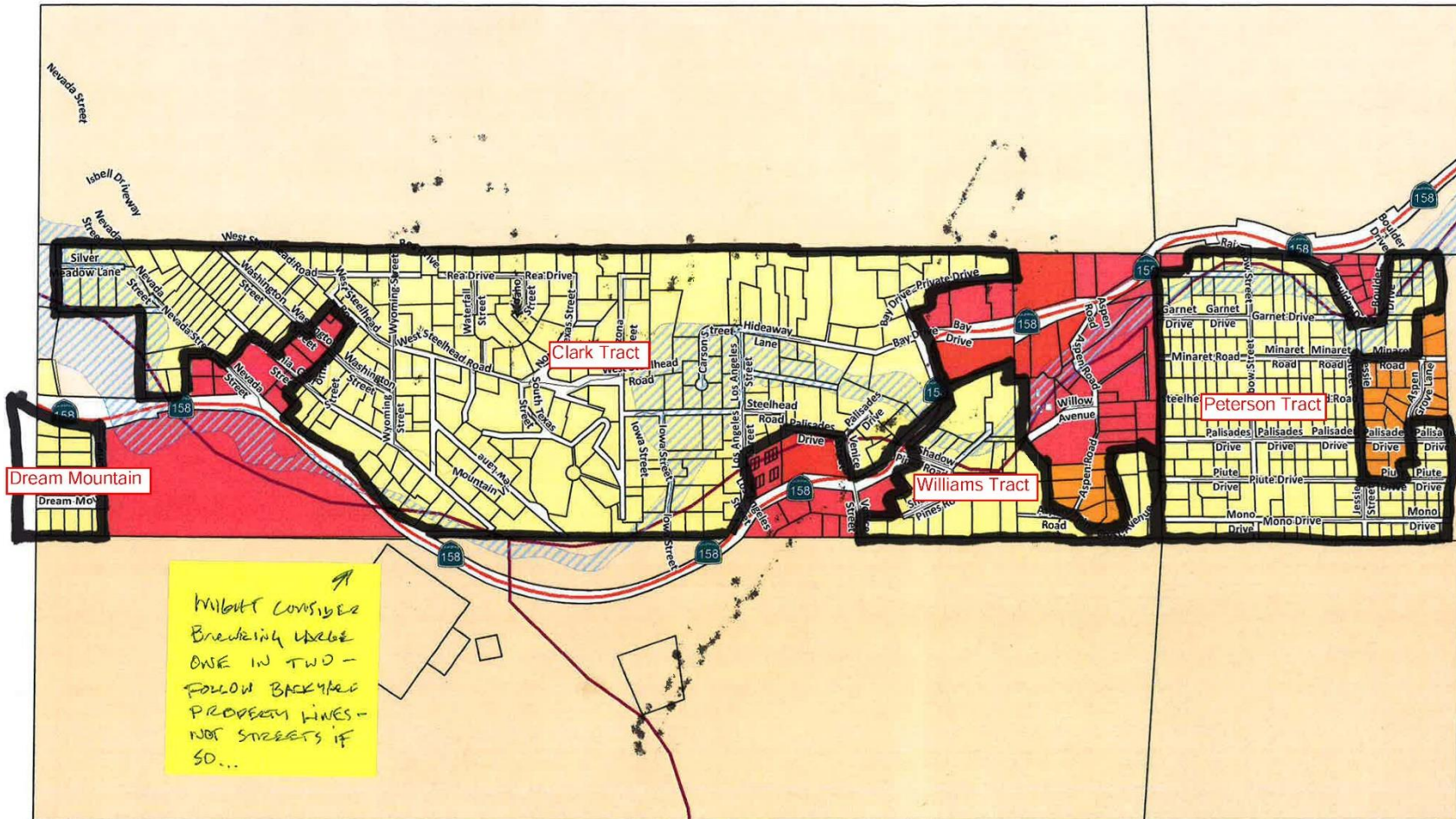
# June Lake: The Village

DRAFT  
NEIGHBORHOODS  
1-20-17  
CKJ  
P.1



# June Lake: The Clark & Peterson Tracts

DRAFT  
"NEIGHBORHOODS"  
1-20-17  
LKS  
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

WILBUT CONSIDER  
BREAKING THESE  
ONE IN TWO -  
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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**GPA 18-01**

**C) Housing Policies**

March 22, 2018

**TO:** Mono County Planning Commission

**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  
December 15, 2016**

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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**

March 22, 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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**GPA 18-01  
D) Circulation Element**



March 22, 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**

**March 2017**

**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>

### Appendix D RTP amendment Mono County 5-Year Road Capital Improvement Program (CIP)

	5-year Investment	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
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 Countywide 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 Countywide 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 \$ - \$ - \$ - \$ - \$ -

Item 7: Cannabis Generation Regulations comment letter

March 6, 2018

On Mono County Power Generation Regulations for Cannabis Cultivation

We are an organization with experience both in commercial cannabis cultivation and grow facility design. We have lately been considering locating a new indoor cultivation facility to Mono County and have hopes to expand here. While considering the draft regulations that are published on your web site we noticed that the use of generators for anything other than emergencies has been prohibited. We certainly understand and agree with a county position that any cultivation activities must not interfere with our neighbors' rural experience - especially if those activities are continuous and year around.

While keeping that in mind, we would like the County to know and to possibly consider that simple technologies exist to abate the noise of power generation to levels far below that which you might expect. "Quiet gensets" are readily available which are regularly used for powering outdoor movie shoots and live sports broadcasts - uses which obviously require them to be sonically 'invisible' over very short distances.

Under your current general noise regulations for AG lands you have established a 65db sound limit at all times. The modern generator designed with a high-level noise abatement package meets those requirements when measured from only 3ft away from the device. By the time you're a couple hundred feet way you have to listen very hard to know if it's running or not. At 500ft it's near impossible to even know it exists under any conditions.

We respectfully suggest that when it comes to the noise ordinance, you could use your odor regulations as a template. There you have strict regulations which can be reduced or waived on a case by case basis if the utilized parcel is far away from neighbors.

If a grower has located their facility near other residents, you could require a generator which passes far more stringent regulations (or even disallow use as you do now). If someone has located their facility more remotely you might wish to waive any special requirements and just revert to your existing noise regulations. It's the old 'if a tree falls in the forest and no one is there to hear it ...' principle. As experienced growers, we believe that one of the best strategies for us to adopt regarding being good neighbors in Mono County will be through separation. The ability to locate to a rural area where such separation is possible is one of the things attracting us to Mono County. As always, the electrical grid is concentrated where the people are concentrated -- thus independently generating our power becomes important to our entire 'good neighbor' plan.

You may find that it is easier to attract growers who intend to grow year around (and thus provide year round jobs and other economic benefits to the County) if you adopt a flexible yet effective noise abatement strategy on the power generation front rather than an outright ban.

Kevin Dortch

Permit Applicant

C: 310-467-7343

John Borton

Grow Room Designer

thinairdesign@aol.com

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