



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

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Special Meeting
February 11, 2016**

Planning Commission meeting called to order by Commissioner Scott Bush. Also present at meeting were Commissioners: Carol Ann Mitchell, Mary Pipersky, Chris Lizza, Dan Roberts. Also present: CD Ritter as clerk for Planning Commission meeting.

10:00 AM Meeting Called to Order by Chairman Stump.

*Supervisors Present: Alpers, Corless, Fesko, Johnston and Stump
Supervisors Absent: None.*

*Break: 11:40 a.m.
Reconvene: 11:51 a.m.
Adjourn: 12:51 p.m.*

The Mono County Board of Supervisors has videotaped this meeting. To view it, please go to the following link: <http://www.monocounty.ca.gov/meetings> and find the 2/11/16 Board of Supervisor's meeting date on the master calendar.

Pledge of Allegiance led by Chairman Stump.

Supervisor Stump:

- There are limited microphones; will have to share.
- He will coordinate Public Comment period, time may get limited.
- CAO Leslie Chapman is in Bridgeport attending.

1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

2. AGENDA ITEMS

A. [Transient Rental Overlay District Workshop](#)

Departments: Community Development Department
(Courtney Weiche, Scott Burns, Nick Criss) - The Mono County

Board of Supervisors will attend the regularly scheduled Planning Commission meeting. At this meeting, the Board, in conjunction with the Planning Commission, will review the status of the General Plan Land Use Element Transient Rental Overlay District (TROD) - Chapter 25, and companion requirements of Transient Rental Standards and Enforcement - Chapter 26.

Action: None.

Supervisor Stump:

- Is hoping with both the Board of Supervisors and the Planning Commission in attendance that some decent discussion can occur.

TRANSIENT RENTAL OVERLAY DISTRICT POWER POINT:

Courtney Weiche (Community Development Department):

- TROD adoption background.
 - 2009 – Proposed “Transient Occupancy Ordinance”
 - June 2012 – June Mountain Closure
 - 2012- Chap 25 and 26 get adopted
 - 2013 - First TROD Established
- Chapter 25 Intent
- Chapter 26 Purpose & Findings
- Review of Adopted TROD’s
- Summary – we have five overlay districts in Mono County with a total of 14 parcels. Only five have active vacation homeowner permits.
- Applications Denied or Withdrawn
- Concerns/Issues
- How is it working
- Code Enforcement Update

Nick Chris (Code Enforcement Officer):

Code Enforcement Update:

- Current Illegal Rental Market
- Overview of Chapter 26 Requirements – Home Vacation Permit Requirements
- Enforcement Component
- The demand for these is increasing; staffing levels are an issue from an enforcement standpoint
- His opinion: legalized rentals are easier to enforce

Additional Comments:

- Explained what is contained in the violations.

Courtney Weiche:

- Alternatives
 - Make changes to Chapters 25 and 26
 - Review other jurisdictions for possible solutions to issues
- Moving Forward

Additional Comments:

- Discussion relating to previous comments made by Jeff Ronci.
- Brief discussion about whether there are a lack of beds in June Lake or not?
- After doing a Google search yesterday – it would be a combination of what several jurisdictions are doing. Feels there are a lot of areas in California that have same economic factors that our county does. There are a lot of creative approaches coming out.
- Right now Advisory Committees don’t really bring things to the board; they are more a part of the planning process.

- TROD applicants have due diligence with their neighbors.

Planning Commission Questions:

Mary Pipersky:

- Asked various questions about Vacation Home Rental Permits.
- TROD concept got a big push when Rusty Gregory was commenting on lack of beds in June Lake.
- Supervisor Johnston: remembers seeing available rooms for rent in June Lake.

Scott Bush:

- Asked why we don't hear about motels/hotels.
- Could this be limited in certain areas only?

Dan Roberts:

- Jeff Ronci's comments were a bit non-committal.
- He's knows that June Lake does reach 100% occupancy, but only at peak times.

Carol Ann Mitchell:

- What other jurisdictions might you compare us to?

Chris Lizza:

- He thinks it was more an issue of the quality of beds, not the quantity.

MONO COUNTY BOARD OF SUPERVISOR QUESTIONS:

Supervisor Fesko:

- Land Use Designation discussion.
- Asked for clarification on TROD.

Supervisor Corless:

- Role of Advisory Committee?
- Illegal Vacation Rentals in Crowley – do those notices of violations include ways to remedy them?
- Is the Vacation Home Rental Permits only for TRODs?

Supervisor Alpers:

- Intrigued by Use Permit idea.
- For units already operating in the TROD, is there any way to go back in and initiate a conditional use permit process to go along with your TROD and Vacation Home Rental Permit?

Supervisor Johnston:

- Gave comments on Conditional Use Permits.
- Alternatives: one is use permit process without TROD process. Separate from that is a TROD with a use permit.

Stacey Simon:

- These TRODS are in the nature of Land Use Designations
- Uses being allowed previously may be eliminated.
- Would we need to phase out?
- Discussion about why Use Permits are becoming more popular. Going back would be problematic, but for new applicants the use permit process might be possible.

Scott Burns:

- A cap would help regulate, but doing use permits without the designated land use process creates other issues.
- TROD, however is neighborhood focused.

PUBLIC COMMENTS:

Lynda Biederman (June Lake)

Don Morton (June Lake)

Ralph Lockhart (June Lake)

Ian Fettes (June Lake)

JOINT DISCUSSION BETWEEN BOTH BOARDS:

Commissioner Mary Pipersky:

- She thinks homeowner's should be able to use their properties within reason.
- She can find no one in her neighborhood and nearby that is in support of a TROD.
- We need to take another look at the intent of this chapter of the code and make sure we really want to change nature of our neighborhoods. Do we do this in order to make MMSA more soluble?
- Big picture question: if intent remains same (has to do with economic opportunities for tourism based economies) – is it the quantity or quality of beds?
- This is a big wave coming over this county; we can't be afraid of change. We just need to do it correctly.

Supervisor Larry Johnston:

- This is a big deal, agrees with Commissioner Pipersky.
- He feels there are instances where this should be allowed – some places in Mammoth for example.
- In looking at intent: homeowner stability is one of the intents of a TROD. The current TROD system is a de facto zone change for the entire county.
- Right now there are 0% rentals available in Mammoth.
- Suggests experiment is over – he did vote for this. What's happened is that we're continually pitting neighbor against neighbor. In our communities, we can identify those areas where it's ok to have TRODs. He thinks they are important. Suggests we stop TROD process, instead have a zone change process, identifying areas in single family neighborhoods where TRODs might be acceptable.
- Commissioner Bush: arbitrary process that someone maps out? Election type process?
- There are areas that are already zoned for TRODS – shouldn't be arbitrary; it should be based on probability that it will work there. It could be defined and would take work. Should be subject to public comment.
- Finally, once it's defined then it gets done by use permit.
- Underlying issue of Measure Z – they didn't trust decision makers over time to protect neighborhoods that needed protecting. That sent a message to him. A balance is needed. We need to stay on top of it, lest we get our own Measure Z.
- Worried about the CDD staff deciding not to accept applications; do we need to do something?

Commissioner Chris Lizza:

- He thinks the system works.
- Intent – talks about economic stability. We need the regulatory regime that's been put into place. By providing the regime – it's easier to enforce.
- Another intent: revenue generating but he doesn't feel this is relevant. Social issues are most important.
- When originally passed, it was well vetted and addressed in Chapter 26.
- Feels it's not appropriate on a residence that is more appropriately used as affordable housing. We have a shortage of this type of housing.
- Appropriateness of the neighborhood – most of these homes are very expensive and sit empty most of the year. These homes should be allowed to rent.
- Homeowner expectations: he feels case by case basis that is being used has been very effective.
- Solutions: distinguishing between room rental and occupied home and

whole house rentals.

- Use Permits are interesting to look at; doesn't understand how this would work. He feels this may be more of a violation to homeowners.
- Supervisor Johnston: Use permit: would be less costly system if it's already in an area that was in a zone change for TRODS, feels this is streamlined at that point.

Supervisor Corless:

- Thought that TROD process was a County response to community demand, need to keep this in mind.
- She hopes we're demonstrating today that everyone wants to work together.
- The TRODS in place are working; not ready to throw whole thing out. Feels more applicants are going to be coming.
- Supports positive changes to the chapter. Minimum infrastructure requirements, possible exclusions to certain zones, need cleanup process for vacation home rentals/TROD process, we have to look at what's going on in rest of world and not put our heads into the sand.
- Asked for clarification on whether or not applicants are being processed. Do we need to take board action on this?

Commissioner Scott Bush:

- Just because you can do something, doesn't mean you should.
- Use permit idea doesn't really solve issue.
- Certain amount of this is going to work – maybe we need to identify certain number of properties in county that will work. Limit the number. Might help with compliance.
- We haven't been able to identify what a neighborhood/community is. If we can't do that, we may need to limit total number of TRODS per area.
- How does moratorium affect Nick's enforcement?

Supervisor Tim Alpers:

- He's had to deal with this in his area.
- We may need to get some consulting help to determine designated areas. Feels a use permit system would streamline this.
- We're seeing what's been working.
- The sooner we get out ahead of this the better.

Commissioner Carol Ann Mitchell:

- Being from rural end of county, before repealing two chapters, she feels more work needs to be done.
- She'd like to see county look at designated areas where TRODS could occur.

Supervisor Fesko:

- It's hard for government to keep on top of all the things that are changing.
- Need to find balance.
- Pitting neighbor against neighbor issue: it's about having the discussion. We're all neighbors in the county.
- Feels TROD process (not in his district much) works. Maybe we need larger timeframes with violations.
- What is a neighborhood? Need to define.
- Doesn't quite follow difference between what Supervisor Johnston is suggesting and what we're doing today.
- He feels that TRODS work.
- We want housing stability.
- In essence, he's fine with way it works with minor adjustments.
- He does not see a big issue now; we only have five. We shouldn't create a problem where there is none.

- Thanked everyone that came and put in effort to participate. Looking forward to staff working with Planning Commission and Board again to move forward.

Commissioner Dan Roberts:

- He agrees with Commissioner Lizza.
- He feels this process has been very well vetted.
- Not sure about streamlining the process/pre-determining. That is the Planning Commission's job.
- Wants to take opportunity to say that although this is working, he's not opposed to tweaking determination process slightly.
- People have gone through entire process – no problems with TRODS that are in place.

Supervisor Stump:

- Views this as countywide issue; he has concerns if we don't have a process that we're going to see more illegal activity as in Crowley. Doesn't want to do away with everything.
- Looking at granny units – making process easier.
- Interested in area opt-out being part of process.
- What he heard: Tweaking process – defining a neighborhood. Percentage of occupancies – community by community or countywide. Setting a maximum percentage of TRODS available in the entire county. Infrastructure component. Looking at identified areas where TRODS can occur?
- Looking at Ordinance – CDD has suspended process as it stands. He agrees with that.
- Limited Code Compliance capability – this is not Nick Criss' only function; he doesn't only do TRODS. He's had a lot of difficulty with illegal renting in Clark Tract.
- Lastly: Housing Stock Component.
- Staff needs to work with Planning Commission to work through some of these issues.

Scott Burns:

- Explained that right now, CDD is not processing applications and are telling applicants that they are awaiting direction from the board prior to doing so.

Stacey Simon:

- Temporary moratorium can be placed on the ordinance/processing of these TRODS.

ADJOURN: 12:51 p.m.

ATTEST

**FRED STUMP
CHAIRMAN**

**SHANNON KENDALL
ASSISTANT CLERK OF THE BOARD**