

MONO COUNTY PLANNING COMMISSION

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760.932.5420, fax 932.5431
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SPECIAL MEETING AGENDA

April 11, 2013 – 10 a.m.

Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

*Videoconference: CAO Conference Room, Courthouse Annex I, Bridgeport

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

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 March 14, 2013 – *p. 1*

4. PUBLIC HEARING:

10:10 A.M.

A. SPECIFIC PLAN AMENDMENT & TENTATIVE TRACT MAP MODIFICATION/Rock Creek Ranch. The Rock Creek Ranch Specific Plan (SP) and Tentative Tract Map (TTM) 37-56 approval in 2008 subdivided a 54.7-acre property into 60 lots, including deed-restricting five lots for affordable housing and deed restricting 11 lots for accessory dwelling units consistent with the Housing Mitigation Ordinance, which has since been suspended by the Mono Supervisors. The applicant recently completed a Housing Mitigation Agreement with the Board in 2012 that removes the requirement to provide five additional lots (given by the County as a density bonus to provide for affordable housing) and therefore is required to amend the TTM and SP to reflect the reduction of lots to 55. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized. The amendment and addendum are available for public review at the Community Development offices in Bridgeport and Mammoth Lakes. *Staff: Courtney Weiche – p. 4*

10:40 A.M.

B. GENERAL PLAN AMENDMENT 13-001(a) & (b) to amend the General Plan Land Use Designation Maps to establish two separate Transient Overlay Districts (TOD) to allow for nightly rentals. GPA 13-001(a) would establish a TOD on three adjoining parcels (APNs 019-051-010, -009, & -008) at Virginia Lakes, and GPA 13-001 (b) would establish a TOD on four adjoining parcels (APNs 016-094-007, -008, -009, & -015) at June Lake. The projects qualify as a CEQA exemption. *Staff: Courtney Weiche – p. 28*

5. WORKSHOP:

A. MONO SUPERVISORS STRATEGIC PLANNING MATRIX

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

6. REPORTS:

A. DIRECTOR

B. COMMISSIONERS

7. INFORMATIONAL: No items.

8. ADJOURN to May 9, 2013, at courthouse in Bridgeport

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

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

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

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DRAFT SPECIAL MEETING MINUTES

March 14, 2013

COMMISSIONERS PRESENT: Scott Bush, Chris Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson, Steve Shipley

STAFF PRESENT: Scott Burns, CDD director; Gerry Le Francois, principal planner; Wendy Sugimura, CDD analyst; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Vice-chair Dan Roberts called the meeting to order at 10:11 a.m. at Council Chambers in Minaret Village Mall, Mammoth Lakes and led the pledge of allegiance.

2. PUBLIC COMMENT: None.

3. INTRODUCTION OF NEW COMMISSIONER, ELECTION OF CHAIR & VICE-CHAIR: New Commissioner Rodger B. Thompson commended outgoing Commissioner Steve Shipley. Thompson cited 27 years with CDF/Cal Fire, saying he understood CEQA and worked timber harvesting with EIS/EIR documents. He viewed commission as an interesting challenge with his insight from the Tri-Valley area.

MOTION: Nominate Vice-Chair: Mary Pipersky (*Lizza/Bush. Ayes: 5-0.*)

MOTION: Nominate Chair: Dan Roberts (*Bush/Mary. Ayes: 5-0.*)

4. MEETING MINUTES: Review and adopt minutes of Jan. 10, 2013 (*no February meeting*).

MOTION: Adopt minutes of Jan. 10, 2013, as amended: Item 5D, graph 5: One ~~business person~~ contemplated ~~not fixing business plans, as he did not want to jump through hoops.~~ **opening a business, but was deterred by restrictive parking regulations.** (*Pipersky/Bush. Ayes: 4. Abstain: Thompson.*)

5. PUBLIC HEARING: None.

6. WORKSHOPS: Scott Burns mentioned the initial General Plan update workshop in January on parking regulations. Mono Supervisors authorized accepting a grant to fund the update and wanted Planning Commission to be involved early on.

A. GENERAL PLAN UPDATE POLICY DEVELOPMENT:

1. LEGAL REQUIREMENTS: Wendy Sugimura regarded the Overall Work Plan as overwhelming, so staff will go through policy development as it comes up, broken down into manageable pieces. Legal requirements are the driving force, the basis of what has to be done. Commissioners were asked to stop for questions anytime.

The Office of Planning & Research (OPR) is in the midst of updating General Plans. Identify items Mono needs to focus on and avoid new subjects. New flood maps from FEMA apply mostly for Tri-Valley. Fire hazard severity maps are considered in Safety Element.

- **Legacy communities:** Make sure communities cannot refuse to extend Spheres of Influence. Jurisdictions are happy to take in any private land that's geographically isolated, inhabited and existed at least 50 years. Called out to ensure adequate coverage.
- **Complete Streets Act:** Communities are compact, now have legislative support.
- **Housing Element:** Strongly regulated, just insert data. Deadline is 06.30.14, which is actually driving General Plan update. Focus is on known issues, clarifications instead of entirely new policy development. Housing Authority meeting at BOS on April 8.

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

- Conservation/Open Space Element: Biggest impact is sage grouse, specific to Mono. California Department of Fish & Wildlife (formerly Fish & Game) and BLM are lead resource agencies. Provide justification to prevent listing by US Fish & Wildlife Service.
- Safety Element: New flood maps to incorporate. Cal Fire is working on fire-hazard severity maps. Excess biomass taken from forests to convert energy facility to build other forest products. "Safety" includes natural hazards such as avalanches, fire, earthquake, transportation infrastructure for access/evacuation. Commissioner Thompson noted his California Emergency Management Agency and Cal Fire contacts. Stacey Simon indicated mandatory elements focus on seismic, fire, geologic, flood plus essential public facilities such as hospitals. Legal mandate involves ability to respond to natural hazards. Scott Burns noted State guidance is not as thorough, so State defers to local jurisdictions. Simon indicated other items would be discretionary. Burns stated very few jurisdictions have avalanche standards. Commissioner Roberts added volcanic. Burns cited reasonable risk as 100-year return period. Simon noted avalanche falls through cracks of geologic hazard.
- CEQA guidelines: Most substantial of new legal requirements. AB 32 and subsequent efforts apply to urban areas where greenhouse gas emissions occur. General concept of AB 32: by 2020 reduce gas emissions to 1990 level. Wood-burning stoves? *Required to analyze and reach conclusion on greenhouse-gas emissions.*

2. RESOURCE EFFICIENCY PLAN: Wendy Sugimura indicated basic parts are from CEQA. Conduct inventory of emission sources, decide on target, projections and mitigation measure to implement, and integrate into General Plan as one comprehensive document. Mono's main goals were outlined. Communities that are compact, but far apart, are concerned with reducing utility bills, fuel consumption, and cost of living. Designed to go back to 1990 levels? *Yes, but nobody has 1990 baseline information.* Commissioner Bush saw cars as more fuel-efficient, but population has not grown much. *Analysis needed. More-efficient wood-burning stoves create less air pollution.* Solar credits? Rural areas actually save carbon. *Renewable energy production such as geothermal is encouraged. Mono may already have emissions reduction. Inventories: local government operations, community inventory. Guidelines and protocols are set. Town will participate as well. Most greenhouse gas emission comes from town of Mammoth Lakes.*

3. REGIONAL TRANSPORTATION PLAN/CIRCULATION ELEMENT: Gerry Le Francois cited 2010 complete streets' focus as auto-centric. Mono is unique because it staffs the LTC, its Regional Planning Agency. Planning and transportation entities are disconnected in some areas. The LTC, which is independent of County and Town, has addressed complete streets since 1990s.

Commissioner Bush noted Mono is famous for not taking street dedications. Dirt roads are maintained by residents. Do they get a pass? *Broader County policy could discourage private roads, get roads into County transportation network. Establish zone of benefit to maintain/repair roads. Counties do not want more maintenance liabilities. Regional Transportation Plan (RTP) has a financial element, and MAP-21 funds are dispersed through LTC.* Scott Burns clarified that even if Mono does not accept a road, that doesn't mean it's not a public road. Stacey Simon cited three types of roads: private, public, and County. Generally set out ideals, implement broad policies where possible, but pre-existing issues always exist.

Burns noted when Caltrans improves roads, it no longer thinks just vehicles – account for cyclists. Sugimura: "All roads" likely means state highways; County roads are smaller, less traffic. In Bridgeport striping on pavement shows shared space. Le Francois indicated it's easier to get improvements during good economic times.

Le Francois indicated that cell towers have been included as utilities. Taking issues to RPACs. Commissioner Pipersky asked why users and seniors are mentioned on p. 7. *Meals on Wheels, Dial-A-Ride, and seniors who become transit-dependent. Always have more needs than ability to fund. Not establish service for one person. Maybe reimburse someone to drive to medical appointments.*

Commissioner Bush noted that communities want kids to walk to school, yet parents don't want kids walking where they can't be seen. Path to school? *Existing infrastructure allows safe passage. Urban areas chaperone kids to school.* Sugimura commented that a route can contribute to sense

of safety or lack thereof. Design and engineering can make it easier or harder to use facilities; e.g., driveway grades flattened or highlighted with color.

4. NOISE ELEMENT & ORDINANCE: Gerry Le Francois indicated that Mono has no large industrial facilities, so biggest noise generators are airports, geothermal plant, and highways. Noise readings have been conducted along highways (tires, engines), and volumes have not increased much. Noise is a mandated element to look at if development project arises, access by street. Original Noise Element was 1994. Noise Ordinance looks at noise violations with compliance aspect. Noise readings along highways will be updated.

Commissioner Lizza asked about Noise Element format. *Final format is not decided, and comments would be helpful. Look at issues, opportunities, constraints.*

Scott Burns cited emphasis on implementation of action plans (Table 2). The Regional Transportation Plan (RTP) uniquely transitions from goals and policies to implementation. A desire exists to do more in other elements of General Plan and also in capital facilities like community centers or parks. Maybe area plans could prioritize facilities as grant funding opportunities arise and allocate funding through budget process.

Where are decibel levels measured? *From center line of highway or property lines. Construction occurs during certain hours on certain days. Motorcycles? Under vehicle code.* Lizza questioned policy 1-1 vs. 1-5. *Noise standard is different at Sierra Business Park vs. residential area. Maybe noise barrier exists (triple-pane windows, sound wall, berm). Maybe more susceptible based on elevation. Create ambient noise to dissipate traffic noise. Highway sound walls are built along state highways.*

Commissioner Roberts thought the silent environment in Mono actually exacerbates the problem. Dogs barking or roosters crowing may not be measurable in decibels.

Commissioner Bush on obnoxious noise: "Can't define it, but know it when I hear it."

7. REPORTS:

A. DIRECTOR: 1) Biomass: Request for proposals (RFP) is out. Results could flow into energy policies; 2) Bridgeport Main Street project: lots of positive feedback; 3) Scenic Byway: Marketing plan in concert with Tourism Commission, got technical assistance from National Park Service for trail from Lee Vining to Yosemite; 4) Sage grouse workshop: BOS directed staff to integrate policies into the General Plan, working with BLM & CDFW, listing decision is possible in September, Toiyabe plans to integrate policies into its Forest Plan, and Inyo is updating 1988 Forest Plan; 5) CD-4: Companion geothermal power plant CD-4 has draft EIS out, maybe Mono has use permit and reclamation plan amendment; 6) Parking ordinance: Workshop at BOS; 7) Mineral resources: Comprehensive review of all reclamation plans and monitoring; 7) Trails planning in Paradise: Crossing Lower Rock Creek, BOS allotted engineering path inside guardrail; 8) Peer resort tour: June Lake CAC awaits MMSA's response, begin considering Rodeo Grounds in different economic time, refine policies; 9) Antelope Valley: Focus is on home occupations, additional tweaks desired; 10) Crowley survey: Community survey to update area plan; 11) BOS matrix: Ask Planning Commission for goals and new ideas about Mono's focus.

B. COMMISSIONERS: Lizza served as hearing officer at appeal of reclamation plan violation.

C. CEREMONIAL: Commissioner Roberts read aloud a resolution of appreciation to Steve Shipley, who served on the commission for three terms (12 years).

MOTION: Present resolution of appreciation to Steve Shipley. *(Roberts/Bush. Ayes: All.)*

8. INFORMATIONAL: No items.

9. ADJOURN at 11:54 a.m. to April 11, 2013, in Bridgeport

Prepared by C.D. Ritter, commission secretary

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Planning Division

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April 11, 2013

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Rock Creek Ranch Specific Plan Amendment 13-001

I. RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution R13-01 taking the following actions and recommending that the Board of Supervisors:

Approve Specific Plan Amendment 13-001 subject to the findings contained in Planning Commission Resolution R13-01;

II. PROJECT BACKGROUND

The Rock Creek Ranch Specific Plan, Tentative Tract Map (TTM) 37-56, and Final Environmental Impact Report (FEIR) were adopted by the Mono County Board of Supervisors on May 12, 2009. This approval established development standards for the Rock Creek Ranch site.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The site is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono county boundary. No commercial enterprises exist in the community of Paradise.

The approved project can be summarized as follows:

1. The Specific Plan established how various aspects of the single-family residential project will be built such as:
 - uses allowed within the project area;
 - lot constraints; and
 - building and lot disturbance areas.

Attached is the approved Rock Creek Ranch Specific Plan for review that lists all of the development requirements of the project.

2. The approved Tentative Tract Map 37-56 that subdivides parcel (APN 026-330-002) into 60 market-rate parcels, five affordable housing parcels, and 11 deed-restricted parcels to require an accessory unit for a total of 60 parcels.

At the time of project approval, the Board of Supervisors elected Option D from the staff report as the preferred alternative to satisfy the Housing Ordinance requirements. Cognizant of the complexities and specific circumstances of meeting the housing mitigation requirements for each development project, the ordinance allowed for alternative proposals and developer incentives to be analyzed and considered.

Option D allowed the applicant to request construction of the five affordable units on a schedule that would require one affordable unit to be constructed for every 10 lots sold in the development (instead of constructing the five units from and prior to the first market rate home certificate of occupancy). As a result, the conditions of approval related to housing was revised to read:

#32. Affordable housing mitigation shall be provided and shall consist of: 1) an alternative mitigation proposal agreed upon by County and applicant that satisfies the criteria set forth in section 15.40.060 of the Code or such other requirement for alternative mitigation which the County may hereinafter adopt to which applicant agrees to be subject; or 2) Option D from the staff report. In the event of disagreement between applicant and the County regarding an alternative mitigation proposal, the matter may be subject to further review by the Planning Commission and/or the Board of Supervisors. A housing mitigation agreement shall be recorded with the county recorder and said agreement shall become a part of the recorded covenants, conditions, and restrictions (CCRs) that govern the use of the property.

Since the tentative tract map was approved, the County suspended the housing mitigation requirements of Mono County Code Chapter 15.40, including any requirements imposed as conditions of approval for the Tentative Map. The suspension arose in response to changed market conditions that have increased the stock of affordable housing within the county and reduced the need for housing mitigation. The applicant has since requested to modify the conditions of approval to reflect the existing housing mitigation ordinance requirements. The County and subdivider entered into a Housing Mitigation Agreement in August of 2012 (see Attachment A).

The approved Housing Mitigation Agreement stipulated the Board of Supervisors must approve an amendment to the Tentative Map and Specific Plan, requiring the elimination of the five 'density bonus' lots to be dedicated for affordable housing purposes, with the gross area of those lots divided amongst the remaining lots. A separate environmental review/analysis is required to amend the Tentative Tract Map and the Specific Plan to reflect the direction and approval of the recent Housing Mitigation Agreement.

Approval of the housing mitigation agreement still requires the subdivider to deed restrict 11 of the primary lots shown on the Tentative Map as designated for an accessory dwelling unit. Each deed restriction shall be in perpetuity and requires the construction of an accessory dwelling unit of no more than 640 square feet. No certificate of occupancy shall be issued for the primary residence until the accessory dwelling unit is also issued a certificate of occupancy.

III. SPECIFIC PLAN AMENDMENT 13-001

Specific Plan Amendment 13-001 would approve the minor change reflecting the approved Housing Mitigation Agreement, which changes the maximum number of approved lots from 60 to 55.

If the commission chooses to approve the proposed changes to the Specific Plan, and recommend the Board of Supervisor consider these changes, Resolution R13-01 makes the required findings.

IV. ENVIRONMENTAL REVIEW

The Rock Creek Ranch Specific Plan Final Environmental Impact Report (EIR) was approved on May 12, 2009. Mono County determined that an Addendum to the Final Environmental Impact Report is the appropriate level of environmental review under CEQA.

Review of proposed changes under CEQA guidelines section 15162 does not substantially change the project or require major revisions to the FEIR.

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.”

X. ENCLOSURES

- 1) Attachment A: Specific Plan Amendment 13-001 in legislative format
- 2) Addendum to the Rock Creek Ranch FEIR
- 3) Resolution R13-01
- 4) Approved Housing Mitigation Agreement

ROCK CREEK RANCH SPECIFIC PLAN
SECTION 3: SPECIFIC PLAN AND PROJECT DESCRIPTION

Proposed Amendment #1
Dated 4/11/13



LEAD AGENCY:

Mono County Planning Division
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Mammoth Lakes, CA 93546
Contact: Courtney Weiche 760.924.1803
cweiche@mono.ca.gov

SPECIFIC PLAN CONSULTANT:

Bauer Planning & Environmental Services, Inc.
220 Commerce, Suite 230, Irvine, CA 92602
Contact: Sandra Bauer ☐ 714.508.2522
sandra@bpesinc.com

PROJECT APPLICANT/OWNER:

C & L Development
Paradise, California
matthew.lehman@verizon.net

BACKGROUND

The Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56 were approved by the Mono County Board of Supervisors on May 12, 2009. The approved project subdivided the 54.7-acre property into 60 lots, which included deed-restricting five lots for affordable housing and deed-restricting 11 lots for accessory dwelling units consistent with the Housing Mitigation Ordinance, which subsequent to project approval, was suspended by the Mono Supervisors. The applicant then entered into a Housing Mitigation Agreement with the Board of Supervisors on August 7, 2012 that removed the requirement to provide the five additional lots (given by the County as a density bonus to provide for affordable housing). A condition of the agreement required the applicant to amend the Tentative Tract Map and Specific Plan to reflect the reduction of lots to 55. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR has been prepared and included as Exhibit A.

PROPOSED AMENDMENTS

Changes to the Specific Plan are as follows:

1. Deletions are indicated in ~~red-strike-through~~
2. Additions are indicated in **bold and underlined print**

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3.2 EIR PURPOSE, SCOPE AND OBJECTIVES

3.2.2 SCOPE OF THE PROPOSED PROJECT

Tentative Map 37-56 Approval: The applicant has submitted a Tentative Map for approval by the county as part of the overall project application. As depicted in **Revised (04.11.13) Exhibit 3-4**, the Tentative Tract Map sets forth the location and size of all ~~60-55~~ residential lots and open-space features, the alignment and dimensions of all access roads, and the placement of all utilities and services. The proposal also incorporates ~~5 workforce housing units and~~ eleven (11) of the primary lots will be permanently deed restricted to include an accessory ("granny") unit. ~~In total, the project will incorporate 60 primary units plus 11 deed restricted granny units.~~

3.3 PROPOSED PROJECT ELEMENTS

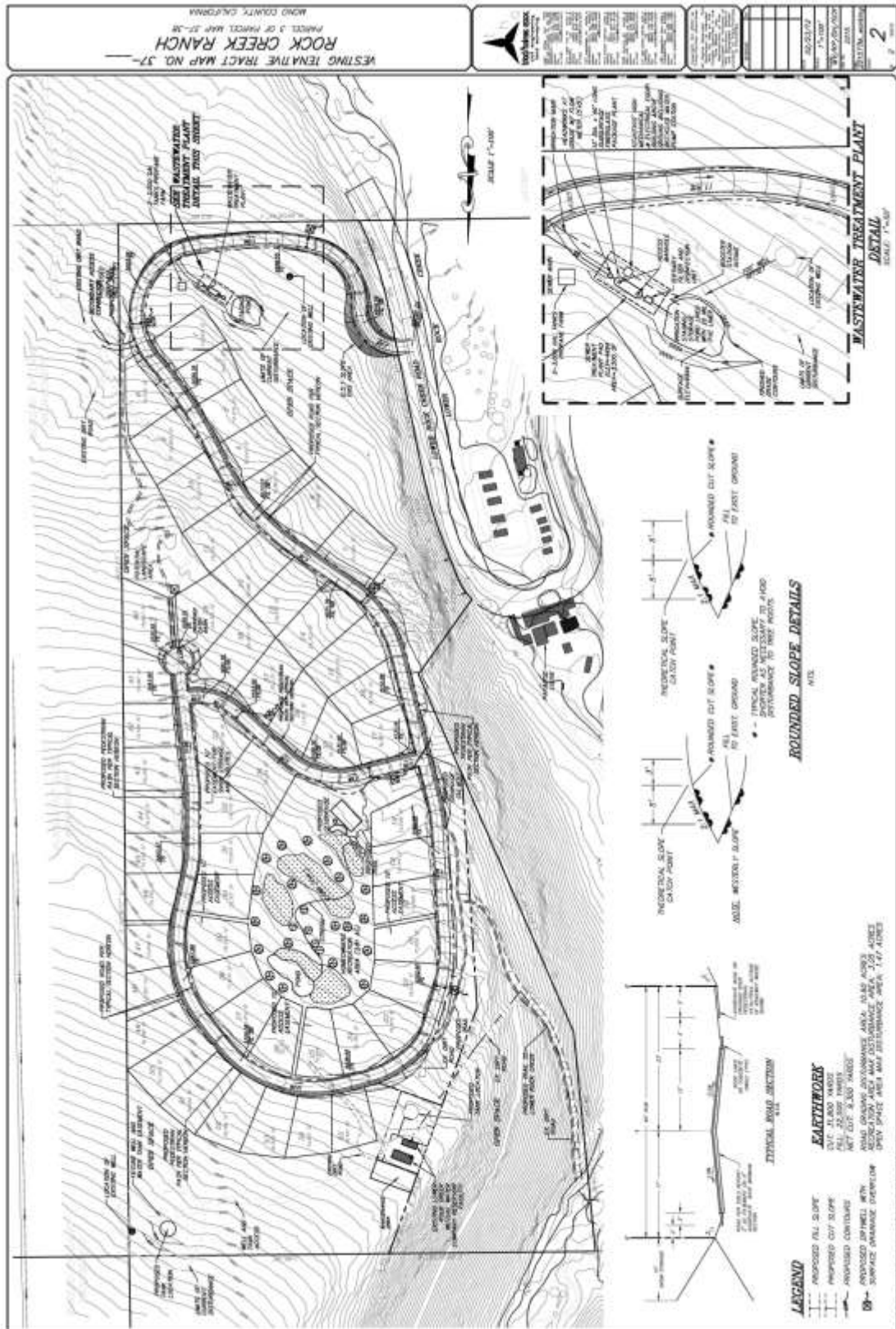
3.3.1 RESIDENTIAL LOTS

The Tentative Tract Map (**Revised 04.11.13 Exhibit 3-4, noted above**) and the Specific Plan Map (**Revised 04.11.13 Exhibit 3-5**) depict the location of all ~~60-55~~ of the proposed lots within the project site. **Revised (04.11.13) Exhibit 3-4** shows the proposed layout of lots and building envelopes for Rock Creek Ranch. The building envelopes are used in place of setbacks to describe the area within which individual home improvements must be contained for each lot. ~~The average lot size overall is 16,103 square feet.; average lot size for the market rate lots is 16,460, and average lot size for the workforce lots is 12,180 square feet.~~ Exhibit 3-7 shows the approved color palette. ~~Table 3-1 summarizes the area of each of the proposed single family lots within Rock Creek Ranch. The numbered lots (1-55) represent market rate lots, while the lettered lots (A-E) represent the workforce lots, which are dispersed throughout the development.~~

Exhibit 3-4



Exhibit 3-5



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3.4 PROJECT PHASING

The applicant proposes to complete all site improvements in a single phase. Improvements would include grading of roads and infrastructure improvements to develop on-site water and drainage and wastewater treatment systems, installation of other utility systems (power, communication, etc.), and construction of the proposed recreational amenities (including the pond systems, trails, club house and other features). The applicant has prepared a timeline in which grading would be initiated approximately six months following completion of the CEQA review process (provided the EIR is certified by the Mono County Board of Supervisors), and construction of individual residential lot improvements would be undertaken about 12 months after close of the CEQA review. The schedule for buildout of the ~~60-55~~ single-family lots would depend on the rate at which the individual parcels are sold. Permitted land uses on all of the parcels would be governed by the Specific Plan, which reflects the uses described above. Any proposed change to the approved site uses would require County approval of an amendment to the Specific Plan, including additional environmental review if applicable under CEQA.

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3.6 ROCK CREEK RANCH SPECIFIC PLAN AND LAND USE PLAN CONCEPT

3.6.2 DESCRIPTION OF ROCK CREEK RANCH LAND USE PLAN

The tentative map for Rock Creek Ranch as a whole is shown in Revised (04.11.13) Exhibit 3-4. As indicated, the ~~60-55~~ residential parcels **will** include ~~55 market rate lots and 5 affordable (workforce) housing lots, each of which has a designated building pad. Of the 60-55 lots,~~ **11 lots deed-restricted to** ~~will~~ include an **secondary accessory** unit, required as part of the Housing Mitigation Agreement. ~~workforce housing program. The 5 workforce lots are distributed fairly evenly throughout the property, with~~ Four public open-space parcels are located northwest, northeast, southwest and southeast of the site. These open-space areas will provide a buffer between site uses and existing land uses to the north, south, east and west, including the developed community of Paradise. The site also includes an internal private homeowners' recreation area with a clubhouse and interior trail system that will serve residents of Rock Creek Ranch. The Clubhouse/Recreation Room Site Plan is provided in Exhibit 3-8, a layout of the interior Clubhouse/Recreation Area floor plan is provided in Exhibit 3-9, and elevations for the Clubhouse/Recreation Area exterior are provided in Exhibit 3-10. The Homeowners Association will own and be responsible for management of the open-space lots and the recreation area. The project is served by a single access road (with an internal loop system) from Lower Rock Creek Road. The road provides direct access to each residential lot as well as easements and infrastructure improvements.

~~Table 3-3 summarizes the area of each of the proposed single family lots within Rock Creek Ranch. The numbered lots (1-55) represent market rate lot, while the lettered lots (A-E) represent the workforce lots, which are dispersed throughout the development. The average lot size overall is 16,103 square feet; average lot size for the market rate lots is 16,460, and average lot size for the workforce lots is 12,180 square feet.~~

Table 3-4 profiles the area to be set aside in Rock Creek Ranch for open space and infrastructure improvements (please note that all of the acreages are estimates that may be slightly modified as the utility specifications and design plans are finalized during subsequent stages of approval). As shown, the total area of dedicated open space is 25.8 acres. An estimated 6.1 acres will be used for various road, water, fuel and sanitation improvements, and approximately 23 acres will be set aside for residential lots. Exhibit 3-5, the Specific Plan Map, provides detailed diagrams of access improvements, water system improvements, and the package wastewater treatment plant.

Page 3-9

3.6.5 RESIDENTIAL DEVELOPMENT STANDARDS

The following residential site development standards shall apply:

- a. **Minimum Lot Area:** 10,000 square feet net.
- b. **Maximum Number of Residential Lots:** ~~60-55~~ lots.

- c. **Building Lot Width:** The minimum average lot width shall be 70 feet.
- d. **Building Lot Depth:** The minimum average lot depth shall be 100 feet
- e. **Building Height Limit:** 28 feet above the preconstruction existing grade at any given point of the site, inclusive of all utilities and ornamentation.
- f. **Maximum Lot Coverage:** Maximum lot coverage shall be 40%.
- g. **Maximum Landscape Coverage:** 15% of lot acreage, up to a maximum of 3,000 square feet.
- h. **Setbacks:** Structural improvements on each lot shall be confined to the building envelopes shown in **Revised Exhibit 3-4 (04.11.13).**

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3.7 **IMPLEMENTING REGULATIONS AND ORDINANCES**

3.7.5 **COUNTY ORDINANCE #06-06 WORKFORCE HOUSING REQUIREMENTS**

~~During 2006 the county adopted an ordinance establishing workforce housing mitigation requirements for most types of new development within the county. For residential development projects, the Ordinance requires that one workforce housing unit be provided for every ten market rate lots or housing units developed, and requires that the inclusionary units comply with all General Plan criteria governing size, design, and location. Additionally, the Ordinance requires that 20% of the lots be deed restricted for construction of a secondary ('granny') unit, and applicants are required to pay a fractional fee for partial increments.~~

~~In the present case, the base project application was for 55 market rate units that would be constructed according to a timeline established by each individual lot buyer. To comply with Ordinance #0606, the applicant is proposing that eleven (11) of the primary lots will be deed restricted in perpetuity to include a secondary ('granny') unit. The applicant also proposes to construct workforce housing units on 5 lots within Rock Creek Ranch. Construction of 5 workforce housing units will leave unmet a fractional share since the housing ordinance calculator would require five and one half affordable units for a 54.7-acre parcel. The housing Ordinance normally requires that fractional shares be met through payment of fees; for Rock Creek Ranch, the fractional fee was set at \$78,468. In lieu of fee payment, the applicant proposes to provide one additional secondary unit for a total of 11 deed restricted secondary units.~~

~~The Ordinance allows applicants to propose modifications to the base requirements consistent with individual project conditions. For Rock Creek Ranch, two modifications have been proposed. First, the project applicant has requested that the workforce housing be provided in addition to (rather than as part of) the 55 market rate units; this provision, if approved, would constitute a form of 'density bonus.'¹⁶ Second, the applicant has proposed that one workforce housing unit be constructed for every 10 market rate lots sold, and that the secondary units be constructed when owners of the deed restricted lots build their primary homes. These provisions would differ from the Ordinance, which requires that the workforce units and secondary units be built at the same time as market rate units.~~

~~In total, the proposed project would at build out incorporate 60 primary units (55 market rate lots plus 5 workforce units) plus 11 deed restricted granny units. The applicant will construct the five workforce units for subsequent sale in accordance with county requirements. All of the market rate lots will be sold for subsequent development of custom single family homes. The analysis contained in EIR §5.5 indicates that the project is generally consistent with the county's adopted workforce housing requirements.~~

Since the Tentative Tract Map was approved, the County suspended the housing mitigation requirements of Mono County Code Chapter 15.40 (including section 15.40.060), and the Board indicated that the suspension is not inapplicable to housing mitigation requirements imposed as conditions of approval of tentative maps. The suspension was enacted in response to changed market conditions which have increased the stock of affordable housing within the county and reduced the need for housing mitigation, as described in the attached documents. Accordingly, through an approved Housing Mitigation Agreement, the subdivider proposed an alternative mitigation consistent with the County's current housing mitigation requirements and with Condition #32. (Note that Condition #32 was imposed in order to comply with Chapter 15.40 – and not as required mitigation under the California Environmental Quality Act (CEQA).)

The approved Housing Mitigation Agreement requires 11 lots to be deed restricted for accessory dwelling units and provides for no further mitigation. However, the agreement provides that its terms do not apply

unless the Board of Supervisors approves an amendment to the Tentative Map (and corresponding amendments to the Specific Plan) which eliminates the five 'density bonus' lots.

The approved Housing Mitigation Agreement requires that each deed restriction will be in perpetuity, that an accessory dwelling unit of no more than 640 square feet be constructed on each deed-restricted parcel, and that no certificate of occupancy may be issued for the primary residence until the accessory dwelling unit is also issued a certificate of occupancy. The gross area of the five density bonus lots are subsequently divided among the remaining 55 lots.

**Draft Addendum
to the
Rock Creek Ranch Specific Plan
Final Environmental Impact Report (FEIR)**

SCH #2004012014

Executive Summary

The Rock Creek Ranch Specific Plan was approved by the Mono County Board of Supervisors on May 12, 2009, along with a General Plan Amendment to change the Land Use Designation from Estate Residential to Specific Plan, approval of Tentative Tract Map 37-56, certification of the Final EIR, and adoption of the associated Mitigation Monitoring and Reporting Program.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The purpose of the Rock Creek Ranch Specific Plan is to govern and regulate development standards and site uses. All future development on the site shall be consistent with requirements of the Specific Plan. The property is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono County boundary.

The purpose of the current project is to make minor changes and non-environmentally significant modifications to the approved Specific Plan.

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 shown in Table 1 below does not substantially change the project, which would require major revisions to the FEIR.

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

SP Page #	Minor technical changes, clarifications and non-environmentally significant modifications	CEQA guidelines section 15162
Pg 3-2	Changes any reference of 60 lots total to 55; eliminating the five affordable housing lots. Also references the revised Exhibit 3-4 reflecting the change in number of lots.	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>These technical items are not a substantial change, do not increase the severity of previously identified significant effects, or are not substantial new information.</p>
Pg 3-4	Changes any reference of 60 lots total to 55; eliminating the five affordable housing lots. Also references the revised Exhibit 3-4 reflecting the change in number of lots.	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>These technical items are not a substantial change, do not increase the severity of previously identified significant effects, or are not substantial new information.</p>
Pg. 3-4	Changes “secondary unit” to “accessory unit”	<p>This is a grammatical correction that reflects the current term for an Accessory Unit, instead of Secondary Unit.</p> <p>This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.</p>
Pg 3-9	References the revised Exhibit 3-4 reflecting the change in number of lots.	<p>This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.</p>

Pg 3-16	Replaces the original language for the Housing Mitigation Ordinance requirements with the requirements of the approved Housing Mitigation Agreement	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.</p>
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The Approved Project

Board of Supervisors Resolution #R09-20

The approved Rock Creek Ranch Specific Plan and Tentative Tract Map permitted 60 residential lots, including five lots deed restricted for affordable housing and 11 lots deed restricted to include accessory dwelling units.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The purpose of the Rock Creek Ranch Specific Plan is to govern and regulate development standards and site uses. All development on the site shall be consistent with requirements of the Specific Plan. The property is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono county boundary.

Specific Plan Amendment 13-001 Project Description

The proposed Specific Plan and Tentative Tract Map amendment is required to reflect the approved Housing Mitigation Agreement (see Attachment A) which eliminates the requirement to provide 5 additional affordable housing lots. The gross area of those lots is proposed to be divided amongst the remaining lots.

Attachments

- A. Housing Mitigation Agreement

)

RESOLUTION NO. R13-01

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING
APPROVAL OF ROCK CREEK RANCH SPECIFIC PLAN AMENDMENT 13-001**

WHEREAS, the Rock Creek Ranch Specific Plan was approved on May 12, 2009, by the Mono County Board of Supervisors; and

WHEREAS, the proposed Specific Plan Amendment 13-001 would make minor technical changes, clarifications and non-environmentally significant modifications to the Rock Creek Ranch Specific Plan; and

WHEREAS 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”; and

WHEREAS, Mono County has determined that an addendum to the Final Environmental Impact Report (FEIR) is the appropriate level of environmental review under CEQA guidelines sections 15162 and 15164 because none of the conditions described in Section 15162 have occurred; and

WHEREAS, the Mono County Planning Commission did, on April 11, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the Rock Creek Ranch Specific Plan Amendment 13-001.

**NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY
RESOLVE AS FOLLOWS:**

Having taken into consideration staff recommendations, public comment, and all other evidence and testimony before it, the Mono County Planning Commission recommends approval of Specific Plan Amendment 13-001, making minor technical corrections, clarifications, and non-environmentally significant modifications to the Specific Plan and finds that:

A. The change in the Specific Plan is consistent with the text and maps of the General Plan because:

The changes to the Specific Plan are consistent with General Plan policies that direct the County to utilize the specific plan process for large-scale projects and of the Land Use Element to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2).

The adopted Specific Plan was found to be consistent with the General Plan when adopted in 2009. The proposed changes are reasonable and compatible with surrounding and proposed development and do not alter the adopted Specific Plan in a manner that makes it inconsistent with the text or maps of the General Plan.

B. The site of the change in land use designation is suitable for the land uses permitted within that land use designation because:

The site is adjacent to existing residential development, has adequate infrastructure (utilities, roads), and is suitable for the proposed residential uses (LU Element, Objective A, Policy 1, Actions 1.2). The change does not significantly alter the adopted Specific Plan or change the land use designation for the property.

C. The change to the Specific Plan is reasonable and beneficial at this time because:

The property land use designation is SP. The adopted SP was found to be consistent with the General Plan when adopted in 2009. The proposed changes are reasonable and compatible with the surrounding and proposed development and will help to clarify the regulations governing future development of the property.

D. The change to the Specific Plan will not have a substantial adverse effect on surrounding properties because:

An FEIR for the project was approved in 2009. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. The changes are of a minor or insignificant nature and will not adversely affect surrounding properties.

PASSED AND ADOPTED this 11th day of April 2013, by the following vote of the Planning Commission, County of Mono:

AYES :

NOES :

ABSENT :

ABSTAIN:

Dan Roberts, Chair
Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

C.D. Ritter, Commission Secretary

Stacey Simon, Assistant County Counsel

Doc # 2012005483
Page 1 of 8
Date: 10/18/2012 03:45P
Filed by: MONO COUNTY COUNSEL
Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: \$0.00

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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

**HOUSING MITIGATION AGREEMENT BETWEEN
THE COUNTY OF MONO AND C & L DEVELOPMENT, INC.
FOR TENTATIVE TRACT MAP NO. 37-56**

The Parties to this Housing Mitigation Agreement ("Agreement") are the County of Mono ("County"), a political subdivision of the State of California, and C & L Development, Inc. ("Subdivider"), a California corporation.

This Agreement is entered into for the purpose of setting forth the housing mitigation requirements for the Rock Creek Ranch project ("Project") in accordance with the conditions of approval ("Conditions") for Tentative Tract Map No. 37-56 ("Tentative Map"), in particular Condition Number 32 which relates to housing mitigation requirements.

WHEREAS, Condition Number 32 requires Subdivider to provide housing mitigation in one of the following forms: (1) alternative mitigation as set forth in section 15.40.060 of the Mono County Code or which the County may adopt following Tentative Map approval and to which the Subdivider agrees to be subject; or (2) by constructing five affordable units on lots dedicated for that purpose, paying housing mitigation fees in the amount of \$59,082, and deed restricting eleven residences within the Project for secondary dwelling units; and

WHEREAS, Condition 32 further requires that a housing mitigation agreement be entered into and recorded between County and Subdivider which sets forth Subdivider's specific obligations with respect to housing mitigation for the Project; and

WHEREAS, since the Tentative Map was approved, the County has suspended the housing mitigation requirements of Mono County Code Chapter 15.40, including any requirements imposed as a condition of approval of a Tentative Map, in response to changed market conditions which have increased the stock of affordable housing within the County and to stimulate development and construction activity; and

WHEREAS, County and Subdivider now wish to enter into a housing mitigation agreement which complies with Condition Number 32 and sets forth the mutual understanding and agreement of the parties with respect to the provision of affordable housing by the Project;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the Parties agree as follows:

1. Provided that the Board of Supervisors has approved an amendment to the Tentative Map, and corresponding amendments to the Rock Creek Ranch Specific Plan, which eliminate the five lots dedicated for affordable housing purposes (with the gross area of those lots divided amongst the remaining lots), County and Subdivider agree that compliance by Subdivider with the following shall satisfy the requirements of Condition number 32 and shall constitute full and complete compliance with the County's housing mitigation requirements for the Project:

Secondary units shall be allowed on the property to the full extent authorized by the Mono County General Plan and/or applicable health and safety requirements, and shall not be otherwise prohibited or restricted.

2. This Agreement shall be recorded and is binding on Subdivider and its heirs, assigns and successors in interest of any kind or nature.

3. Subdivider shall defend, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the County's acts or omissions with regard to this Agreement or the approval of any amendment to the Tentative Map as described herein.

4. This Agreement, and any deed restriction entered into pursuant hereto, constitutes the entire agreement of the Parties as to its subject matter. This Agreement may be amended only by written agreement executed by the Parties with the same formalities. No waiver of any provision of this Agreement shall constitute a waiver of any other provision or a continuing waiver of the waived provision. Any waiver shall be in a writing authorized by the Party granting the waiver.

5. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which constitute one and the same written instrument. This Agreement shall be governed by the laws of the State of California. The venue for actions based on this Agreement shall be the Superior Court of the State of California, County of Mono.

6. This Agreement is executed voluntarily by the Parties, without duress or undue influence on the part of or on behalf of any of them. The Parties acknowledge that each has been represented by counsel with respect to the negotiation and preparation of

this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO

**C & L DEVELOPMENT
SUBDIVIDER**

Chair
Board of Supervisors

Matthew T. Lehman
[Member & Property Owner]

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

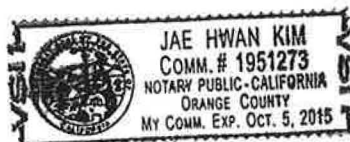
APPROVED AS TO FORM:

Mono County Counsel

State of California, County of ORANGE
Subscribed and sworn to (or affirmed) before me
on this 23rd day of July, 2012
by JASON MOORE
personally known to me or proved to me on the
basis of satisfactory evidence to be the person(s)
who appeared before me.

Signature: _____

Notary Public



this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

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COUNTY OF MONO

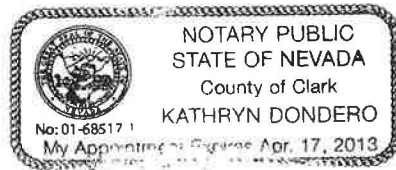
**C & L DEVELOPMENT
SUBDIVIDER**

Chair
Board of Supervisors

Matthew T. Lehman
[Member & Property Owner]

Signed before me this 10th day
of Sept 2012 in
Clark County, State of Nevada

Annette Capurro
Annette Capurro
[Property Owner]



Kathryn Dondero
- for Annette only -

Deceased.
Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:

Mono County Counsel

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — VITAL STATISTICS

CERTIFICATE OF DEATH

2012012893

STATE FILE NUMBER

TYPE OR
PRINT IN
PERMANENT
BLACK INK

DECEDENT

IF DEATH
OCCURRED IN
INSTITUTION
SEE HANDBOOK
REGARDING
COMPLETION OF
RESIDENCE
ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF
DEATHCONDITIONS IF
ANY WHICH
GAVE RISE TO
IMMEDIATE
CAUSE ->
STATING THE
UNDERLYING
CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) Randall V CAPURRO		2. DATE OF DEATH (Mo/Day/Year) August 13, 2012		3a. COUNTY OF DEATH Clark	
3b. CITY, TOWN, OR LOCATION OF DEATH Las Vegas		3c. HOSPITAL OR OTHER INSTITUTION -Name(if not either, give street and number) The Heights of Summerlin LLC		3d. If Hosp. or Inst. Indicate DOA,OP/Emer. Rm. Inpatient(Specify) Inpatient	
4. SEX Male		5. RACE White (Specify)			
6. Hispanic Origin? Specify No - Non-Hispanic		7a. AGE-Last birthday (Years) 69		7b. UNDER 1 YEAR MOS	
7c. UNDER 1 DAY HOURS		7d. UNDER 1 MIN MIN		8. DATE OF BIRTH (Mo/Day/Yr) November 30, 1942	
9a. STATE OF BIRTH (If not U.S.A., name country) Nevada		9b. CITIZEN OF WHAT COUNTRY United States		10. EDUCATION 13	
11. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) Married		12. SURVIVING SPOUSE (if wife, give maiden name) Annette B COMPAGNONI			
13. SOCIAL SECURITY NUMBER 530-26-3892		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even If Retired) Owner / Operator		14b. KIND OF BUSINESS OR INDUSTRY Insurance	
15a. RESIDENCE - STATE Nevada		15b. COUNTY Clark		15c. CITY, TOWN OR LOCATION Las Vegas	
15d. STREET AND NUMBER 1708 Bayonne Drive		15e. INSIDE CITY LIMITS (Specify Yes or No) Yes			
16. FATHER/PARENT - NAME (First Middle Last Suffix) Louis J CAPURRO			17. MOTHER/PARENT - NAME (First Middle Last Suffix) Genevieve DONDERO		
18a. INFORMANT- NAME (Type or Print) Annette B CAPURRO			18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) 1708 Bayonne Drive Las Vegas, Nevada 89134		
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) Cremation			19b. CEMETERY OR CREMATORY - NAME Palm Crematory		19c. LOCATION City or Town State Las Vegas Nevada 89101
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) BART BURTON		20b. FUNERAL DIRECTOR LICENSE 50		20c. NAME AND ADDRESS OF FACILITY Palm Mortuary-Cheyenne 7400 W Cheyenne Las Vegas NV 89129	
20d. SIGNATURE AUTHENTICATED					
TRADE CALL - NAME AND ADDRESS					
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) JULIE WU MD			22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)		
21b. DATE SIGNED (Mo/Day/Yr) August 15, 2012			22b. DATE SIGNED (Mo/Day/Yr)		
21c. HOUR OF DEATH 21:55			22c. HOUR OF DEATH		
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)			22d. PRONOUNCED DEAD (Mo/Day/Yr)		
22e. PRONOUNCED DEAD AT (Hour)			23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) JULIE WU MD 3750 S. Jones Las Vegas, NV 89103		
23b. LICENSE NUMBER 11544			24a. REGISTRAR (Signature) NINETTE HARRINGTON		
24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) August 16, 2012			24c. DEATH DUE TO COMMUNICABLE DISEASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)					
PART I					
(a) Cardiopulmonary arrest					
DUE TO, OR AS A CONSEQUENCE OF:					
(b) Dementia with Lewy body					
DUE TO, OR AS A CONSEQUENCE OF:					
(c)					
DUE TO, OR AS A CONSEQUENCE OF:					
(d)					
PART II OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part 1.					
26. AUTOPSY (Specify Yes or No) No					
27. WAS CASE REFERRED TO CORONER (Specify Yes or No) Yes					
28a. ACC., SUICIDE, HOMICIDE, UNDET. OR PENDING INVEST. (Specify)		28b. DATE OF INJURY (Mo/Day/Yr)		28c. HOUR OF INJURY	
28d. DESCRIBE HOW INJURY OCCURRED					
28e. INJURY AT WORK (Specify Yes or No)		28f. PLACE OF INJURY- At home, farm, street, factory, office building, etc. (Specify)		28g. LOCATION STREET OR R.F.D. No. CITY OR TOWN STATE	

STATE REGISTRAR

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Health District from State certified documents as authorized by the

State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE RAISED
SEAL OF THE SOUTHERN NEVADA
HEALTH DISTRICT

Lawrence K. Sands, D.O., M.P.H.

Registrar of Vital Statistics

By:

Date Issued:

AUG 17 2012

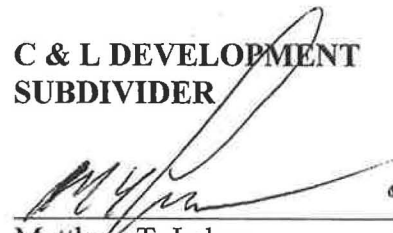
this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO

Chair
Board of Supervisors

**C & L DEVELOPMENT
SUBDIVIDER**

 9/18/2012

Matthew T. Lehman
[Member & Property Owner]

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:

Mono County Counsel

**SEE ATTACHED
NOTARIAL CERTIFICATE**

ACKNOWLEDGMENT

State of California
County of MONO

On September 18, 2012 before me, J.A. MARKHAM, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared Matthew T. Lehman
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

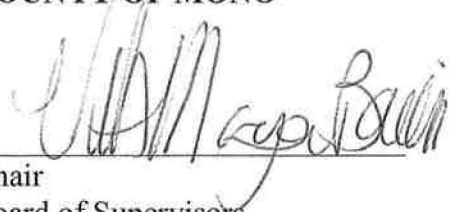
Signature J. A. Markham (Seal)



this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

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COUNTY OF MONO


Chair
Board of Supervisors

**C & L DEVELOPMENT
SUBDIVIDER**

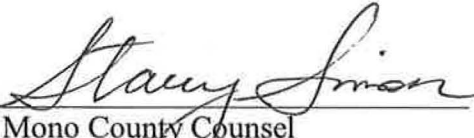
Matthew T. Lehman
[Member & Property Owner]

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:


Mono County Counsel

Mono County Community Development Department

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

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

April 11, 2013

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner
Nick Criss, Compliance Officer

Subject: General Plan Amendment 13-001, including:
A. GPA 13-001 (a) Double Eagle Resort Transient Rental Overlay District in June Lake
B. GPA 13-001 (b) Ragland Transient Overlay District at Virginia Lakes

RECOMMENDED ACTION

1. Approve Resolution R13-02, accepting Addendum 13-01 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 13-001 (a); and
2. Approve Resolution R13-03, accepting Addendum 13-01 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 13-001 (b).

BACKGROUND

The Board of Supervisors approved General Plan Amendment 12-001 in December 2012 that added Chapter 25, Transient Overlay Districts, and Chapter 26, Transient Rental Standards and Enforcement, to the Mono County General Plan Land Use Element. The intent of the amendment was to allow transient rentals within compatible residential neighborhoods to increase tourism opportunities and provide additional economic support to homeowners.

The creation of Chapters 25 & 26 provides a General Plan tool to allow transient rentals in specific neighborhoods through a General Plan Amendment application for a Transient Rental Overlay District (TROD).

A TROD application requires that the shape of any proposed district be contiguous, compact and orderly. Factors used to determine compact and orderly include street-frontage sharing, adjoining yards, and existing characteristics that define residential neighborhood boundaries such as subdivision boundaries, major roads, natural features, large undeveloped parcels and commercial or civic land uses.

Chapter 26 provides regulations that ensure transient rentals meet minimum safety requirements, provide 24-hour local property management, allow for enhanced enforcement of unpermitted transient operators, and provide means for minimizing potential neighborhood conflicts such as parking and noise. If a Transient Rental Overlay District is approved, individual homeowners in the district would then be required to submit a Transient Rental application in conformance with the regulations specified in Chapter 26 before commencing short-term rentals.

GENERAL PLAN AMENDMENT 13-001(a) RAGLAND

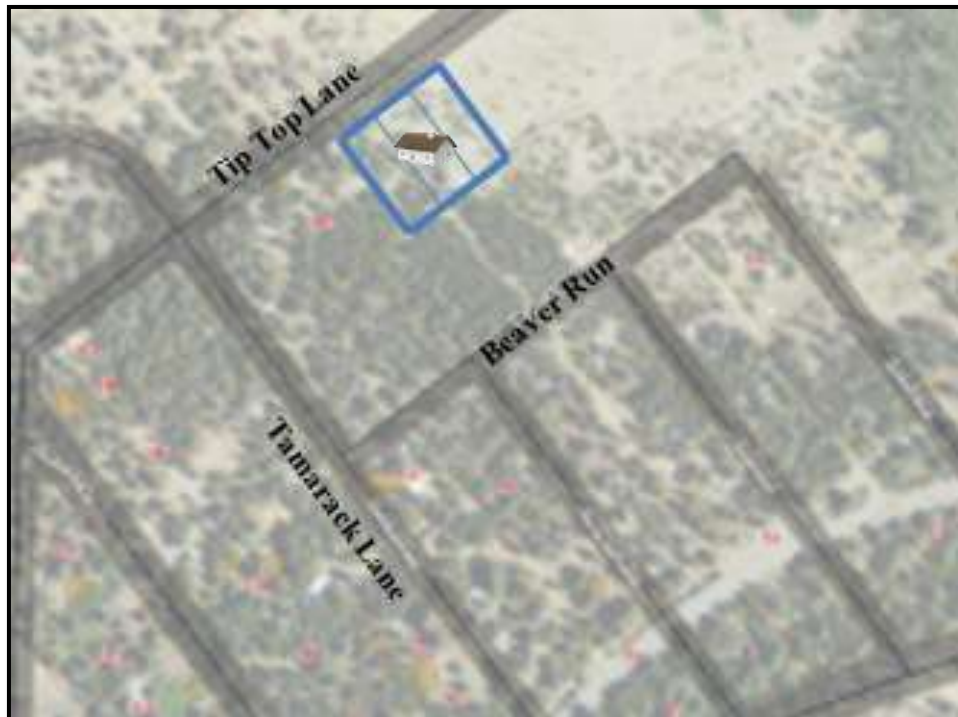
The proposed Transient Rental Overlay District (TROD) is located at Virginia Lakes along Tip Top Lane and includes three adjoining parcels (APNs 019-051-008, -009 & -010). Currently, there is only one small existing cabin located on APN 019-051-009 between two other vacant parcels included in this proposed TROD. The surrounding land uses are Single-Family Residential with a minimum ½-acre parcel size.

Twenty-six public hearing notices were sent to adjoining property owners March 28, 2013. Comment letters received will be included as attachments. Additional information provided at the meeting will respond to the comments received and address the issues raised. Any comments received after the Planning Commission packet has been distributed will be provided and included as part of the record at the hearing. Issues raised in the comments received to date include:

- Concern over increased water use and impacts on the limited supply
- Insufficient reliable infrastructure (limited water, roads, electricity, cell service)
- Increased visitors to the area
- Potential rock slides and avalanche hazards
- Loud, rowdy renters
- Who responds to renter issues?
- Impacts of additional trash accumulation
- Concern over potential trespassing and vandalism
- Insufficient on-site parking
- Not enough turn around space at the dead end of Tip Top Lane
- Law enforcement response time
- Character of the community would be threatened

In addition, Supervisor Fesko has also received additional comments from community members reflecting similar concerns raised in the comment letters. Applicant Ragland has indicated that he has done additional outreach to surrounding property owners and other concerned community members, including the water board, of Virginia Lakes to respond to their issues raised.

Project Location



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

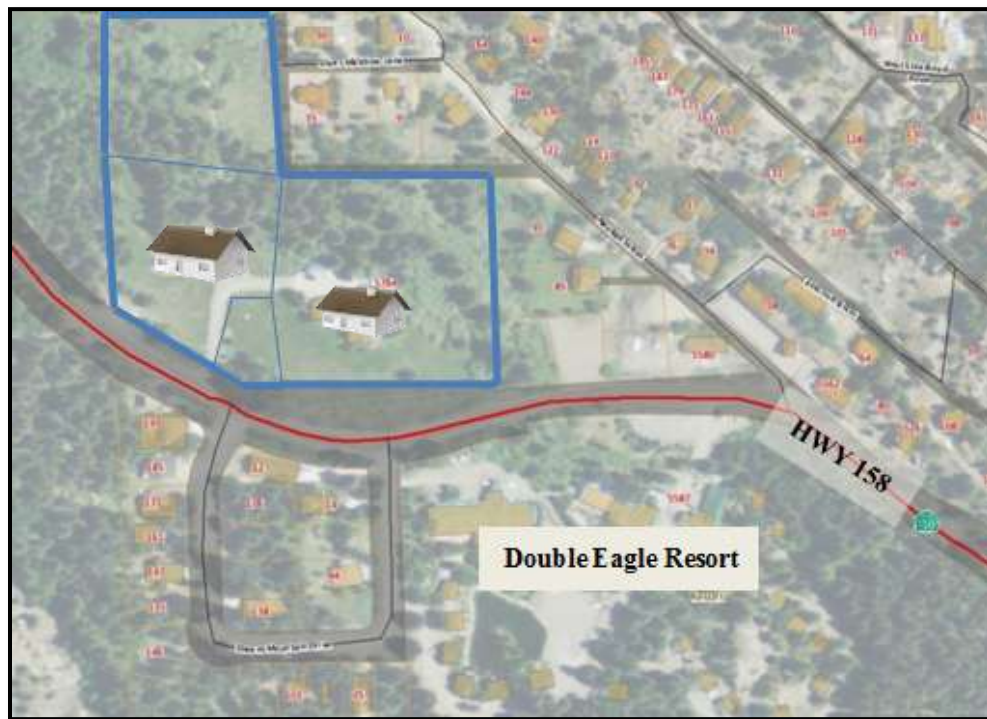
The LDTAC met Jan. 7, 2013, to review and provide input on the project proposal. The LDTAC accepted the proposed Transient Overlay District application and recommended moving forward with processing the permit.

GENERAL PLAN AMENDMENT 13-001(b) Double Eagle Resort

The proposed Transient Rental Overlay District is located in the Down Canyon area of June Lake along Highway 158 and includes four adjoining parcels (APNs 016-094-007, -008, -009 & 016-098-015). Two of the four parcels have existing homes, one primary residence and one guest house. The other two parcels are vacant with no structures. The Double Eagle Resort is located across Highway 158 and also adjoins other commercial uses that allow for transient rentals. Other surrounding land uses include Single-Family Residential to the north and east, with residences located a significant distance away from the two existing structures.

A public hearing notice was sent to adjoining property owners March 28, 2013. No formal comment letters have since been received. Any comments received after the Planning Commission packet has been distributed will be provided, and included, as part of the record at the hearing.

Project Location



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met February 20, 2013, to review and provide input on the project proposal. The LDTAC accepted the proposed Transient Rental Overlay District application and recommended moving forward with processing the permit.

GENERAL PLAN CONSISTENCY

The proposed general plan amendment complies with existing General Plan, Countywide Policies:

Objective H Maintain and enhance the local economy.

Policy 5: Promote diversification and continued growth of the county's economic base.

Action 5.1: Encourage and promote the preservation and expansion of the county's tourist and recreation based economy.

CEQA COMPLIANCE

An addendum to the county General Plan EIR has been prepared for the proposed project. The impacts of the proposed project will not result in 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 General Plan EIR.

ATTACHMENTS

- EIR Addendum 13-01
- Resolution R13-02
- Resolution R13-03
- Comment letters received
- Applicant correspondence & outreach
- Land Use Element – Chapter 25, Transient Overlay Districts
- Land Use Element – Chapter 26, Transient Rental Standards and Enforcement

Mono County General Plan Land Use Amendment 13-001 a & b
GENERAL PLAN EIR ADDENDUM#13-01
State Clearinghouse #98122016
≈ April 11, 2013 ≈

INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS

1. Transient Overlay Districts

Mono County has received applications to amend the General Plan Land Use Designation Maps to establish two separate Transient Rental Overlay Districts (TROD) to allow for nightly rentals. GPA 13-001(a) would establish a TROD on three adjoining parcels (APNs 019-051-010, -009, & -008) at Virginia Lakes, and GPA 13-001 (b) would establish a TROD on four adjoining parcels (APNs 016-094-007, -008, -009, & 016-094-015) at June Lake.

A Vacation Home Rental Permit will be required in accordance with Chapter 26 of the Mono County General Plan before commencing rentals of any dwellings. Vacation Home Rental Permits will address and regulate traffic and parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR

In 2001, Mono County certified an Environmental Impact Report (EIR) in conjunction with the adoption/amendment of its General Plan (SCH # 98122016) (the “General Plan EIR”). The General Plan EIR analyzed the impacts of designating areas of the county as SFR, ER, RR, or RMH, and assumed full buildout and use of those properties for all allowed uses. It also addressed and analyzed the impacts associated with the development of accessory dwelling units. 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 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; 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 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 proponents decline to adopt the mitigation measure or alternative.”

DISCUSSION OF IMPACTS

Establishing Transit Rental Overlay Districts which would allow nightly rentals proposed in the aforementioned residential areas (the “Project”) 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 not substantial changes with respect to the circumstances under which the project is undertaken; and there is not 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 which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The proposed Transient Rental Overlay Districts will not have a significant effect on the environment nor increase the severity of previously identified significant effects. The overlay district in June Lake consists of four adjoining lots, ~~with two containing~~ ~~having~~ single family homes and two that are vacant ~~parcels~~. The Virginia Lakes overlay district consists of three adjoining lots, with only one lot containing ~~having~~ a dwelling. The creation of a Transient Rental Overlay District (enables short-term rentals) but does not expand the types of structures allowed or the manner in which the vacant parcels can be developed in the future. Future development will be limited to the residential densities established in the underlying land use designation. Additionally, General Plan Land Use Element Chapter 26 further governs how transient rentals are to be conducted, which places much more-stringent regulations on rentals than that of a home occupied by a full-time resident.
2. Additionally, even following designation and permitting for transient rental use, there is no change to 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. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Since there is virtually no difference in the use of a home being occupied by a full-time resident and its use by household that rents ~~in~~ the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the

occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.

3. The establishment of Transient Rental Overlay Districts creates the possibility of a reduction in environmental impacts that exist at present, since transient uses would be subject to more-stringent restrictions than are applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy, parking and the requirement for oversight through local property management. Currently, there are no restrictions on how many occupants can use a single-family home, but the occupancy in homes used as transient rentals will be restricted by the number of bedrooms and/or any septic system limitations. Parking requirements will be site specific and will not only have to meet the General Plan residential parking standards, but will be limited to on-site parking only. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.
4. The change to the regulations affecting the size and permitting requirements of accessory dwelling units will not cause an environmental impact. The change reduces the potential intensity of allowed development and environmental impacts on parcels less than one acre in size.

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 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 General Plan EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

RESOLUTION NO. R13-02

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 13-001(b), PLACING A TRANSIENT OVERLAY DISTRICT ON FOUR ADJOINING PARCELS AT VIRGINIA LAKES

WHEREAS, in accordance with General Plan Requirements, the property owner has submitted a Transient Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

WHEREAS, the proposed General Plan Amendment 13-001(a) in conjunction with a Vacation Home Rental Permit will allow the owners of Assessor's Parcel Numbers (APNs) 019-051-008, -009 & -010 to rent out single-family residential homes on a transient or nightly basis; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

WHEREAS, the Planning Commission did on April 11, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED THAT, in consideration of evidence and testimony presented at the public hearing and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Planning Commission finds as follows with respect to the proposed GPA.

1. *The proposed change in the land use designation is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan's countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging and is consistent with the text and maps of the General Plan.

2. *The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan.*

The project is located at Virginia Lakes and currently no applicable area plan exists for that community.

3. *The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation.*

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District which will allow the addition of nightly rentals only in single-family dwellings. Chapter 25 in the Mono County General Plan allows Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land

use designations. Chapter 26 in the Mono County General Plan requires that any homes being rented within the overlay district obtain a Vacation Home Rental Permit that will regulate parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

4. *The proposed change in land use designation is reasonable and beneficial at this time.*

The proposed change to add a Transient Rental Overlay District is reasonable because it expands the community's visitor-oriented economy by increasing the variety of lodging options within Virginia Lakes.

5. *The proposed change in land use designation will not have a substantial adverse effect on surrounding properties.*

The application of Transient Rental Overlay District on Assessor Parcel Numbers 019-051-008, -009 & -010, will not create undue hardship on adjacent properties. Single-family homes that are 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. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Transient rentals will have similar visual characteristics as a home having seasonally or full-time occupancy. Furthermore, homes used as rentals within the district are subject to more-stringent restrictions than applicable to full-time owner-occupied residences or residences subject to long term lease. Specifically, these include restrictions on occupancy based on the number of bedrooms, parking and the requirement for oversight through local property management. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, having considered the environmental addendum and taken into consideration all evidence and testimony before it, the Mono County Planning Commission, in conformance to the Mono County General Plan, Chapter 48, Section 48.020, hereby: finds that the proposed changes are consistent with the General Plan and recommends that the Board of Supervisors approve General Plan Amendment 13-001(a) adding a Transient Overlay District to APN 019-051-008, -009 & -010.

PASSED AND ADOPTED this 11th day of April 2013, by the following vote of the Planning Commission, County of Mono:

AYES :
NOES :
ABSENT :
ABSTAIN :

Dan Roberts, Chair
Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

C.D. Ritter, Commission Secretary

Stacey Simon, Assistant County Counsel

RESOLUTION NO. R13-03

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 13-001(b), PLACING A TRANSIENT OVERLAY DISTRICT ON FOUR ADJOINING PARCELS AT JUNE LAKE

WHEREAS, in accordance with General Plan Requirements, the property owner has submitted a Transient Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

WHEREAS, the proposed General Plan Amendment 13-001(b) in conjunction with a Vacation Home Rental Permit will allow the owners of Assessor's Parcel Numbers (APN) 016-094-007, -008, -009 & 016-098-015 to rent out single-family residential homes on a transient or nightly basis; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

WHEREAS, the Planning Commission did on April 11, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

NOW, THEREFORE BE IT RESOLVED THAT, in consideration of evidence and testimony presented at the public hearing and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Planning Commission finds as follows with respect to the proposed GPA.

1. *The proposed change in the land use designation is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan's countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging and encourages tourist-based economy and is consistent with the text and maps of the General Plan.

2. *The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan.*

The project is located within the June Lake Planning Area and is in close proximity to other established lodging facilities. The June Lake Area Plan encourages providing a wide range of commercial and residential uses. The project provides for additional visitor lodging for the tourist-based economy by providing a variety of lodging options within the June Lake Loop.

3. *The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation.*

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District which will only allow the addition of

nightly rentals in single family dwellings. Chapter 25 in the Mono County General Plan allows Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land use designations. Chapter 26 in the Mono County General Plan requires that any homes being rented within the overlay district obtain a Vacation Home Rental Permit which will regulate parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

4. *The proposed change in land use designation is reasonable and beneficial at this time.*

The proposed change to add a Transient Rental Overlay District is reasonable because of the close proximity to other lodging establishments and is beneficial to the community's visitor-oriented economy by expanding the variety of lodging options within the June Lake Loop.

5. *The proposed change in land use designation will not have a substantial adverse effect on surrounding properties.*

The application of Transient Rental Overlay District on Assessor's Parcel Numbers 016-094-007, -008, -009 & 016-098-015 will not create undue hardship on adjacent properties. Several adjacent or nearby properties are used for transient lodging. Single-family homes that are 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. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Transient rentals will have similar visual characteristics as a home having seasonally or full-time occupancy. Furthermore, homes used as rentals within the district are subject to more stringent restrictions than applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy based on the number of bedrooms, parking and the requirement for oversight through local property management. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, having considered the environmental addendum and taken into consideration all evidence and testimony before it, the Mono County Planning Commission, in conformance with the Mono County General Plan, Chapter 48, Section 48.020, hereby: finds that the proposed changes are consistent with the General Plan and recommends that the Board of Supervisors approve General Plan Amendment 13-001(b) adding a Transient Overlay District to Assessor Parcel Numbers: 016-094-007, -008, -009 & 016-098-015.

PASSED AND ADOPTED this 11th day of April 2013, by the following vote of the Planning Commission, County of Mono:

AYES :
NOES :
ABSENT :
ABSTAIN :

Dan Roberts, Chair
Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

C.D. Ritter, Commission Secretary

Stacey Simon, Assistant County Counsel

MONO COUNTY PLANNING COMMISSION

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

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

Transient Rental Overlay District Public Hearing April 11, 2013

Comment letters received by April 5, 2013

- Abshear & Felley
- Barale & Lindquist
- Gorham
- Lozenski
- Oswald
- Wilcox (2)

Applicant's correspondence & outreach

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

CD Ritter

From: d.abshear@cox.net
Sent: Thursday, April 04, 2013 6:09 PM
To: CD Ritter
Subject: Fwd: Transient Overlay District - Virginia Lakes

RECEIVED
APR 05 2013
MONO COUNTY
Community Development

Please see the attached:

=====

Date: Thu, 4 Apr 2013 18:03:53 -0700

From: <d.abshear@cox.net>

To: cweiche@mono.ca.gov, tfesko@mono.ca.gov, nchris@mono.ca.gov

Subject: Transient Overlay District - Virginia Lakes

Dear Ms. Weiche, Mr. Fesko and Mr. Chriss:

We have just received your Notice regarding the public hearing to be held April 11, 2013 in Mammoth regarding the proposed use of the Virginia Lakes area as a Transient Overlay District. Unfortunately we will not be able to attend as, like all the other property owners in the subdivision, we do not live in the area. We did however want to make our voices heard on the matter.

I can not tell you how distressing it is to even consider such an idea. We specifically purchased our property to have a remote location to go to in order to get away from traffic and people. Now you want to have this beautiful, remote location turned into a transient rental site? How can this be? The Virginia Lakes subdivision has limited resources; no electricity or phone and a very delicate water supply. It is not an appropriate area to even consider for rental use. The area shown on the map provided with the notice is directly above our lot and in the prime avalanche area. Even in the Summer there are frequent rock slides in that specific section of the canyon. All you have to do is look at it to see that. The roads are very rough, it takes some skill just to navigate them without causing damage to your vehicle. I can not even imagine what it would be like to drive 500 miles to our once a year vacation to have to deal with potential rowdy renters. Who is going to monitor their behavior? Obviously the owners of the property will not be around if they are renting out their cabin? What are the other owners supposed to do if there is a problem? We can't just call the police in that area.

How about the additional trash and water use? We have a precious supply of water and a small trash facility that has to last all the community members. The trash cans are private and locked for owners use only. Who is going to unlock the trash for the renters? How about the added traffic and pollution from transients? There is a perfectly good campground, Trumble Lake, in the Virginia Lakes area as well as the free campgrounds along Virginia Creek not to mention the resort at Little Virginia Lake which has multiple rental cabins.

We are also deeply concerned about the potential for trespassing and vandalism. As I previously mentioned, we as well as the other property owners, do not live in the area and there are no fences to prevent people from accessing out lots. Is the County going to be responsible for any thefts or damages to our properties? I can assure you that if we feel anyone has been on our land or if any of our personal property is missing we will not hesitate to seek a legal remedy to the situation. Surely there are better areas in Mono County more suitable for a TOD.

Please consider the feelings of the people most directly affected by this proposed project. Someday we hope to be able to retire to Mono County and build a small cabin to spend our summers in on our property. Knowing that the area is being used as a TOD would change those plans as we would no longer want to spend our senior years in such a place.

We appreciate your consideration of our concerns.

Sincerely,

Donna J. Abshear and Steven F. Felley

Virginia Lakes Lot 19-051-15

836 Taft Ave., El Cajon, CA 92020

(619) 442-4061

=====

CD Ritter

From: Scott Burns
Sent: Friday, April 05, 2013 12:13 PM
To: Courtney Weiche; Nick Criss
Cc: CD Ritter
Subject: FW: Virginia Lakes TOD

RECEIVED
 APR 05 2013
 MONO COUNTY
 Community Development

From: Tim Fesko
Sent: Friday, April 05, 2013 11:45 AM
To: Scott Burns
Subject: Fwd: Virginia Lakes TOD

More info. Thx

Sent from my iPhone
 Please excuse any formatting mistakes.

Begin forwarded message:

From: Eric and Cathy <quistale@comcast.net>
Date: April 5, 2013, 11:31:47 AM PDT
To: Tim Fesko <tfesko@mono.ca.gov>
Subject: RE: Virginia Lakes TOD

Tim,

Thanks for the feedback. In addition to the infrastructure concerns I listed, I should also point out that everyone who purchases property in the Virginia Lakes subdivision is advised of the restriction regarding the inability to rent out housing units. In fact, for many people, including my husband and myself, this was one of the reasons we chose to purchase our property in the subdivision. We specifically paid to join a community that does not allow vacation rentals. The folks on Tip Top Lane were also aware of this restriction when they purchased their property. Allowing this TOD change would negatively impact the entire community in ways beyond the infrastructure inadequacies. It will change the current stable, long term population of the community to include transients.

If we had been made aware such a change was pending when we paid for our property, it would have impacted our purchasing decision. Unfortunately, we will be unable to go to Mammoth for the April 11 meeting since we live and work in the Bay Area. Please know that we strongly oppose this TOD for the Virginia Lakes subdivision.

Catherine Barale and Eric Lindquist

From: Tim Fesko [<mailto:tfesko@mono.ca.gov>]
Sent: Thursday, April 04, 2013 3:36 PM
To: Eric and Cathy
Subject: Re: Virginia Lakes TOD

Thank you for your comments. I will pass them on. Note that while Mono County is considering an overlay it is only doing because the residents have applied for it. This was not started by the county. As residents you do have a voice as long as you make it known.

Tim Fesko

Sent from my iPhone

Please excuse any formatting mistakes.

On Apr 4, 2013, at 2:29 PM, "Eric and Cathy" <guistale@comcast.net> wrote:

Tim,

Let me introduce myself as a land owner in the Virginia Lakes subdivision. My husband and I have a lot on Tamarack Lane (Lot 8). We have filed for permits to build a cabin this summer and look forward to enjoying the beauty of that mountain environment.

It has come to our attention that Mono County is considering establishing a TOD to permit nightly rentals on property in the subdivision. We would like to let you know that we strongly oppose this action for the following reasons:

1. The road infrastructure of the subdivision is not suited to high volume traffic. The roads, once you leave the paved Virginia Lakes road, are dirt, narrow and rutted. A significant increase in traffic of those roads is not advisable unless the roads are significantly improved. This is particularly true of Tip Top Lane.
2. The water infrastructure is limited and is not suited to a large increase in use. Additionally, the municipal water system doesn't have a payment differential for commercial use and has never anticipated commercial use.
3. The garbage infrastructure is extremely limited and not suitable for commercial use. If you consider the bear problems in the subdivision, it is pretty clear that nightly rentals are not suitable for the area.

Thanks for your consideration,

Catherine Barale and Eric Lindquist

CD Ritter**Subject:** FW: TOD Virginia Lakes Subdivision**RECEIVED**

APR 05 2013

MONO COUNTY
Community Development

From: John & Ros Gorham
Sent: 4/4/2013 6:06 PM
To: Courtney Weiche
Cc: w7cr@sbcglobal.net
Subject: TOD Virginia Lakes Subdivision

Hi Courtney: We are against the formation of a TOD anywhere in the Virginia Lakes Subdivision because of the possible increase in water use that would create an inequity in our small water company which has limited water to provide for bonafide users. Rentals are bound to use more water than the seasonal lot owners who are only there a few weeks every year. TOD would benefit only those owners who generate income by utilizing water meant for bonafide owners of lots in the subdivision. Thank you. John & Ros Gorham

CD Ritter

From: Nick Criss
Sent: Thursday, April 04, 2013 8:51 AM
To: CD Ritter
Cc: Courtney Weiche
Subject: FW: Transient Overlay Regulations

RECEIVED
APR 04 2013
MONO COUNTY
Community Development

From: James Lozenski [<mailto:jloesq@sbcglobal.net>]
Sent: Thursday, April 04, 2013 8:29 AM
To: Nick Criss
Subject: Transient Overlay Regulations

Dear Mr. Criss:

We are homeowners in the Virginia Lakes Subdivision. Upon review of the regulations, we object to the adoption of the Transient Overlay Regulations as they may apply to the Virginia Lakes Subdivisions.

James L. Lozenski

CD Ritter

From: Courtney Weiche
Sent: Thursday, April 04, 2013 4:48 PM
To: CD Ritter
Cc: Nick Criss; Scott Burns
Subject: FW: Transient Overlay District - Virginia Lakes - opposition too

RECEIVED
 APR 04 2013
 MONO COUNTY
 Community Development

For the PC file..

-----Original Message-----

From: Ross [<mailto:oswaldrd@aol.com>]
Sent: Thursday, April 04, 2013 11:48 AM
To: Tim Fesko; Courtney Weiche
Cc: ke6ang@yahoo.com
Subject: Transient Overlay District - Virginia Lakes - opposition too

Dear Supervisor Fesko and Ms Weiche

I am a property owner in the Virginia Lakes Subdivision. Unfortunately I will not be able to attend the public hearing to be held on April 11 in Mammoth Lakes concerning The General Plan Amendment 13-0101(a)/Ragland as I am out of the United States on vacation and will not be returning until April 13.

As such, I am sending an email to express my opposition to the subject amendment as it relates to the Virginia Lakes area, specifically the Virginia Lakes Subdivision (VLSD) and the Transient Overlay District (TOD) for Tip Top Lane.

Such a TOD is not suited for the vacation home atmosphere we have at VLSD. We have privately owned roads and a member only water system. The roads are dirt and maintained by the individual property owners, not by County funds. The water system is limited in capacity and was designed for vacation use, not full-time or rental use. The water is supplied from springs, which is then manually pumped by volunteer members to holding tanks. Volunteer pumpers are not always available to pump water for increased use. The water company (Virginia Lakes Mutual Water Corporation (VLMWC)) is member owned. The by laws of VLMWC only allow for water use by members on a pro rata basis and water use is not allowed by non-members. Renters of member properties would be considered non-members and therefore not authorized to use water.

There would be increased road traffic if properties are rented out this would cause an increase in dust and wear-and-tear on the subdivision roads. Is the property owner(s) who rents out their property going to be responsible for this additional road use and wear?

Many of the roads in the subdivision are single lane and do not follow straight paths. Generally there is no parking along the roadway except for in property driveways. The subject properties on Tip Top Lane are on a single lane road and have no street parking. Tip Top Lane also dead ends at one of the subject TOD properties of which there is no turn-around space provided for vehicles in the roadway.

Another concern is security within the subdivision. Property owners know who belongs and who doesn't. Having renters on properties will create potential trespass concerns or potential burglary suspects since owners will not recognize these individuals. This issue could result in confrontations with the subject renters and for possible calls for law enforcement assistance of possible burglary suspects.

Trash increase is also a potential problem. Currently trash dumpsters capacity is provided by VLMWC as a convenience to members only. Renting of properties would potentially increase the dumpster use and fill the dumpsters beyond the use for members.

These are just a few of my concerns. I am sure that you have heard from other property owners within the subdivision that have similar or other concerns.

I hope that you will take my concerns into consideration, regarding any decision you make, as you hold the public hearing for the "Transient Overlay District" for Virginia Lakes.

Sincerely,

Ross Oswald

APNs: 019-0522-004 and 005

Sent from my iPad

CD Ritter

From: james.goleta@gmail.com
Sent: Thursday, April 04, 2013 8:08 PM
To: CD Ritter
Subject: Virginia Lakes Transient Overlay

RECEIVED
APR 05 2013
MONO COUNTY
Community Development

CD Ritter,

As a homeowner at 259 Tip Top Lane. I would like to register my opposition to allowing transient rentals in our area. We do not have a reliable infrastructure to support this type of property use- limited water, no electricity or reliable phone service(including cell), and no presence of police or fire personnel. We have virtually no protection from inadvertent fires started by novice renters not used to disposing of ashes or the huge risks of outdoor fire pits.

I also think it's inconsiderate of the county to hold this meeting that directly affects our subdivision at a time when the county won't permit access to our homes because of the Digital 395 people still blocking the VGL road. In other words, we can't attend the meeting and stay in our own homes. At the very least, you should postpone this meeting until access is available to homes and we have a place to stay.

James Wilcox
259 Tip Top Lane

Sent from my iPad

CD Ritter

From: Nick Criss
Sent: Thursday, April 04, 2013 8:36 AM
To: CD Ritter
Cc: Courtney Weiche
Subject: FW: Transient Overlay at Virginia Lakes

RECEIVED
 APR 04 2013
 MONO COUNTY
 Community Development

From: jimkola@cox.net [mailto:jimkola@cox.net]
Sent: Wednesday, April 03, 2013 4:27 PM
To: Nick Criss
Subject: Transient Overlay at Virginia Lakes

Mr. Criss,

The Virginia Lakes Water Board have recently made me aware of the inclusion of Virginia Lakes subdivision in the transient overlay review. As a cabin owner in that sub division I'd like to express my concerns. As evident by the prolonged road closure of Virginia Lakes road by the Digital 395 project, and the apparent ambivalence by the county because the area is regarded as merely "seasonal" I think allowing property rentals to occur in the area could pose a serious risk to all the structures in the area. We have no reliable water source(our water comes from two storage tanks, no form of communication(cellphones rarely make a good connection unless you drive down to the 395), and the closest fire house is Lee Vining. As witnessed by the structure fire at the Virginia lakes resort back in 2005, the building was leveled by the time they made the 30 minute trip.

Renters, not familiar with the environment, the evening winds, the risks posed by outside fire pits, etc. put all the cabin owners at risk. And with virtually no safeguards in place by the county I don't think it would be prudent to allow property rentals in our area. I realize it could create tax revenue for the county, monies sorely needed, but with no infrastructure present to protect surrounding properties I feel the risks greatly outweigh any potential benefits

Sincerely,

James Wilcox
 259 Tip Top Road
 VGL

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:54 PM
To: Courtney Weiche
Subject: Fw: Virginia Lakes short-term rental rules

----- Original Message -----

From: [Tim Hansen](#)
To: [Dave Ragland](#)
Sent: Wednesday, August 08, 2012 12:38 PM
Subject: Re: Virginia Lakes short-term rental rules

Sent from my iPhone Mr. Ragland, thanks for letting me know. I will support anything the majority would be in favor of. Sincerely, Tim

On Aug 8, 2012, at 12:19 PM, "Dave Ragland" <dragland@mlode.com> wrote:

Dear Mr. Hansen,

I am writing you as the owner of two parcels, one with a cabin, in Virginia Lakes.

I am in favor of the new ordinance which will allow property owners to apply for a short-term rental General Plan Overlay. As you know, this is being heard by the Planning Commission tomorrow and will be considered by your board shortly thereafter.

In Virginia Lakes, where the average home is occupied a small percentage of the time, this policy change would open the door for:

1. Distressed property owners to avoid foreclosures.
2. Increased construction (as opposed to camping on SFR lots) by those intending to rent out their homes. This would create work for quarries, contractors, architects, engineers, surveyors and even the landfill.
3. Opportunities for locals to offer rental management services.
4. Increased revenues for everyone offering goods and services in the area: Fishing and hunting guides, pack outfits, restaurants, gas stations, groceries, and many others would benefit.
5. Increased tax revenues for the County, from rental taxes and from the increased economic growth cited above.

I intend to poll my neighbors (as far as they are contiguous) about the joining with me in a General Plan Amendment Application as soon as this ordinance passes. If you support this proposed ordinance, feel free to read or quote this letter.

-David Ragland, RCE, PLS
 426 Tip Top Lane
 Virginia Lakes

Mail:
 19545 Rogers Rd
 Sonora, CA 95370
 209-532-7491 o
 209-768-8590 c

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:53 PM
To: Courtney Weiche
Subject: Fw: New County Rules and Virginia Lake

----- Original Message -----

From: ke6ang@yahoo.com
To: [Dave Ragland](#)
Cc: [Ross Oswald](#)
Sent: Thursday, August 16, 2012 4:06 PM
Subject: Re: New County Rules and Virginia Lake

Lots more wear and tear on the roads, more trash, i'm not sure about the water usage. My opinion is not to allow short term rental. This could allow property owners to rent their property to RV people turning our community into a campground. I would strongly oppose any change because of the chance to ruin our community.

Sent from Jay's iPad

On Aug 16, 2012, at 3:33 PM, "Dave Ragland" <dragland@mlode.com> wrote:

Jay,

Thanks for your input. I definitely agree that the County wants their cut. The problem is, they are the only game in town: Their compliance guy is already checking VRBO, and possibly other places, for people who are advertising short term rentals, then busting them. It's pretty hard to rent a place out a significant amount if you can't even advertise!

-Dave

----- Original Message -----

From: ke6ang@yahoo.com
To: [Dave Ragland](#)
Cc: [Ross Oswald](#)
Sent: Thursday, August 16, 2012 2:15 PM
Subject: Re: New County Rules and Virginia Lake

The county is looking for transient occupancy tax the county wants to keep track of who is using what property when. I would be careful letting the county in on what we are doing it may create more problems than its worth.

Sent from Jay's iPad

On Aug 16, 2012, at 11:18 AM, "Dave Ragland" <dragland@mlode.com> wrote:

Ross, Jay,

I hope the summer is finding you well!

I don't know if you noticed, but the County is looking at allowing a special permit (general plan overlay) to make it legal to rent out cabins like ours short- term. As it stands now, less than a month is not allowed.

If the rule change does take effect, I might be interested in doing this. Neighbors would be informed and invited to a Board meeting about the application (which can cover a group of contiguous lots). Would you have strong feelings about this application? What do you think about others in the subdivision? I want to gauge my chances and also avoid angering my neighbors, if at all possible.

The new rule would require that a property management person/firm be retained who would be available in an emergency 24/7. This could be small business opportunity for someone like you who is there most of the time.

Again I am just testing the water at this time. I would appreciate any input you may have.

-Thanks

-Dave Ragland
209-768-8590

=

David H. Ragland
Civil Engineering and Land Surveying
19545 Rogers Road Sonora, CA 95370
(209) 532-7491
FAX 532-8590
dragland@mlode.com
raglandengineersurvey.com

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* **David H. Ragland** *

Land Surveyor P.L.S. 7403
Civil Engineer, R.C.E. 51780

October 5, 2012

John Urness
1508 First Avenue, Apt 4
Oakland, CA 94606

Subject: Your property and Mono County short-term rental rule changes

Dear Mr. Urness,

Greetings! I am David Ragland, your neighbor at Virginia Lakes (please see the attached map).

Mono County is currently in the process of changing their rules for short-term rental: Renting a house out for less than a month is currently not allowed. If a proposed new policy passes, however, it will soon be possible to apply for permission to rent your property short-term. This permission will be in the form of a General Plan Amendment producing a District Overlay. The County will require only one application for any number of adjoining properties.

I intend to apply for this Overlay District, and I am hoping you are interested in joining me. As the sole homeowner in the proposed District, I realize that I stand to benefit most immediately from its formation. I do, however, believe forming the District will increase your property's value, too.

There are some costs associated with the application. The County collects an initial fee of \$495.00 for considering a General Plan Amendment, then charges additional fees based upon the actual time spent by staff on the project. Folks I spoke to at the County thought that this type of General Plan Amendment might cost around \$1000.00 total. I'll also be attending the Planning Commission and Board of Supervisors meetings in which the overlay is considered, in order to speak in favor of the project and to rebut the concerns of those opposed. As an Engineer and Land Surveyor, I have considerable experience speaking at these types of meetings.

If you choose to join me, I would like to collect \$200 toward the cost of the application. The bottom line, however, is that I want you to join me whether you can afford to contribute to the cost of the application or not.

I would love to discuss this in more detail with you. Feel free to call 209-768-8590.

Sincerely,

David Ragland, RCE 51780, PLS 7403

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:51 PM
To: Courtney Weiche
Subject: Fw: Thanks for the call and questions

----- Original Message -----

From: [Dave Ragland](#)
To: [Jay Wheaton](#)
Cc: [Don Meier](#) ; [Dave Berger](#) ; [Bert McKee](#) ; [Ross Oswald](#)
Sent: Friday, April 05, 2013 8:26 AM
Subject: Thanks for the call and questions

Jay, Board Members,

Thanks you for calling me last night.

Jay seemed to indicate that the Board's concerns go beyond the maintenance concerns listed on the web site, so it did not seem appropriate to talk about the amount of a possible increased evaluation. However, just to be clear, I would be glad to pay triple the \$350 evaluation on the cabin, or \$1050.

Also, can you connect me with a set of VLMWC Bylaws.

Thanks-
David H. Ragland, RCE, PLS
209-532-7491 o
209-768-8590 c

19545 Rogers Rd.
Sonora, CA 95370

dragland@mlode.com

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:52 PM
To: Courtney Weiche
Subject: Fw: Transient overlay district

----- Original Message -----

From: [Dave Ragland](#)
To: [Wilcox/Strecker](#) ; [Jay Wheaton](#) ; [Wells](#) ; [Bobbie Waltemyer](#) ; [Simons](#) ; [Shimota](#) ; [Shafer](#) ; [Sain](#) ; [Ratliff](#) ; [Prindle](#) ; [Petter](#) ; [Pask-Doty](#) ; [Papageorge](#) ; [Ross Oswald](#) ; [Nixon](#) ; [Molnar](#) ; [Don Meier](#) ; [Bert McKee](#) ; [McCarthy](#) ; [Lozenski/Koketsu](#) ; [Linn](#) ; [Lehmann](#) ; [Walt Lehmann](#) ; [Leach](#) ; [Hoffmann](#) ; [Hall](#) ; [Gorham](#) ; [Felley/Abshear](#) ; [Everman](#) ; [Copeland](#) ; [Carunchio](#) ; [Butler](#) ; [Burton](#) ; [Dave Berger](#) ; [Dave & Judy Andersen](#)
Sent: Thursday, April 04, 2013 6:18 PM
Subject: Re: Transient overlay district

Hello All,

This is David Ragland. I'm the guy who has applied to be allowed to rent my cabin out short term. There are also two vacant lots involved, one belonging to John Urness and one of mine.

I want to thank the Board for their work to keep the water and roads working for us. As they've informed you, there is a public meeting in the Town/County Conference Room at Minaret Village Mall, 437 Old Mammoth Rd. on 04/11/2013. This item is scheduled for 10:40 am. While I am disappointed to hear that the Board of VLMWC stands against my application, I am glad that the County is providing this forum to get community input. Whether you are for the status quo, or think that you might want the right to rent your own cabin out some day, you should show up or submit a comment.

A little information about this application: First, this is basically me and my family trying to offset some costs so that I can hold on to this cabin that we love: People like me in construction related fields have had some tough years recently. Second, the permit would only allow *houses* to be rented, so there is no danger that this permit would allow anyone to run a little campground or trailer park. Finally, this TOD application is for the three lots only, and any future applications will require the same process with new public hearings.

I share the Board's concern about their ability to keep up with increased use of roads, water, and dumpsters. I have offered to the Board that I would be amenable to paying a higher evaluation, and/or limits to available rental days and to my use of the dumpster.

Feel free to contact me with if you want to discuss this.

-Sincerely,
 Dave Ragland
 209-768-8590

P.S: I encourage the Board to post this letter on their website. A bold heading indicating it's my response and not Board opinion could be added.

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:50 PM
To: Courtney Weiche
Subject: Fw: Transient overlay district

----- Original Message -----

From: [Dave Ragland](#)
To: [James Lozenski](#)
Sent: Friday, April 05, 2013 1:45 PM
Subject: Re: Transient overlay district

James,

The TOD rules do not allow for renting in avalanche zones during avalanche season.

Insurance will require two policies: a liability policy through a private firm and fire policy through the state FAIR plan. I would not be covered against avalanche.

Not quite. I am at the Northeast end of Tip Top. Get ahold of a picture on Zillow or something and look for the red roof at the upper right end of Tip Top. Where are you?

I wasn't thinking about running criminal checks. I do intend to hold a substantial deposit until 10 days after the renters leave.

-Thanks,

Dave

----- Original Message -----

From: [James Lozenski](#)
To: [Dave Ragland](#)
Sent: Friday, April 05, 2013 11:25 AM
Subject: Re: Transient overlay district

Hi David,

Thank you for the information. If you are in the avalanche zone, how will you be able to get insurance? Are the renters going to be living there in the winter time?

And just to make sure I understand where you are located, are you located at the **very top of Tip Top** above Avalanche Acres and below Lodgepole and Tamarack and not below in the subdivision at the intersection of Hawthorne and Tip Top?

Will you also investigate possible renters for his/her criminal history?

I would recommend Jeff Mills in Bridgeport for a realtor.

Thank you.

James Lozenski

--- On Fri, 4/5/13, Dave Ragland <dragland@mlode.com> wrote:

From: Dave Ragland <dragland@mlode.com>
 Subject: Re: Transient overlay district
 To: "James Lozenski" <jloesq@sbcglobal.net>
 Date: Friday, April 5, 2013, 8:49 AM

James,

Thanks for the interest.

In answer to your questions:

My cabin was finished in 2010. It's 600 sf with two bedrooms. It's the one on the end of Tip Top in the Avalanche zone. The lots are 60'x170'

The County allows 2 people per bedroom and 2 additional in the common area, for 6 max. The groups showing interest average about 3, though.

All the parking has to be on the property and I am required to give them a map showing where parking is allowed. There are 3 spaces available, though most parties would only use 1 or 2.

I have quotes for both liability and fire insurance in hand and will bind them if I get my permit.

The house is new and functional.

I talked for a long time with the Board President, Jay Wheaton last night. This morning, I offered to pay 3x my evaluation, or \$1050. It seems, however, that the Board's problems with the TOD goes beyond maintenance costs.

The other lot is currently vacant and I don't have plans there. It's also 60'x170'

We are looking for couples or families.

We do not intend to make it Section 8.

I only have one additional lot, the other one in the TOD belongs to my co-applicant, John Urness. I marketed my lot last summer at well below what I paid with no luck. My agreement with the Realtor expired last fall. Do you have a Realtor recommendation?

-Dave Ragland
 209-768-8590

----- Original Message -----

From: [James Lozenski](#)

To: [Dave Ragland](#)

Sent: Thursday, April 04, 2013 9:58 PM

Subject: Re: Transient overlay district

Mr. Ragland:

We are homeowners in Virginia Lakes. We need some additional information about your application for a permit to rent property in Virginia Lakes. Please tell us about your cabin/house?. Where is your cabin/house in Virginia Lakes? How big is your cabin/house? How many bedrooms? How big is your lot? How many people will you allow renters to live there? How many cars? How many trucks? Will you have insurance on the house and the property? Will you be able to comply with all the implied warranties of habitability regarding the house/cabin? How much are you willing to pay for the additional services related to water and garbage disposal? Will you use your additional lot for any other purpose? If so, what purposes? How big is your other lot? Who are you looking for as renters? Is it your intention is make this a Section 8 house now or in the future? If you are financially stressed, why can't you sell one of your lots instead of getting a permit to rent your property? I may have more questions based on your responses if you do respond.

I look forward to hearing from you.

James Lozenski

--- On **Thu, 4/4/13, Dave Ragland** <dragland@mlode.com> wrote:

From: Dave Ragland <dragland@mlode.com>

Subject: Re: Transient overlay district

To: "Wilcox/Strecker" <jimkola@cox.net>, "Jay Wheaton" <ke6ang@yahoo.com>, "Wells" <tjhamory@netzero.com>, "Bobbie Waltemyer" <rrwalt481@sbcglobal.net>, "Simons" <darylsimons@cox.net>, "Shimota" <dshimota@verizon.net>, "Shafer" <d2shafer@msn.com>, "Sain" <hpsain@verizon.net>, "Ratliff" <ibadrat@msn.com>, "Prindle" <dprindle@lbcc.ccca.us>, "Petter" <johnp@mlode.com>, "Pask-Doty" <jdpask@yahoo.com>, "Papageorge" <papamari@aol.com>, "Ross Oswald" <oswaldrd@aol.com>, "Nixon" <craig2wlvfd@hawthorne.nv.us>, "Molnar" <powderdans@yahoo.com>, "Don Meier" <w7cr@sbcglobal.net>, "Bert McKee" <bmkkee@Schat.com>, "McCarthy" <edfmc@yahoo.com>, "Lozenski/Koketsu" <jloesq@sbcglobal.net>, "Linn" <kathy.linn@lw.com>, "Lehmann" <wlehmann@triadholmes.com>, "Walt Lehmann" <wlehmann@mono.ca.gov>, "Leach" <micheleleach1@att.net>, "Hoffmann" <williamhoffmann1@yahoo.com>, "Hall" <stevedhall@att.net>, "Gorham" <john.ros@schat.net>, "Felley/Abshear" <d.abshear@cox.net>, "Everman" <everman@cox.net>, "Copeland" <jack_copeland@hotmail.com>, "Carunchio" <maggiecxx@sbcglobal.net>, "Butler" <d.buttler33@verizon.net>, "Burton" <gburtonrn@verizon.net>, "Dave Berger" <berg1280@sbcglobal.net>, "Dave & Judy Andersen" <dj-andersen@sbcglobal.net>

Date: Thursday, April 4, 2013, 6:18 PM

Hello All,

This is David Ragland. I'm the guy who has applied to be allowed to rent my cabin out short term. There are also two vacant lots involved, one belonging to John Urness and one of mine.

I want to thank the Board for their work to keep the water and roads working for us. As they've informed you, there is a public meeting in the Town/County Conference Room at Minaret Village Mall, 437 Old Mammoth Rd. on 04/11/2013. This item is scheduled for 10:40 am. While I am disappointed to hear that the Board of VLMWC stands against my application, I am glad that the County is providing this forum to get community input. Whether you are for the status quo, or think that you might want the right to rent your own cabin out some day, you should show up or submit a comment.

A little information about this application: First, this is basically me and my family trying to offset some costs so that I can hold on to this cabin that we love: People like me in construction related fields have had some tough years recently. Second, the permit would only allow *houses* to be rented, so there is no danger that this permit would allow anyone to run a little campground or trailer park. Finally, this TOD application is for the three lots only, and any future applications will require the same process with new public hearings.

I share the Board's concern about their ability to keep up with increased use of roads, water, and dumpsters. I have offered to the Board that I would be amenable to paying a higher evaluation, and/or limits to available rental days and to my use of the dumpster.

Feel free to contact me with if you want to discuss this.

-Sincerely,
Dave Ragland
209-768-8590

P.S: I encourage the Board to post this letter on their website. A bold heading indicating it's my response and not Board opinion could be added.

CD Ritter

From: Dave Ragland <dragland@mlode.com>
Sent: Friday, April 05, 2013 1:52 PM
To: Courtney Weiche
Subject: Fw: Virginia Lakes TOD

----- Original Message -----

From: [Dave Ragland](#)
To: [The Raglands](#)
Sent: Thursday, April 04, 2013 6:17 PM
Subject: Fw: Virginia Lakes TOD

----- Original Message -----

From: [Dave Ragland](#)
To: [Bert McKee](#) ; [Dave Berger](#) ; [Jay Wheaton](#) ; [Don Meier](#) ; [Ross Oswald](#)
Cc: jay@virginalakeswater.com ; dave@virginalakeswater.com ; [Ross Oswald](#) ; don@virginalakeswater.com
Sent: Thursday, April 04, 2013 6:08 PM
Subject: Virginia Lakes TOD

Dear Board Member,

This is David Ragland. I have met most of you and I want to say that I appreciate all the work you guys do to keep the water, roads, and trash working. I'm particularly thankful to Jay and Ross, who got me in to my cabin after it was damaged by avalanche and helped me a ton to dig it out and repair it.

I'm also the guy who has applied to be allowed to rent my cabin out short term. There are also two vacant lots involved, one belonging to John Urness and one of mine.

A little information about this application: First, this is basically me and my family trying to hold on to this cabin that we love: People like me in construction related fields have had some tough years recently. Second, the permit would only allow *houses* to be rented, so there is no danger that this permit would allow anyone to run a little campground or trailer park.

I hear your concerns about added impact to the water, roads, and trash and I'd like to try to shoulder my additional share of the load. Could the Board consider just charging me a higher evaluation for a home with a transient rental permit?

You can also ask the Planning Commission to attach conditions to the permit: What if I didn't use the dumpster at all? What about limits to the season of the rental? What about limits to the total number of days rented in a season?

I'd be glad to hear from any and all of you, especially if you have any ideas that might make the application into something you would not oppose.

-Sincerely,
 Dave Ragland
 209-768-8590

DEVELOPMENT STANDARDS

CHAPTER 25 – TRANSIENT RENTAL OVERLAY DISTRICT

Sections:

25.010	Intent.
25.020	Establishment of district.
25.030	Uses permitted.
25.040	Uses permitted subject to director review.
25.050	Uses permitted subject to use permit.
25.060	District requirements
25.070	Additional requirements.

25.010 Intent.

The transient rental overlay district is intended to provide additional tourism-based economic opportunities and homeowner economic stability by allowing a transient rental district to be overlaid on properties within residential neighborhoods exhibiting support for allowing transient rentals. The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a transient rental overlay district.

25.020 Establishment of district.

The transient rental district may be overlaid on any residential neighborhood, parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. In addition to the requirements of this chapter, initiation and application of a transient rental overlay district shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments).

25.030 Uses permitted.

The following uses shall be permitted in the transient rental overlay district, 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 or multi-family residential the residence or any accessory dwelling unit on the parcel(s), may be rented on a transient basis subject to the requirements of 25.070.

25.040 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to director review approval.

25.050 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to securing a use permit.

25.060 District requirements.

A. Overlay district area and overlay district formation noticing process:

A transient rental overlay district may be applied to one or more existing legal parcels, provided that at least one parcel within the district is developed with a single-family or multi-family residence.

Applicants are strongly encouraged to propose districts made up from three or more parcels and to communicate with all adjacent property owners before submitting an application.

Applications for transient overlay districts consisting of one or two parcels will require an overlay district formation noticing process prior to public hearing. Notice shall be provided to all property owners adjacent to the proposed transient overlay district and include a 20-day period for noticed property owners to request inclusion in the district.

B. Overlay District shape:

New transient rental overlay districts consisting of more than one parcel and district additions shall be contiguous, compact and orderly in shape as determined by the Planning Commission. Factors used to determine compact and orderly district shape include but are not limited to:

1. Street-frontage sharing
2. Adjoining yards
3. Existing neighborhood separation characteristics such as
 - a. Subdivision boundaries
 - b. Major roads
 - c. Natural features
 - d. Large undeveloped parcels
 - e. Commercial or civic land use

25.070 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within a transient rental overlay district designated by this chapter, for a period of less than thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed transient rentals during the avalanche season, November 1 through April 15.

DEVELOPMENT STANDARDS

CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT

Sections:

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

26.010 Purpose and Findings.

- A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts 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 for residential use 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 residential communities 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.

26.020 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 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 of a private residence within a transient overlay district 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.
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 with 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. 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 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 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.

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 (1) 2A:10B:C type fire extinguisher with no more than seventy five (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 three (3) and five (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 (3) 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 three thousand (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. 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.
13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue.
14. There shall be at least one screened window per bedroom to allow for proper ventilation.
15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.
16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition.

17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition.
18. Exits shall be kept free from storage items, debris or any impediments at all times.
19. No tree limbs are allowed within ten (10) feet of any chimney or flue openings.
20. Spark arresters of a minimum opening size of three-eighths (3/8) inch and a maximum opening size of one-half (1/2) inch shall be required on all fireplace flue openings.
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 ½ by 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.
 - 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.
- 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 (2) additional persons. In no event may the maximum occupancy exceed ten (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. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no parking allowed off-site or on-street, 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 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.

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 its 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 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 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 one thousand dollars (\$1,000) for the first violation and two thousand dollars (\$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 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 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 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 clerk of the Planning Commission shall serve the written

decision on the property owner by certified mail, postage prepaid, return receipt requested.

6. The decision of the hearing officer shall be the final administrative action of the county, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.
- E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance 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.
 3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.
- F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation which permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

26.090 Unauthorized Rentals Prohibited.

The transient rental of any property, unit, or structure which 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.