

# MONO COUNTY PLANNING COMMISSION

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Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## SPECIAL MEETING AGENDA

December 21, 2017 – 10 a.m.  
Town/County Conference Room, Minaret Village Mall, Mammoth Lakes  
**\*Videoconference:** Supervisors Chambers, County Courthouse, Bridgeport

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

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

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

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

**3. MEETING MINUTES:** Review and adopt minutes of November 16, 2017 – **p. 1**

**4. PUBLIC HEARING**

**10:10 A.M.**

**A. CONDITIONAL USE PERMIT 17-014/Baker** for use of existing bedroom for short-term rental with the owners living on site. The property is located at 305 Aspen Springs Ranch Rd. in the community of Crowley Lake. This parcel (APN 062-090-017) has a land use designation of Estate Residential (ER 3). A CEQA exemption is proposed. *Staff: Michael Draper – p. 5*

**5. WORKSHOPS**

**10:30 A.M.**

**A. CANNABIS.** *Staff: Wendy Sugimura & Michael Draper*

**10:50 A.M.**

**B. SHORT-TERM RENTALS & JUNE LAKE AREA PLAN UPDATE.** *Staff: Wendy Sugimura – p. 24*

**6. REPORTS**

**A. DIRECTOR**

**B. COMMISSIONERS**

**7. INFORMATIONAL**

**8. ADJOURN** to January 18, 2018

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

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DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

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

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

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

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## DRAFT MINUTES

November 16, 2017

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

**STAFF:** Scott Burns, director (teleconference); Gerry Le Francois, principal planner; Wendy Sugimura, analyst; Walt Lehmann, public works; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

**GUESTS:** Tina Smith, Ann Tozier, Ian Fettes, Eric Edgerton, Dorothy Burdette, Patti Heinrich

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Dan Roberts called the meeting to order at 10:06 a.m. at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. **PUBLIC COMMENT:** No items

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of October 19, 2017, as amended: 1) 4A discussion: Comment writers not show up, and **these were brief letters, not from next door neighbors, not directly on point to the issue so not that significant to the decision in this issue.** 2) GP 17-03, discussion: Adult businesses have 500' buffer **on some discussed in General Plan;** 3) 5A, June Lake Area Plan Update: **Commissioner Bush clarified that letter writers aren't present to be questioned or confronted on thought process behind their opinion – just as he was not present to clarify his comment.** (*Bush/Pipersky. Ayes: 4. Absent: Lagomarsini.*)

### 4. PUBLIC HEARINGS

#### 10:10 A.M.

**A. CONDITIONAL USE PERMIT 17-015/High Sierra Snowcat** to install and use an 18-foot-diameter yurt for winter recreation for up to six guests. The property has a land use designation of Resource Management and is located on a 160-acre parcel (APN 011-220-002) off Dunderberg Meadow Road in the Virginia Lakes area. A CEQA exemption is proposed.

Gerry Le Francois introduced the proposal and added conditions: 1) Operated one season under DR (Director Review) issued in December, approved subject to CUP to continue operating. 2) Construct 18' diameter yurt on 160 acres + outhouse. All trips are guided. Showed map of area. Received 11 or so comments, more added today. Issues addressed: Trespass; parking during peak periods (County will end plowing at Trumbull Lake now). Eleven project conditions proposed. Educate all guests and employees to respect and avoid private property and residential areas in Virginia Lakes. If damage is caused by High Sierra Snowcat (HSSC), reimburse Mono for any repairs.

Pipersky noted guests need motorized means to get to yurt.

**OPEN PUBLIC HEARING:** Operator **Tim Robinson** noted fifth season in operation under use permit from USFS, last year approached Mono on second operation. Actually only guided services to yurt. Owns parcel in community. No trips unguided. People can ski in, but unlikely. Three unguided trips booked.

Trips? *Drive in with users into yurts, safety briefings, always guide with groups.*

Small hotel where sleep or day use only? *In past 100% sleep in yurt up to four nights, holds six people. Trying to provide unique experience for more intimate experience but still be safe. No other equipment but snowcat. Backcountry skiers. One yurt on USFS land, Dunderberg yurt on private parcel. USFS yurt at pack station, then moved to campground parking lot. 24' diameter sleeps eight people. Users sign waiver that says respect private property, maps use Mono GIS data. Had two known unfortunate incidents in four years. Shut down unguided services now.*

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Other yurt close by? *No preference if road plowed or not. Want people to enjoy and be safe in beautiful mountainous region. All user vehicles will have laminated placard to be identified for Mono to assess road situation. Mono has plowed for several cars to park at Dunderberg Meadow campground. Mono will plow until equipment can't handle snow. Lots of wintertime users.*

Winter camping? *Have seen campers parked at end of Rand Road, but not want to access private property. Living on fringe of intersection of public and private lands.*

Where housing staff? *Virginia Creek Settlement, and to unused yurt.*

Where do users park? Le Francois indicated it depends on where Mono has road open, usually Jordan Basin turnoff near US 395.

Staging area change with weather? *If road open, Dunderberg Meadow turnoff. If closed, Jordan Basin with 20+ cars when no snow, but huge snow dumps, hard for Mono to keep area from diminishing in size. HSSC knows it's part of issues, but willing to work with County.*

During five years, how many cars? *Coming from urban area or Tahoe, group of friends, so car pool. Sometimes have trailer and truck, park as far away from snow as possible to give users room.*

Nuisance/trespassing concerns by general public? Le Francois stated that to homeowners. Snowmobilers with four or five sleds, go around. Can't all point finger at HSSC. Robinson reminded that all trips will have guide, so not part of problem. HSSC converses with snowmobilers on route, tells about more open terrain than big Virginia Lakes. Know of two instances of private property trespass.

**Walt Lehmann** owns property there. Mono closes road, Caltrans then clears out snowpark area. Last year, big storm approached holiday weekend, people drawn to area showed up. Some concerns that day of users snow sledding, snowmobiling felt entitled to parking places. Caltrans helped users get there, and then cleared highway by guardrails, finally buffed out parking lot. Parking lot a bit lower on priority list. In springtime Public Works clears road, people want to drive as far as they can.

**Tina Smith** from Bridgeport spent lots of time there, cited day users. Problems Mono should address. HSSC bringing money and tourists to Mono. Getting busier, so promote that area. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Bush saw no problem. Lizza saw HSSC going above and beyond to deal with problems. No need to limit to guided trips only. Hope operation can grow.

Pipersky thought six to eight people not have that much impact. Lots of use. HSSC great to have European-style yurt. Should conditions include that all excursions be guided.

Bush noted area open to all kinds of people, can't control those not part of the group with undue restrictions on HSSC.

Lizza thought education was needed.

**MOTION:** Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15303(c) and 15304 and file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 17-015 subject to Conditions of Approval.  
(*Bush/Lizza. Ayes: 4. Absent: Lagomarsini.*)

## 5. WORKSHOP

**A. JUNE LAKE AREA PLAN UPDATE:** Receive workshop presentation, and 1) provide direction to staff regarding the June Lake CAC short-term rental recommendations for specific neighborhoods, 2) discuss and provide direction on potential additional short-term rental regulations resulting from workshop discussions, 3) provide direction on next steps, and 4) provide any additional desired input.

Wendy Sugimura wanted to bring PC up to speed on process, and direction on how proceed from here. Back at later date for decision. Promised people they would be heard. Statements included verbatim. Distinguished Type I and Type II rentals, moratorium on II. Specific areas met. Supervisor Johnston's proposal was integrated into process. Sugimura described evolution from TRODs to Type I and Type II short-term rentals. Short-term rental industry is exploding. No Mono judgment on whether should or should not allow. No control over what market is doing.

Sometimes people who don't agree with outcomes attack process. Anyone could come, come up with work plan. Finality and certainty to the issue, not revisit over and over. Made commitment people would be heard, but Mono not necessarily agree with or people get what they want.

Supervisor Johnston drew up neighborhood maps, so consider if appropriate. Not set in stone, just guide for conversations. Outreach campaign: post office box mailers, tax base, flyers. To have survey or vote, who would write up info in unbiased way? Provide technical planning information from staff.

Ultimately decided community workshops based on Supervisor Johnston's maps. Clark Tract was center of controversy. Should block be broken up in smaller pieces? No. Workshops throughout May and beyond: 40 hours public engagement. Weekends, day, night to accommodate. Contact Sugimura directly. Analysis: common ground, irreconcilable differences, potential solutions.

Established ground rules in workshops. Helpful in generating in conversation in safe space without being attacked or judged. Establish what people cared about without being judged. Reviewed Ch. 25 and 26. June Lake can craft its own policies and regulations in process specific to June Lake.

Random snippets from neighborhoods: Infrastructure issues in neighborhood. Limiting factors. Neighborhood values and character. Grouped like comments. Overlap with neighborhoods. Short-term rentals: Negatives. Positives. See issue from both sides, open mind on issue.

How potentially impact all of June Lake? Potential solutions: prohibit I or II; seasonal restrictions; density limit; rental day limit/hear; codify liability; insurance requirements; and lender notification. What will be done with all data gathered? Start with raw data, combine meetings, group like things together into category and name it. Review: look for patterns, what supported or not, ask questions about what information means. Explore solutions or outcomes.

Solutions: Detailed discussion about local government revenue issues: improve private road systems. Mono can't convey public funds to private purpose. Fees, fines, penalties. Enforcement.

Key issues popped out in discussions on policy: liability on private roads, workforce housing impacts, to ban or not to ban? Not overwhelming support to ban.

Potential policy direction: Everything viable. Focus on limiting impacts, avoiding negatives. CAC took ownership, did extra work. Ann Tozier sent survey to Clark Tract, expanded to Nevada Road/Silver Meadow. Petition from Petersen Tract.

CAC recommendation summary: Williams and Petersen: no on both types. Clark upper: summer only (3% cap), no II. Clark Nevada Street: yes, year round, no II. CAC not weigh in on p. 43: General edits to Ch. 25, cleanup language. 500' noticing from farthest edge. Same standard as II in Type I. Delete TROD references. Balance tourist economy with residential character. Not motel, commercial lodging property. Limits application for STR to property owner, not management. One per person, not buy up properties. Road condition disclosure in agreement. Offset loss of workforce housing, defer to Housing Element update, acknowledge it's an issue to deal with. Certain types of infrastructure (access, unimproved roads, etc.) grounds for denial of application for STR.

CC&Rs established by owners. Mono would not enforce, but could take as denial for STR. Maybe change land use designation for Type II? Supporting STRs as boost to economy. Maybe Rodeo Grounds.

Enforcement: Advertising units not permitted. Can't prevent, but indication. Annual renewal, possible fee?

Lizza thought 3% seemed inequitable; maybe time limitations? Sugimura indicated it's hard to limit number of times, requires accurate reporting, monitoring. Seasonal basis is easier.

No good mechanism? Sugimura: 3% on first-come, first-served; establish deadline to file applications, top permits approved; waiting list could happen, or just deny. Open application period. Other way to limit: Buffer between rentals.

How many homes in Clark Tract? *Eight parcels.*

Is purpose of buffer a lottery system? *Yes.*

Why 3% not 5%? *Based on her research at Durango, CO. The 3% is CAC recommendation for Type I.*

Type II? Sugimura indicated a lot of discussion, summary to forward to PC.

Outdoor parties too broad. Lawn parties if complying with noise regulations? Sugimura described as organized event other people invited to. Sugimura stated one strike could be out, three strikes would limit. Still is due process.

Three strikes not just neighbor calling up? Sugimura wanted better definition of what three strikes entails.

Sugimura cited 246 Clark Tract parcels. Talked about range from 2% to 10%. Existing TRODs not come back into pool, so four or five actually available.

Sugimura cited MU (Mixed Use) and C (Commercial) in village business. STRs regulated under land use designation. Rodeo Grounds is designated Specific Plan.

**PUBLIC COMMENT: Ann Tozier** noted area with County-maintained roads might go for STRs (short-term rentals). Personal bias was no STRs in Clark Tract, but view expanded after survey. Some voted out of ignorance. Tozier felt conflicted as resident and representative.

Talk of roads before, CAC owners or adjacent private property liable? Milovich stated Mono does not provide immunity to owners. Roberts asked about public easement on tract map not dedicated to Mono. Milovich confirmed private road, privately maintained.

**Ian Fettes**, full-time Clark Tract resident. No farming, ranching, mining, government. June Lake virtually 100% dependent on tourism. Growth of STRs is significant, increasing exponentially. Major player in tourist market and economy of June Lake. Came to June to get away from noise. When June Mountain closed, tourist revenue was threatened. Do what can to support. Suggested controls/regulation be absorbed into communities. Tourist looking for quiet, self-contained environment. If limit density and distribution within neighborhood, could become part of fabric of neighborhood. Community acknowledges and is comfortable with it. If slam door on opportunity, threatening lifeblood of community. Address and accommodate.

Upper Clark year-round residents? Fettes indicated about 20%.

Sugimura suggested keeping CAC as is; weigh in on Leonard Avenue after appeals.

Waiver of liability in rental contract? Sugimura was not comfortable with authority to do so, private parties involved.

Tozier recalled Stacey Simon (county counsel) indicated no way to require homeowner to waive liability, so not legally viable.

Fettes noted homeowner policy covers issues on property and adjacent area. Policy goes wherever owner goes.

Who owns roads in Clark Tract? Tozier doesn't pay property taxes to center line of road. Roberts thought still liable.

--- Commissioner Bush departed at 12:40 pm ---

Lizza indicated neighbors concerned with liability. Fettes noted percentage of road use by short-term renters in single-digits. Families and visitors are most of activity.

Tozier indicated insurance company recommended someone increase 300%. Maybe not use California Street in winter, bad road.

## 6. REPORTS

**A. DIRECTOR:** 1) Promotion: Jake Suppa has been promoted to compliance analyst, doubling enforcement staff; 2) Cannabis: Only three supervisors Nov. 21, extend moratorium before it expires. General Plan policies at Dec. 5.

**B. COMMISSIONERS:** No items

## 7. INFORMATIONAL: No items

## 8. ADJOURN to December 21, 2017, at Town/County Conference Room, Mammoth Lakes

*Prepared by CD Ritter, PC secretary*

## Mono County Community Development Department

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December 21, 2017

**To:** Mono County Planning Commission  
**From:** Michael Draper, Analyst  
**Subject:** Conditional Use Permit 17-014/Baker Type I Short-Term Rental

### RECOMMENDED ACTION

- 1) Deny the application based on the finding that reasonable opposition exists from directly affected neighbors within 500 feet of the subject parcel; **OR**
- 2) Approve CUP 17-014 subject to the findings and conditions contained in this staff report; and
- 3) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption.

### BACKGROUND

The proposal, CUP 17-014/Baker, is located at 305 Aspen Springs Ranch Rd., Crowley Lake, and has a land use designation of Estate Residential (ER). Adjacent properties to the north, south, east and west are also designated Estate Residential and developed as such. The subject property is within the Aspen Springs Ranch Planned Development, which established the Aspen Springs Community Association in 1976. The Association has a declaration of covenants, conditions and restrictions (CC&Rs) applicable at this time (see Attachment 1).

The property has a main house and an attached garage. The parcel (APN 062-090-018) is approximately 3.6 acres in size and has approximately 7% lot coverage, in conformance with the LUD ER maximum coverage of 40%. The applicant/owner is a full-time resident of the dwelling and is proposing to rent three existing bedrooms on a short-term basis.

The property is accessed from Aspen Springs Ranch Rd., a County-maintained road. The dwelling's driveway is paved and meets Chapter 6 Parking Requirements of the General Plan; three parking spaces are available for the potential three-bedroom short-term rental, along with parking space for the owner. Total parking area and access is approximately 5,700 square feet.

Chapter 25 of the Mono County General Plan established Type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental would be three bedrooms in an owner-occupied dwelling. Rental is limited to a single group of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable area plan policies. The use permit for this rental runs with the owner and not the land, and terminates upon a change of ownership.

The Type 1 use is subject to a number of restrictions and requirements as contained in Ch. 26 of the Land Use Element, and conditions to address neighbor concerns.

## Site: CUP 17-014/Baker Type I Short-Term Rental



### LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met October 16, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing.

### COMMENTS RECEIVED

Notice for comments on the project was mailed to property owners within 500 feet of the site at least 30 calendar days prior to the publication of this report. At this time, the Community Development Department has received five letters from the public, including a petition signed by nine residents in opposition to the project (see Attachment 2).

The concerns stated in the letters are summarized as follows:

- a) The Aspen Springs Homeowners Association (HOA) CC&Rs prohibit nightly rentals and the CC&Rs have been submitted to the County.
  - o *Staff response:* The County does not enforce CC&Rs; however, an HOA's position that its CC&Rs do not allow for short-term rentals may be construed as reasonable opposition to the application.
- b) The prohibition of nightly rentals has been accepted by the residents since the formation of the HOA.
  - o *Staff response:* This is the first application for short-term rental in the Aspen Springs neighborhood, and to staff's knowledge, no legal short-term rental is taking place in the neighborhood at this time.
- c) The HOA is composed of volunteer members and any litigation to defend the CC&Rs would require substantial funds from the group.



- d) The applicant did not communicate the intent of this project or pursue an exception to the CC&Rs prohibition from the HOA's Board.
- e) Short-term tenants do not respect the neighbors, property, or HOA rules.
  - o *Staff response:* To staff's knowledge there is no history of permitted short-term rental in this neighborhood, and Chapter 26 is intended to mitigate local impacts to neighbors.
- f) The HOA does not want to police residents on this issue.
- g) Short-term rentals would destroy the character of Aspen Springs.
  - o *Staff response:* General Plan Long Valley Area Plan Objective 23.B. states, "Maintain, protect and enhance the quality and livability of community areas." Additionally Policy 23.B.1 is to "preserve and enhance existing single-family residential uses."
- h) Winter driving conditions in the area pose a risk to transient renters who have limited experience driving in the area. The risk of transient renters on the road would also be extended to current residents.
  - o *Staff response:* The road has been accepted into the County road system and is maintained throughout the year by the County, and no additional winter driving or property owner risk would be incurred beyond that generally expected on any typical road.

#### **GENERAL PLAN CONSISTENCY**

The project is considered to be inconsistent with the intent of Chapter 25, Short-Term Rental Type I. The chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable area plan policies.

As evident by public comments received from residents living on Aspen Springs Ranch Road (direct path of travel) and Crowley Lake Drive (adjacent to the neighborhood), this project exhibits reasonable opposition by neighbors who may be directly affected, including opposition by at least some members of the local Homeowners Association. Therefore, the Commission may choose to determine that the required finding 32.010.3.C (below) has not been met.

Alternatively, the Planning Commission may make the required findings below to approve the project if desired. The Commission may find the project to be consistent with the following **Long Valley Area Plan Policies:**

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

**Policy 23.B.2.** Provide for commercial development that supplies the local community with convenient and necessary goods and services.

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

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

**Policy 23.C.3.** Encourage the development of professional uses (e.g., clinic, doctor's office, law office, day care) and other small-scale commercial services to provide for the needs of residents.

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

## USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) The site of the proposed use is adequate in size and shape; the rental dwelling is an existing structure and no additional developments on site are anticipated at this time.
  - b) The project provides the necessary parking of one space per sleeping room (reference General Plan Table 06.010) and conforms to General Plan Chapter 6.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
  - a) The use of property for short-term rental is similar to the existing residential use of the neighborhood adequately accessed by Aspen Springs Ranch Road.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
  - a) The proposed Type I short-term rental of three bedrooms in an existing single-family residential dwelling unit is not expected to cause significant impacts; and
  - b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement; **OR**
  - c) **Alternative finding:** Per General Plan Chapter 25.010, the intent of Chapter 25 is for a permitting process of short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected.
    - i. At this time, the Community Development Department has received five letters and one petition with nine signatures in opposition to this project. The letters are from residents living on Aspen Springs Ranch Road (direct path of travel) and Crowley Lake Drive (adjacent to the neighborhood).
      1. The concerns stated in the letters, of which some may be considered reasonable opposition, are summarized as follows: some members of the Aspen Springs Homeowners Association Board are opposed to the application on the basis that the CC&Rs prohibit nightly rentals; the prohibition of nightly rentals has been accepted by the residents since the formation of the Association; the HOA is composed of volunteer members and any litigation to defend the CC&Rs would require substantial funds from the group; the applicant did not communicate the intent of this project or pursue an exemption to the CC&R prohibitions from the Association's Board; short-term tenants do not respect the neighbors, property, or HOA; the HOA does not want to police residents on this issue; short-term rental would destroy the quiet character of Aspen Springs; and increase risk to renters and residents due to winter driving conditions.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- a) General Plan Chapter 25 explicitly allows for the “Estate Residential” (ER) land use designation to apply for a Use Permit allowing the property to be used for short-term rental not to exceed eight people. General Plan Chapter 26 would also be required if the property is granted the Use Permit.

### **CEQA COMPLIANCE**

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

Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to:

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

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

**MONO COUNTY****Planning Division****DRAFT NOTICE OF DECISION & USE PERMIT****USE PERMIT:** CUP 17-014**APPLICANTS:** Michael Baker**ASSESSOR PARCEL NUMBER:** 062-090-017**PROJECT TITLE:** Type I Short-Term Rental/Baker**PROJECT LOCATION:** The project is located at 305 Aspen Springs Ranch Road, Crowley Lake

On December 21, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-014/Baker, subject to the following conditions, at the conclusion of the appeal period.

**CONDITIONS OF APPROVAL**

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** December 21, 2017**EFFECTIVE DATE USE PERMIT** December 31, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

**MONO COUNTY PLANNING COMMISSION****DATED:** December 21, 2017

cc: X Applicant  
 X Public Works  
 X Building  
 X Compliance

**CONDITIONS OF APPROVAL**  
**Use Permit 17-014/Baker**

- 1) The project shall comply with provisions of Chapter 25, Short-Term Rental.
- 2) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
- 3) Property shall be maintained in a neat and orderly manner.
- 4) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 5) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

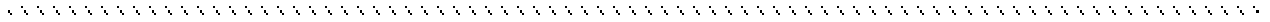
# MONO COUNTY PLANNING COMMISSION

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

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Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Comment Letters on  
CONDITONAL USE PERMIT 17-014/Baker  
December 21, 2017



Aspen Springs petition

Ed & Sandi Forstenzer

Lee & Sara Jensen

Mr. & Mrs. Leonetti

Gregory R. Oxford

Stan Riffel

---

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza



December 3, 2017

Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Conditional Use Permit 17-014/Baker

To whom it may concern:

As owners in the Aspen Springs neighborhood we are opposed to approving the above referenced application for nightly rentals as this use is in strict violation of our CC&R's and will negatively impact and destroy the single family character of our neighborhood.

The Riffel Family APN 62-090-14

The Jensen Family APN 62-090-15

The Forstenzer Family APN 62-090-11

The Mann Family APN 62-090-13

The Tipton Family APN 62-090-10

*[Handwritten signatures and scribbles]*

DocuSigned by:  
*Sandi Forstenzer*  
EE04DE2AB13C48E...

DocuSigned by:  
*[Handwritten signature]*  
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DocuSigned by:  
*Kathy Tipton*  
684FC9C7191348F...



December 3, 2017

Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

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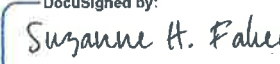
The Riffel Family APN 62-090-14 

The Jensen Family APN 62-090-15 

The Forstenzer Family APN 62-090-11

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The Fahey Family APN 62-090-24

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The Vogel Family APN 62-090-27

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December 3, 2017

Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

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The Jensen Family APN 62-090-15

The Forstenzer Family APN 62-090-11

DocuSigned by:  
*Sandi Forstenzer*  
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**The Jennison Family APN 62-090-08**

DocuSigned by:  
*Trina Jennison*  
74887C3777D8427...

**The Moore Family APN 62-090-28**

DocuSigned by:  
*Hill Moore*  
877162688E5E419...

December 3, 2017

Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Conditional Use Permit 17-014/Baker

To whom it may concern:

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The Riffel Family APN 62-090-14



The Jensen Family APN 62-090-15

The Forstenzer Family APN 62-090-11

DocuSigned by:  
Sandi Forstenzer  
EE04DE2AB13C48E...

The Mann Family APN 62-090-13

DocuSigned by:  
L. Mann  
D7B1B3DF98C541C...

The Harshbarger Family APN 62-090-19

DocuSigned by:  
David Harshbarger  
828BB365683C4E7...

December 5, 2017

Mono County Planning Commission  
P.O. Box 347  
Mammoth Lakes, CA 93546

Re: Conditional Use Permit 17-014/Baker

We wish to express our very strong opposition to short term rentals in our community of Aspen Springs Ranch. We have owned property and lived here for the past 28 years, and are part of a small, tight-knit community.

Our community very highly values our privacy and safety. We feel that these values are threatened by short term rentals which have from the outset been prohibited by our CC&Rs.

We are appalled that a new member of our community would so blatantly disregard what has been accepted policy in our community since the inception of our Homeowner's Association. This new community member has made no effort to amend the CC&Rs, and should not be permitted to contravene the clearly expressed desires of the community.

Our community has lived in harmony for decades, and we feel threatened by the harm that short term rentals are known to bring. This is not the place for transients who have no interest in maintaining the safety and tranquility of our community.

Please do not permit this to happen.

Sincerely,

*APN: 62-090-11*

Ed & Sandi Forstenzer  
520 Aspen Springs Ranch Road  
Crowley Lake, CA 93546

FROM THE DESK OF

---

**LEE JENSEN**

December 10, 2017

Mono County Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Use Permit 17-014/Baker

To whom it may concern:

My wife and I own the property located at 394 Aspen Springs Ranch Road (APN 62-090-15). While I typically stay out of the Aspen Springs politics and rarely voice any opinions, Mr Bakers application is a different story and I must state that I am strongly opposed to its approval.

I was given a copy of Mr Riffel's letter and agree with everything stated in the letter (I have attached and signed it), and would also like to add the following:

My wife and I were one of the first owners in the neighborhood and purchased due to its remote and private setting: There are few areas, if any, in Mono County that offer what Aspen Springs does.

We have always been under the impression that the projects CC&R's would protect us against any commercial uses such as requested in Mr Bakers application. If approved that could set a precedent for future commercial uses in our small neighborhood.

It seems like the County of Mono is starting to allow these types of uses, and while they may work in certain neighborhoods, Aspen Springs is not one of them. I do not understand why the application was not first submitted to the HOA before making its way to the County: It appears Mr Baker skipped a step.

I would suggest in the future that the County make it the applicants responsibility to get approval from the HOA prior to proceeding with the County's process. It's not right that the members in an established HOA must fight/respond to an application that could have been dealt with at the HOA level: Make it the applicants responsibility to prove the use is not in violation of the CC&R's prior to accepting an application.

Again, instead of reiterating the comments stated in Mr Riffel's letter, I am agreeing with those and included the above additional comments. Please do NOT approve Mr Baker's use permit application. Thank you

Sincerely,



Lee Jensen

**From:** Jim LEONETTI  
**To:** [Michael Draper](#)  
**Cc:** [Mann, Clifford](#); [Cliff Mann](#); [Stan Riffel](#); [Roselle Leonetti](#)  
**Subject:** 305 Aspen Springs Ranch Road Crowley Lake Ca  
**Date:** Wednesday, November 29, 2017 11:06:13 AM

---

Dear Mr. Draper,

Thank you for your various communications with me regarding the proposed use of 305 Aspen Springs Ranch Road for Short-Term Rentals (Conditional Use Permit 17-014/Baker).

I have spoken to Clifford Mann who is president of the Aspen Springs Ranch Homeowners Association. Mr. Mann and others have confirmed that Short-term rentals are not permitted by the Bylaws and CCR's of the Aspen Springs Homeowners Association. Furthermore, Mr. Mann also informed me that there was no communication with the Board, nor any request for approval from the Board of the Homeowners Association for Short-Term Rentals at 305 Aspen Springs Ranch Road in Crowley Lake.

I would like to list the following reasons, why my wife and I, as owners of the property on 354 Aspen Springs Ranch Road are opposed to the Conditional Use Permit 17-014/Baker:

1. The CCR's and Bylaws of the Homeowners Association prohibit short-term rentals.
2. There was no request from the owner of 305 Aspen Springs Ranch Road to allow short-term rentals, as an exception to the prohibitions in the CCR's and Bylaws.
3. Given the proximity of our property to 305 Aspen Springs Ranch Road, we have a number of concerns regarding how potential short-term rentals might negatively impact the quiet enjoyment of our property. Given that the owner of 305 Aspen Springs Ranch Road has not properly discussed the potential plans for short-term rentals with the Aspen Springs Ranch Board of Directors, nor requested an exception to the prohibitions of the CC&Rs and the Bylaws, further serves to heighten our concerns.

We certainly respect the rights of all property holders. Additionally, we have very warm regards for Mr. Baker, as the owner of 305 Aspen Springs Ranch Road.

However, we also believe that all homeowners, that are living in a community with CC&Rs and Bylaws governed by a Homeowners Association, must adhere to the rules, guidelines and requirements of that Homeowners Association. Unfortunately, given the items 1) through 3) listed above, we are opposed to the Conditional Use Permit 17-014/Baker.

I have spoken to Mr. Mann, President of the Aspen Spring Ranch Homeowners Association, and he agreed to attend the meeting on December 21, 2017 and represent the Homeowners Association on this issue. Mr. Mann has told me that the Homeowners Association will also stand opposed to the Conditional Use Permit 17-014/Baker.

It may be difficult for my wife or myself to attend the meeting on the 21st of December. We are hoping that this letter may represent our views should we be unable to attend.

Sincerely,

James Leonetti  
354 Aspen Springs Ranch Road  
Crowley Lake, Ca.

LAW FIRM OF  
**ISAACS CLOUSE CROSE & OXFORD** LLP

21515 HAWTHORNE BLVD  
SUITE 950  
TORRANCE, CA 90503

TELEPHONE (310) 316-1990  
FACSIMILE (310) 316-1330

**RECEIVED**  
**DEC 11 2017**  
Mono County  
Community Development

December 6, 2017

**VIA ELECTRONIC and U.S. MAIL**

Mono County Planning Commission  
P.O. Box 347  
Mammoth Lakes, California 93546  
Michael Draper (mdraper@mono.ca.gov)

Re: Conditional Use Permit 17-014/Baker

I am a twenty-three year permanent resident of our home in Aspen Springs Ranch (APN 062-090-009) and a Board Member of the Aspen Springs Community Association.

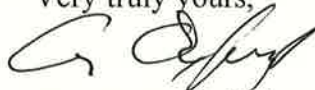
Aspen Springs Ranch is an estate residential equestrian-zoned subdivision with a minimum lot size of 3 acres consisting of single family homes. The CC&Rs prohibit the use of main homes for purposes other than single family residence.

The requested Conditional Use Permit would destroy the character of our subdivision by permitting room rentals to itinerant strangers. In this regard, I share all of the concerns expressed in Mr. Riffel's December 3 letter to the Commission.

Further, particularly in the winter, when snow, ice and grades in excess of ten percent make safe driving difficult even for residents, the presence of transient renters with little or no experience in such conditions would present a significant safety hazard to owners and their families, including small children.

Although I have not spoken to all of our neighbors, I know many are opposed and would be very surprised if there is significant support among them for this proposal. Finally, the possibility of legal action would certainly have to be explored if this CUP were approved.

Very truly yours,



Gregory R. Oxford



Stan Riffel

PO Box 8558  
427 Aspen Springs Ranch Road  
Crowley Lake, CA 93546  
APN: 62-090-14

December 3, 2017

Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Conditional Use Permit 17-014/Baker

To whom it may concern:

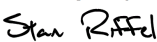
I own the adjoining property to 305 Aspen Springs Ranch Road and I am opposed to short term rentals in the neighborhood.

One of the reasons I purchased in Aspen Springs is because the CC&R's afford protection in regard to the regulation and consistency of uses in the neighborhood. While the County does not want to enforce our CC&R's, please consider that just the fact that our CC&R's prohibit nightly rentals, that in itself is a statement of opposition. The board has worked on updating our CC&R's over a number of years, and uses such as the possibility of transient rentals (i.e.: AirBNB, VRBO, etc.) has always been a concern.

One needs to take into account the impact a home of this size can have on a small neighborhood when fully occupied on a continual basis: The Subject is a 5000 square foot home with the potential of accommodating a large number of people. It is difficult to police such uses as temporary tenants have less of a stake in the property, the HOA, and typically have a disregard for the neighbors and their property. Aspen Springs has rules and regulations for a reason and transient tenants, historically, tend to ignore the Association rules basically thumbing their noses at the Board. Like many HOA boards, ours is composed of volunteer members that assume the responsibility of administering the rules and regulations: Our Board does not need any additional issues to police.

Aspen Springs is a very small and quiet neighborhood. Approving the short term rental use permit would destroy the single family character of Aspen Springs: Hence I am opposed to short term rentals in the neighborhood. Thank you.

Sincerely,

DocuSigned by:  
  
Stan Riffel

# Mono County Community Development Department

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

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

December 21, 2017

To: Mono County Planning Commission

From: Wendy Sugimura, CDD Senior Analyst

Re: WORKSHOP – June Lake Area Plan Update on short-term rental policies

### RECOMMENDATION

Receive workshop presentation, and: 1) Review the June Lake Citizens Advisory Committee's recommendations on Chapter 25 and the June Lake Area Plan update for short-term rentals and modify as desired; 2) Consider whether any June Lake Area Plan amendments should apply countywide to short-term rental regulations (Chapters 25 & 26) and provide direction to staff, 3) Direct staff to bring back a General Plan Amendment at a future meeting, and 4) Provide any additional desired input.

### FISCAL IMPACT

Staff time for the General Plan Amendment is included in the current budget, providing for some short-term rentals in June Lake could increase TOT revenues for the County overall, and enforcement and monitoring of illegal rentals is an unquantified increased cost.

### BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed changes to General Plan Chapter 25, and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community.

At the Nov. 16 meeting, the Planning Commission held a workshop to review the results of over 50 hours of community meetings to develop the process, hold community discussions, review the input results, and review the CAC's preliminary recommendations. The full compilation of area plan update proceedings was published with the Oct. 19 Planning Commission meeting packet and can be accessed at

[http://monocounty.ca.gov/sites/default/files/pc\\_agenda\\_packet\\_10.19.17.pdf](http://monocounty.ca.gov/sites/default/files/pc_agenda_packet_10.19.17.pdf) (starting on p. 199).

### DISCUSSION

At its Dec. 6 meeting, the June Lake CAC finalized its short-term rental recommendation that includes amendments to Chapter 25 (applicable countywide); the addition of "issues, opportunities and constraints" to the June Lake Area Plan; and further policy amendments to specify rental locations (including Leonard Avenue), additional regulations, and an enhanced enforcement program for the June Lake Area (see Attachment 1).

The CAC was evenly split or chose not to make a recommendation on the South Hwy 158 neighborhood for Type I's and the Dream Mountain neighborhood (see Attachment 2 for neighborhood maps). The CAC agreed Type II's should not be allowed in the South Hwy 158 neighborhood. As a result, the CAC discussed that these two areas default back to the countywide standards where Type I and II could be permitted in Dream Mountain and Type I only in South Hwy 158, subject also to the additional policies identified in the June Lake Area Plan.

Another neighborhood that may bear specific discussion is the Nevada Street portion of the Clark Tract. Whether to split this street from the larger neighborhood has been on the table throughout the process, from the initial discussion of neighborhood maps, to the workshop "sticky dot" exercises, through an evaluation of the data, and didn't seem to gain any traction. Ultimately, however, the CAC recommendation did split out this street to a certain degree. The final CAC recommendation provides for year-round Type I rentals (as opposed to seasonal in the rest of the Clark Tract), and prohibits Type II rentals, although some CAC members were in favor of allowing Type II's on this street.

The CAC also requested an approval type that is specific to the property owner and does not run with the land for both Type I (owner occupied) and Type II (non-owner occupied) rentals, and provides for annual renewals, inspections, and fees. A similar permit type may be needed for commercial cannabis operations. The mechanism currently used by the County for short-term rental approvals does not address annual renewals, and could be refined given the potential for more approvals specific to the owner and the operation of the use. Therefore, in addition to the area plan text amendments, a new permit type that would apply countywide may also be brought forward with the General Plan Amendment in Attachment 1.

In addition, the Mono Lake Kutzadika<sup>a</sup> Tribe requested to meet on June Lake short-term rentals, and staff attended a meeting on December 1, 2017. The tribal representative, Ms. Charlotte Lange, expressed that some tribal members were concerned that allowing short-term rentals could incentivize more construction, which could create more impacts to the land, which is sacred. Staff responded that the permit applications to date have been for existing single-family units, not for new construction.

## **ATTACHMENTS**

1. June Lake CAC recommendations from the Dec. 6, 2017, meeting
2. June Lake Neighborhood Maps
3. Public Comments

**June Lake Citizens Advisory Committee Recommendation on Short-Term Rentals (Oct. 4, 2017, updated Dec. 6, 2017)**

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
--------------	---------------	-----------------------	--------	---------	----------

*(CAC Member Rob Morgan absent)*

No	No	<b>Williams</b>			
		Patti	No	No	Concerns: Single egress, private roads & liability, workforce housing
		Jora	Abstain	Abstain	
		Ann	Yes, summer only	No	Ann was somewhat uncertain but could accept Type I in summer
		David	No*	No	* No on Type I until single egress is resolved then could support Type I on larger lots
		Julie	Abstain	Abstain	
		Jeff	No	No	Concerns: Roads, single access point, liability

No	No	<b>Petersen</b>			
		Patti	No	No	Concerns: Roads, workforce (WF) housing, Crowley STR are reducing WF housing
		Jora	No	No	Lots of long-term renters in Petersen who could be displaced, single egress, lots of neighborhood opposition
		Ann	No	No	Concerns: Private roads, uniform small lot size
		David	No*	No	* No on Type I until single egress is resolved then could support Type I with cap on numbers, Concerns: Single egress and small lots
		Julie	No	No	Type I is different, but votes "no" due to single egress
		Jeff	No	No	Concerns: Small lot sizes, single access point, roads, liability

Yes	Yes	<b>Leonard</b>			
		Patti	Yes	Yes	Consensus that Type I & II are appropriate due to condition of roads and maintenance under a ZOB, and homeowner acceptance. Type I and II must run with the owner, not with the land.
		Jora	Yes	Yes	
		Ann	Yes	Yes	
		David	Yes	Yes	
		Julie	Yes	Yes	
		Jeff	Yes	Yes	

No Comment	No Comment	<b>Highlands</b>			
CAC defers to Tract Map Modification and Specific Plan Amendment process for Highlands.					
Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
No Comment	No Comment	<b>Dream Mountain</b>			
No recommendation. This area may have CC&Rs may prohibit STRs, but this information has been unverifiable. No owners attended workshops or meetings.					

<b>Tie</b>	<b>No</b>	<b>South 158</b>			
		Patti	No	No	Patti feels that Type I rentals also impact workforce housing
		Jora	Yes*	No	Jora is concerned that Type II rentals would impact existing multiple long-term rentals (WF housing) in this area, *Jora recommended a probationary period for Type I rentals
		Ann	No	No	Avalanche prone area, steep roads, private road liability
		David	Yes*	No*	*David had concerns about lumping all of the parcels in this area together. He could accept Type II for the larger lots. He felt workforce housing issues are primarily an issue for Type II rental. He was not so concerned about the terrain in this area as he felt that should be a consideration in the permitting process. He liked the idea of a trial period of 3-4 years for Type I rentals.
		Julie	Yes	No	Julie would like more information about the larger lots to see if they might be compatible with Type II
		Jeff	No	No	Not in favor of any trial periods for STR

<b>Yes, summer with a 3% cap</b>	<b>No</b>	<b>Clark</b>			
		Patti	No	No	Concerns: Roads, road liability, safety, workforce housing
		Jora	Yes*	No	*Type I in summer only, decrease maximum people to 4, limit vehicles to 2 or less, consider further mitigations listed by Wendy at September meeting, Note: Jora was against both STR types for Los Angeles St due to workforce housing there
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitations
		David	Yes*	No	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow), but NOT in winter months
		Julie	Yes*	No	*Type I in summer with 3% cap
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel, Concerns: roads, liability, limited access

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
Yes, year-round	No	<b>Nevada/Silver Meadow</b>			
		Patti	Yes	No	
		Jora	Yes	Yes	Jora wants the Planning Commission to consider the additional rental mitigations listed by Wendy at the September meeting
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitations
		David	Yes*	No*	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow). OK in winter also. Would consider Type II for Nevada area if Type II could be changed to lapse with change of ownership
		Julie	Yes	Yes	Julie agrees with capacity limits as calculated tract-wide from Nevada over to Los Angeles St.
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel

# Mono County Community Development Department

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## Short-Term Rentals General Plan Amendment June Lake Citizens Advisory Committee (CAC) Recommendation

### **SECTION I. EDITS TO EXISTING GENERAL PLAN CHAPTER 25 (countywide):**

#### **DEVELOPMENT STANDARDS**

#### **CHAPTER 25 – SHORT-TERM RENTAL**

Sections:

25.010	Intent.
25.020	Establishment of Type I Short-term Rental: Owner-Occupied.
25.030	Establishment of Type II Short-term Rental: Not Owner-Occupied.
25.040	Notice requirements.
25.050	Uses permitted.
25.060	Uses permitted subject to director review
25.070	Uses permitted subject to use permit
25.080	Additional requirements

#### **25.010 Intent.**

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

#### **25.020 Establishment of Type I Short-Term Rental: Owner-Occupied**

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to [a discretionary permit for short-term rentals-Use Permit](#), if consistent with applicable Area Plan policies, [and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.](#)<sup>14</sup> [Fees for appeal of Type I Use Permit decisions shall be waived.](#) The ~~use~~ permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. ~~Fees for appeal of Type I Use Permit decisions shall be waived.~~

#### **25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied**

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit,, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with

applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental ([except in June Lake, see below](#)) shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

[Per the June Lake Area Plan, Type II short-term rental approvals in June Lake are specific to the owner and does not run with the land.](#)

#### **25.040 Notice requirements.**

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius ~~measured-drawn~~ from the nearest limits of the [project](#) parcel that is subject of the land use application. [If a contiguous parcel \(or parcels\) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership.](#) If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least ~~120~~ days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

#### **25.050 Uses permitted.**

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

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

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

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

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

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

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

#### **25.080 Additional requirements.**

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved short-term rental established 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 short-term rentals during the avalanche season, November 1 through April 15.

### **25.020 Establishment of Type I Short-Term Rental: Owner-Occupied**

#### **25.040 Notice requirements.**

- A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

Delete footnote 14: ~~The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.~~

**SECTION II. JUNE LAKE AREA PLAN: PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS**Community Development: Land Use

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016, and is also affecting June Lake. The market is dynamic and seasonal, and rentals have become mainstream. No “silver bullet” exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. Effort is being made to avoid the trap of “yes” vs. “no,” which results in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.
17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.
18. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 200 hours of staff time since December, 2016. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input is funneled into the development of policies and regulations.
19. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.
20. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.
21. Very few legal mechanisms exist that require accountability by online rental platforms, and some of these platforms are lobbying for regulations at the state level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.
22. Differentiating between neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.
23. Local governments like Mono County are challenged to provide cost effective enforcement, whether rentals are legal or illegal, due to 1) rental properties spread across many hosting platforms; 2) listings being highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data not easily accessible through the hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting

platforms that prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful, and should be coordinated across County departments.

24. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.

Community Development: Housing

25. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already limited housing stock available for workforce housing.

Community Development: Tourism

61. Short-term rentals (rentals less than 30 days) in single-family residential areas meets a tourism market need and has the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy.

**SECTION III. PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS**

Delete old Policy 13.A.3. ~~Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single family homes.~~

**Add the following new policies:**

**Objective 13.M.** To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

**Policy 13.M.1.** Short-term rentals are subject to Chapter 25 and 26 of the General Plan Land Use Element, with the following specifications based on the context of individual neighborhoods (see map), which vary in character.

**Action 13.M.1.a.** Prohibit Type I and Type II rentals in the Williams Tract and Petersen Tract.

**Action 13.M.1.b.** Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

**Action 13.M.1.c.** No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies.

**Action 13.M.1.d.** In the Clark Tract, Type I rentals may be permitted, subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies, year-round on Nevada Street/Silver Meadow and summer only in the rest of the tract, with a maximum cap of 8 parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs). New Type II rentals are prohibited.

**Action 13.M.1.e.** In the South 158 neighborhood, new Type II rentals are prohibited. The CAC was evenly split on Type I rentals, and therefore Type I's may be permitted subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

**Action 13.M.1.f.** Type I and Type II rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake area plan policies. Type II rental approvals are specific to the owner (not the property) in the Leonard Avenue neighborhood.

**Policy 13.M.2.** Type I and Type II short-term rental approvals are issued to the property owner and do not run with the land. Sale or transfer of the property, or the property no longer meets the definition of a Type I rental per 25.020, renders the approval to rent null and void.

**Policy 13.M.3.** Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

**Action 13.M.3.a.** Only the property owner may apply for a short-term rental permit, and the owner is the party directly responsible for the management of the unit.

**Action 13.M.3.b.** Short-term rental permits shall be limited to one per person or entity and one per parcel.

**Policy 13.M.4.** Type I (owner-occupied) short-term rentals, as defined in Chapter 25, in single family residential land use designations may be considered only under limited and highly regulated conditions in some areas, subject to Chapters 25 and 26.

**Action 13.M.4.a.** To address concerns raised by the community regarding potential neighborhood impacts, the following requirements and regulations shall be added to Chapter 26 for short-term rentals in June Lake:

- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted to be compliant.
- Owner must be able to respond within a reasonable timeframe, preferably within an hour.
- Quiet hours from 10 pm to 7 am, and no outdoor amplified sound.
- Outdoor parties are prohibited, including but not limited to special events, outdoor events, lawn parties, weddings, and similar activities.
- Owner shall acquire home insurance coverage that specifically covers short-term renting, and shall maintain appropriate liability coverage that covers injury and damage to hosts, guests, and others.
- Owner shall notify lender of change in use to short-term rental, and provide verification to County upon request.
- The number of allowed vehicles shall not exceed the number of on-site parking spaces.
- In order to rent a detached and separate unit, the property owner must occupy the other unit on the property consistent with the definition of a Type I rental in 25.020.
- Landline phone service is required, and owner must disclose the limited service by cell phone carriers.
- A "hideaway" key or other access is required in the event a guest is locked out.
- For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified.
- ~~Post management contact information online.~~ *Comment: Staff recommends deleting.*

- Interior informational sign shall also include an evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.

**Action 13.M.4.b.** In the Clark Tract, in order to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

**Action 13.M.4.c.** Explore options to offset loss of workforce housing via housing studies and General Plan policy development, which may include requiring a unit be available for long-term rentals for 4-6 months of the year, mitigation fees, or other options.

**Policy 13.M.5.** Short-term rentals may be prohibited in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

**Action 13.M.5.a.** Short-term rentals may be prohibited where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

**Action 13.M.5.b.** Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract.

**Action 13.M.5.c.** Opposition by a Homeowner's Association (HOA) Board on a short-term rental application shall be considered and may constitute reasonable neighborhood opposition. The HOA Board should send a Board-approved comment letter on the project to the County prior to the public hearing.

**Action 13.M.5.d.** Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with County transient occupancy tax requirements.

**Policy 13.M.6.** To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

**Action 13.M.6.a.** The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

**Action 13.M.6.b.** Support an even playing field, e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

**Policy 13.M.7.** Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

**Action 13.M.7.a.** Implement an education campaign regarding short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

**Action 13.M.7.b.** Provide for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery.

~~**Action 13.M.7.c.** Consider a "three strikes" mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. Comment: Staff recommends deleting.~~

**Action 13.M.7.d.** Provide an anonymous reporting hotline for illegal rental activity.

**Action 13.M.7.e.** The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues.

**Action 13.M.7.f.** The County shall, within legal constraints, coordinate information between departments such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

**Action 13.M.7.g.** Require permit numbers to be posted in the title of any short-term rental advertisement, including online and any other promotional materials.

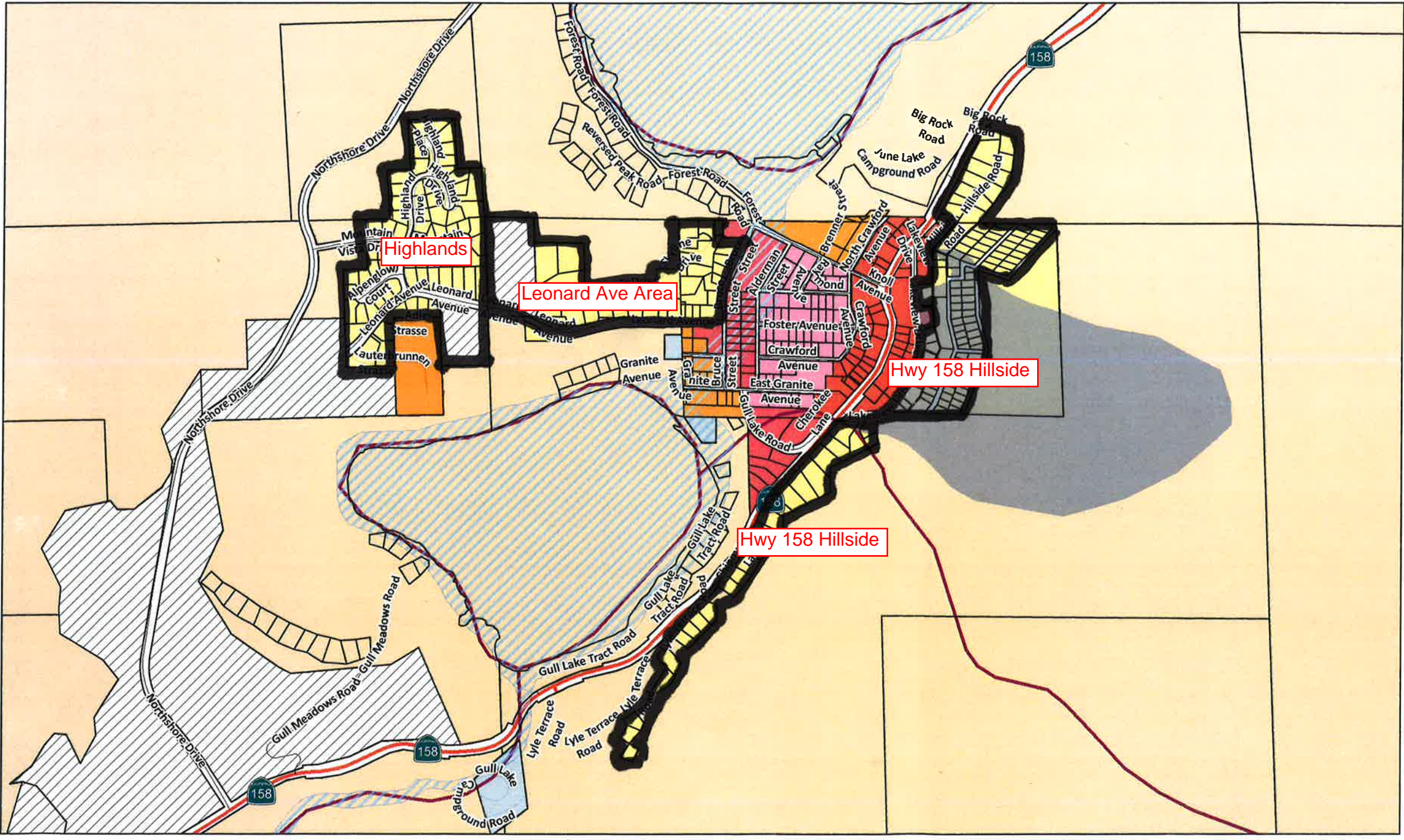
**Action 13.M.7.h.** Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation.

**Action 13.M.7.i.** To support accountability, an annual permit renewal, certifications, fees, and any other requested information shall be required for short-term rental permits as follows:

- An annual self-certification under penalty of perjury of compliance with all requirements in the June Lake Area Plan and Chapter 26.
- Review of any complaints, violations, or other problems.
- Owner must confirm/update management contact information, to be kept on file by the Community Development Department.
- Payment of fees, as established by the Board of Supervisors, for staff time.
- Failure to submit annual report by deadline would result in a delinquency letter and additional fee.
- After 45 days from the delinquency letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.

# June Lake: The Village

DRAFT  
 "NEIGHBORHOODS"  
 1-20-17  
 (K)  
 P.1



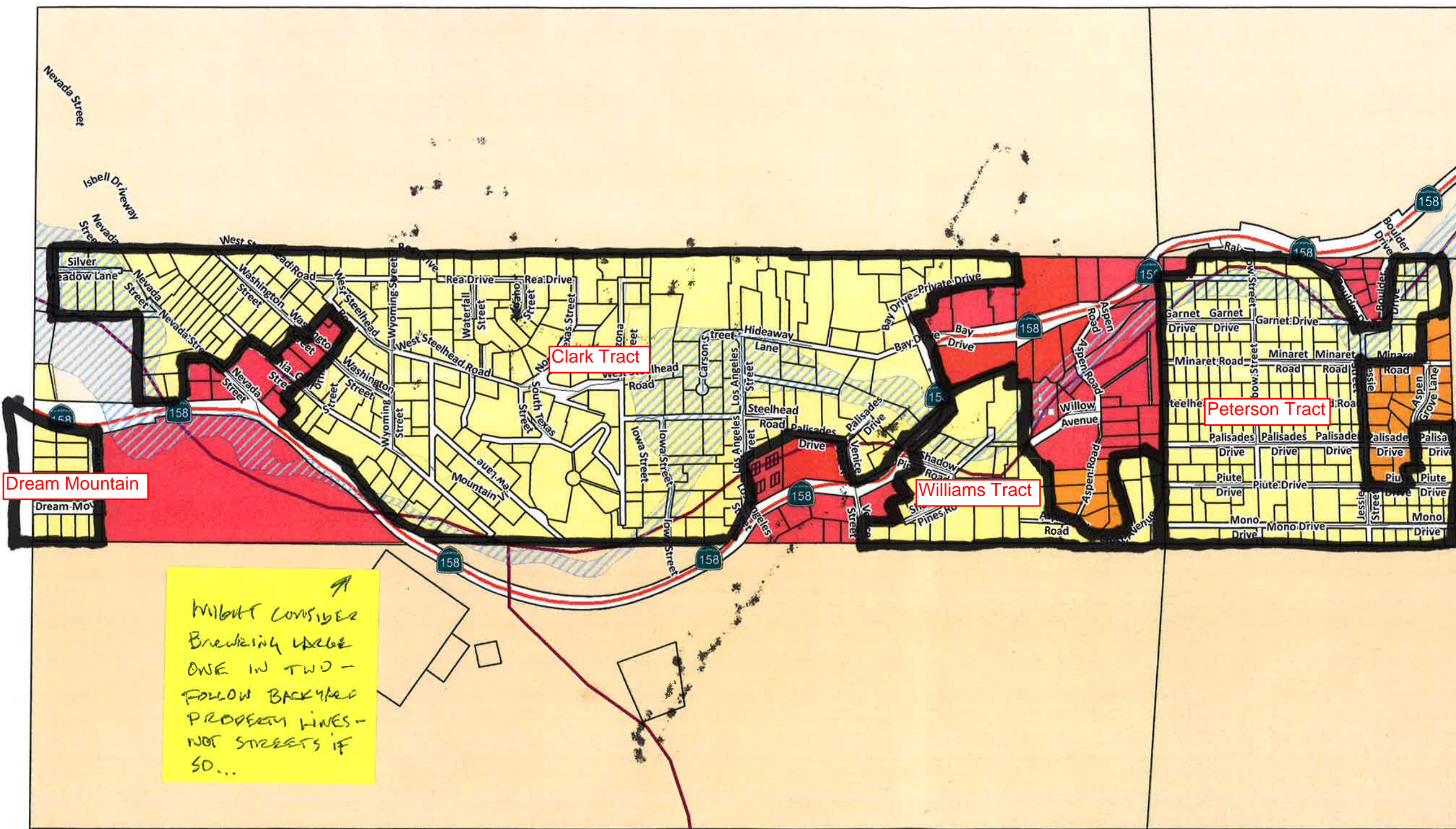
**Legend**

- Historic Avalanche Paths
  - Effective FEMA Flood Zones selection
  - Mono Wetlands
  - RM
  - SP
  - OS
  - AG
  - SAA
  - NHP
  - RR
  - ER
  - SFR
  - RMH
  - MHS
  - MFR
  - MU
  - CL
  - C
  - SC
  - RU
  - PF
  - IP
  - I
  - RE
- Streets**
- Streets by Type**
- Highways
  - Local Roads
  - 4WD / Dirt



# June Lake: The Clark & Peterson Tracts

DRAFT  
 "NEIGHBORHOODS"  
 1-20-17  
 LKJ  
 P.2



### Legend

- Historic Avalanche Paths
- FEMA Flood Zone A
- Mono Wetlands
- RM
- SP
- OS
- AG
- SAA
- NHP
- RR
- ER
- SFR
- RMH
- MHS
- MFR
- MU
- CL
- C
- SC
- RU
- PF
- IP
- I
- RE

### Streets

- Streets by Type**
- Highways
  - Local Roads
  - 4WD / Dirt





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Mono County  
Development

Planning Commission,

This letter is to address the planning commission on the concerns that many Clark Tract homeowners have over the future of short term rentals in the Clark Tract and the CAC's current recommendation of no Type-2 rentals. As a successful operator of a TROD vacation rental in the Clark Tract since 2014, I can offer a wealth of information to help assist in directing our future. After speaking extensively with many neighbors, we would like to be properly represented by the Planning Commission to achieve a satisfactory result for the homeowners not wanting to ban Type-2 rentals. We have spent an enormous amount of time and goodwill trying to work with those opposed that have dug their heels in from the beginning of the process. It's very difficult to achieve results with others that are just determined to undermine the process from the beginning. A number of the CAC members have a previous long history against STR's and any potential growth and development. Out of the six CAC members, three have letters and well documented histories against STR's, Intrawest, and any growth for June Lake. How can someone possibly convince a panel of (6) when (3) are no's before the process begins. . There are many of us in June Lake that do not prescribe to this negative outlook for June Lake that the CAC often portrays. Many June Lake residents and second homeowners feel the CAC has been a major drag on June Lake's economy and this would be just one example.

During this process we reached out and compromised to try and find common ground. We established stronger guidelines that exceeded the already sufficient Chapter-26 regulations. We helped construct some of the strongest STR guidelines found in the nation. We compromised to make the number of STR's available a small and manageable percentage of homes in the neighborhood. Unfortunately we have yet to receive a recommendation that is forward thinking. We trust that the Planning Commission will have the common sense and ability to understand the importance of this issue. The planning commission must realize that significant considerations and compromises have been made to accommodate the opponent's point of view. They must also realize that this issue will never go away with a ban on Type-2 STR's. A resolution allowing some new STR's will give resolve to the issue.

Banning Type-2 STR's goes against any conventional wisdom for a tourist economy that lacks a diverse or sufficient bed base. Banning Type-2 STR's also goes against the majority will of Clark Tract homeowners based on the series of meetings held recently. The meetings were promoted and encouraged for all Clark Tract homeowners to attend and express their opinion on short term rentals. They were told to show up to express their right to short term rentals and avoid a permanent ban. During the meetings a survey was conducted revealing that only (23) out of the (78) attendees for all four meetings wished to ban Type-2 rentals. The largest meeting held on 5/13, where many second homeowners traveled from a far distance just to attend the meeting, showed only (8) out of the (38) attendees wished to ban Type-2, rentals. These figures cannot be ignored and show there is strong support not to ban Type-2 rentals.

While many of us feel that some level of Type-2 rentals should be allowed in the Clark Tract, the strongest support resides on Washington Street West, Nevada Street and Silver Meadow. The vocal opposition does not reside on these streets and is geographically removed from this side of the neighborhood. These streets are also the location of the (3) existing TROD vacation rental homes that have been operating incident free for over (3) years. This side of the neighborhood is surrounded by a commercial zone that has many A-frame rental cabins, duplex rentals and a motel run by the Whispering Pines. It is also boarded by the Double Eagle Resort property. Our neighborhood section experiences

commercial zoning activities from short term rentals that the rest of the neighborhood does not. We support the Double Eagle Resort and all their activities but in all fairness the noise and activity that we experience from the resort and Whispering Pines far exceeds the noise an STR has and ever will produce. I have actually fielded complaints from my STR guests about noise from the Double Eagle Resort and Whispering Pines activities. Again we support the Double Eagle because we believe in fair balance, especially in a 100% tourist economy. This section of the neighborhood makes these three streets more suitable for STR's than anywhere else in the neighborhood. Short term rentals have also been occurring on Washington Street just 200' from an approved TROD for decades at the Whispering Pines A-frame cabins. The streets have actual experience with the TROD rentals directly. They have accepted the concept of short term rentals and do not have the same unfettered concerns as some others. By the planning commission recommending STR's on Washington Street West, Nevada Street and Silver Meadow this would have little to no effect on the rest of the neighborhood. If the planning commission is looking for compromise, than allowing Type-1 & 2 here and Type-1 everywhere else might be a good compromise. We are just asking for some reasonable compromise.

Another major issue with the CAC's recommendation is banning winter rentals. This recommendation is an overreaction to something that has been done successfully the past three years. It's fair to be cautious with winter rentals as expected. When I presented my Chalet to the Planning Commission and the Board of Supervisors, they asked to see my plan to manage winter rentals during winter driving conditions. I presented a plan that included installing chains complimentary for our guests to promote safety. I have a staff in the neighborhood and on the street to manage this responsibility. Our guests are informed and updated on the current weather driving conditions from the 395 highway all the way to the Chalet. Their check-in is coordinated and they are met and greeted. We confirm the type of vehicles and tires and make sure our guests make it to the Chalet safely. In extreme cases we have brought the guests up to the Chalet while waiting for snow plowing or have referred cars to the June Mountain parking lot that are not suited for winter. We have never left our guests unprepared or unattended. It's a big responsibility to do winter rentals for the property owner and manager but to proclaim winter rentals cannot be done safely or responsibly is not accurate. Not allowing winter rentals would be ignoring the results of an already tested and safe plan to handle winter rentals. The resources to manage winter rentals could be shared between STR operators that plan to operate winter rentals in order to have consistent operating procedures. We can work together to construct a mutually beneficial plan to responsibly handle winter rentals. Some that have expressed concerns about winter rentals would appreciate our procedures and feel much better about what actually transpires from our end during winter rentals.

Banning Type-2, STR's does nothing to regulate several of the existing monthly rentals in the Clark Tract that are legally rented without regulation on legal 30 day leases. These rentals are predominately rented to short term renters utilizing the 30 day lease. They are not subject to regulation, taxes and have typically been rented to younger college groups including the UCSB ski/board team last winter. These rentals have been the subject of many of the complaints from the opponents over traffic, noise, and parking. However the solution the STR opponents seek of banning Type-2 STR's would contribute to the problems that they complain about. These monthly rental properties cannot be regulated under STR regulations that we established. They often end up renting to younger groups that the neighborhood as a whole would like to avoid including the owners that have been boxed into only offering these type of short term monthly rentals because their 30-day lease requirement. The properties also do not qualify

as long term monthly rentals because they would not be in the affordability range for the June Lake work force. This is a very unique situation and a policy banning Type-2 rentals will only contribute to the problems not address them. The Planning Commission should realize this would be bad public planning policy.

It's very typical for there to be opposition to short term rentals as the opponent's stoke the fears of the excess parking, traffic, noise and trash. This fear by intimidation has been played out in every city and county meeting for these short term rentals since they first became debate. Most have worked out a compromise that respected both sides in more working class neighborhoods. It would be highly unusual for any 100% tourist economy to ban Type-2 STR's permanently. The Clark Tract is made up of a large majority second homeowners that vacation and use their homes in the same manner as an STR guest. Allowing a small number of STR's will not change the character of the neighborhood at all.

There has been concern expressed about the roads and their condition. The Clark Tract is not the first neighborhood with older country roads to allow vacation rentals. The remote location is an appeal to most and this often comes with country type roads. Unlike anyone else visiting the neighborhood, a VRBO/HomeAway booking includes a 1 million liability insurance policy which protects a third party (neighbor) from liability. This policy does not cover 30 days leases which makes any visitors from those rentals uncovered compared with a STR visitor. There has been too much discussion from the opponents about liability and roads without any actual facts and common sense applied. Information on this liability policy has been attached.

During this process we have summoned the support of the local June Lake business community. Some of the supporters that attended meetings include the Double Eagle Resort, June Mountain Ski Resort and June Lake Brewery. They do represent a large number of the work force. These businesses realize that support of STR's equates to more customers and a brighter economic future for June Lake. STR's will positively impact June Lake's economy. June Lake has not had sufficient economic stimulation to grow an economy for decades. A position against STR's in June Lake is a position against proven economic growth in our existing weak economy. There are many peaks and valleys in the calendar year of June Lake and a single family residence can fill those valleys during the shoulder seasons that none of the existing rental market can attract. I have seen this rapid shoulder season growth in June Lake STR's first-hand the past several years. VRBO/HomeAway bring exposure to June Lake that no other source can. They are the future of vacation rentals. As these portals grow, a ban on Type-2, STR's will have a negative effect to our economy as guests seek destination vacations in other towns that welcome the future of STR's. June lake will be left in the weeds, stuck catering to the motel vacationer and campers. As the VRBO/HomeAway format continually grows the June Lake tourist market inevitably shrinks with a ban on Type-2 rentals.

The Planning Commission has the ability to make the right decision in what you present to the Board of Supervisors. This is completely in your hands at this time and we believe that you know what to do. We are very interested in working with the Staff, Planning Commission, CAC and the Board of Supervisors in creating a solution that is fair to everyone. Please feel free to contact me to discuss any of these matters.

Thanks for your consideration

Mike Rosas

Dear Mike,

Thank you for contacting HomeAway Customer Support. It was a pleasure speaking with you today. Below I have provided links to helpful articles, these articles are pulled directly from the Help Portal found through your owner dashboard.

[What is the \\$1M Liability Insurance?](#) \$1M Liability Insurance provides owners and property managers with liability protection for all stays processed online through the HomeAway checkout; giving you \$1,000,000 in primary liability coverage no matter what policy you currently have — at no additional cost to you.

This means that if you don't already have a liability policy, this policy responds first if someone makes a claim against you. If you already have a liability policy for your vacation rental, then consider this to be coverage additional to what you have. It will respond at the same time as your current policy and both policies will contribute if a claim is made against you.

How you're protected:

**Traveler injury claims made against you** - If a traveler is accidentally injured while staying in your rental property, this program may provide coverage for claims made against you.

**Property damage claims made against you** - If a traveler accidentally damages the property of a third party (such as a neighbor) while staying in your rental property that third party may sue you for that damage, this program may provide coverage for these types of claims.

**Looking ahead** - HomeAway will continue to look at options to further protect owners against the unexpected challenges involved with managing a vacation rental. Please note, \$1M Liability Insurance does not cover damage caused by a traveler to your own property.

How it works:

**Up to \$1 million in coverage** - Eligible claims handled under this program are subject to a maximum limit of \$1 million USD in coverage per property, per year.

**Primary coverage for eligible claims** - If you don't have liability insurance for your rental, this program provides that protection. If you do have liability insurance for your rental, this program works with your current provider and gives you \$1,000,000 in added protection.

**Liability protection for vacation rentals** - Typical homeowners policies may not provide liability protection when your property is used as a vacation rental. This program can provide that necessary coverage for when you are held liable for an accident during a stay at your property (Subject to certain conditions, limitations, and exclusions - [policy summary](#)).

**Global reach** - This program provides protection for every reservation processed through HomeAway checkout, no matter where in the world your property is located. Reservations processed through HomeAway checkout are automatically protected, there's nothing more you need to do!

[How do I file a claim using the \\$1M Liability Insurance?](#) The insurance provider, Generali Global Assistance, is happy to assist in filing a claim by phone 24 hours a day 7 days a week.

**Generali Global Assistance support:** 1-800-313-6457

Before filing there are a few things you may want to have ready:

- Full details on what happened.
- Any and all related documentation.
- Names of parties injured or claiming damages.

Additional information and a policy summary can be found [here](#).

If you have further questions about coverage and claims, please view the [policy summary](#).

Visit [www.help.homeaway.com](http://www.help.homeaway.com) for answers to frequently asked questions.

Sincerely,

Vida  
[HomeAway.com](http://HomeAway.com) Customer Support

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Your Case Description:

ref:\_00D1aZzRr.\_5001aTgeuZ:ref