

# MONO COUNTY PLANNING COMMISSION

---

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

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

## AGENDA

September 20, 2018 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

---

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's Pizzeria). 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.

---

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. MEETING MINUTES: Review and adopt minutes of June 14 and August 16, 2018 – *p. 1*

4. PUBLIC HEARINGS

10:10 A.M.

A. **CONDITIONAL USE PERMIT 18-008/Prince** for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 46 Leonard Ave. (APN 015-101-004) in June Lake, and the LUD is SFR. Maximum occupancy of six persons and two vehicles. A CEQA exemption is proposed. *Staff: Michael Draper – p. 9*

10:30 A.M.

B. **CONDITIONAL USE PERMIT 18-003/DeCoster** for retail cannabis in the existing building at 2555 Hwy 158 (APN 015-085-010). Land use designation is Commercial (C). A CEQA exemption is proposed. *Staff: Bentley Regehr & Michael Draper – p. 22*

5. WORKSHOPS

10:50 A.M.

A. Capital Improvement Program. *Staff: Tony Dublino – p. 77*

11:10 A.M.

B. Housing Toolbox. *Staff: Bentley Regehr & Megan Mahaffey- p. 90*

**More on back...**

---

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

6. REPORTS

A. DIRECTOR

B. COMMISSIONERS

7. INFORMATIONAL

8. ADJOURN to special meeting on Sept. 28, 2018, or regular meeting October 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.

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 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.

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](http://www.monocounty.ca.gov) / departments / community development / commissions & committees / planning commission.** For inclusion on the e-mail distribution list, send request to [cdritter@mono.ca.gov](mailto:cdritter@mono.ca.gov)

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.

1  
MONO COUNTY  
PLANNING COMMISSION

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

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

DRAFT MINUTES

June 14, 2018

---

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

**STAFF:** Wendy Sugimura, interim CDD director; Nick Criss & Jake Suppa, code compliance; Walt Lehmann & Paul Roten (teleconference), public works. Christy Milovich, assistant county counsel; CD Ritter, commission secretary

**GUESTS:**

---

1. **CALL TO ORDER:** Chair Scott Bush called the meeting to order at 10:10 a.m. at the Town/County Conference Room in Mammoth Lakes, with teleconference to board chambers in Bridgeport.

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES** (*no May meeting*)

- March 22, 2018: Approve as amended: 1) Commissioner Lagomarsini was present. (Pipersky/Lagomarsini. Ayes: 4. Absent: Lizza.) Retracted. (*Pipersky/Lagomarsini. Ayes: 5. Absent: Lizza.*)
- March 22, 2018, adjourned to April 5. (*Pipersky/Roberts. Ayes: 3. Abstain due to absence: Lagomarsini. Absent: Lizza.*)
- April 5, 2018: Approve as submitted. (*Roberts/Pipersky. Ayes: Abstain due to absence: Lagomarsini. Absent: Lizza.*)

4. **ACTION ITEM**

**A. ROCK CREEK CANYON SPECIFIC PLAN & TRACT MAP:** Interpretation of setback requirements for Lot 6. Recommendation: 1) Find that the buildable area for Lots 1-6 is established by setbacks as stated in the EIR text; and 2) Determine if the nearest bank is part of the irrigation ditch or the stream for measuring the setback distance to the chicken coop.

Wendy Sugimura gave applicants opportunity to await full commission. Today needs at least three positive votes to pass. If two/two, fails. Applicants wanted to continue.

Jake Suppa presented a PowerPoint on the project. Coop less than 120 sf so no permit required. Disturbance envelopes and stream/ditch setback are at issue. No building area was defined on lots one to six. Continuation of historic uses in Specific Plan and Tract Map. Weir is notch or depression that could increase or decrease flows. Bank is sides of channel between which stream flow is confined. General Plan provides 30' from top of bank. **Variability and obscurity** in situation.

Problem for creek, pollute, danger, flood? *No.*

Purpose of setback rule? *Buffer between riparian ecosystem and development activity.*

Lagomarsini noted ditch flows year-round, eventually into Rock Creek.

Is ditch part of creek? *Two distinct channels have two distinct banks. Up for interpretation.*

Pipersky wanted to distinguish between creek and ditch. Specific Plan states restrictions on building near creek, but irrigation channel is historic pre-existing use. Bush indicated **10' from ditch, 30' from creek.**

Suppa stated rock weirs make efficient use of water, preferred as passthrough for fish, mayflies.

---

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

**OPEN PUBLIC HEARING:** Maggie Palchak presented downstream photo and presented five support letters. Manmade bank of sand bags. Fence goes to water. In original design. Coop constructed in Feb 2018.

Set precedent to build wherever want to? Suppa noted lot 6 left out in original recording. Bush indicated topography restricts building area.

Applicant Jim Lewey feels privileged to live there, tries to be as respectful and legal as possible.  
**CLOSE PUBLIC HEARING.**

**DISCUSSION:** Creek goes through three lots? Suppa **hasn't analyzed other lots**. Pipersky stated fence allowed up to banks, meet setbacks if look at creek itself and ditch individually, unconditioned building **6' x 10' so no permit needed. Really not an issue, continue as is.**

Roberts thought in history of development, important scenic and cultural resource became enclave for affluent elites. Begging forgiveness not asking permission.

If ditch is part of creek? Roberts would consider a variance.

Lagomarsini cautioned when cleaning coop, be careful not to let waste into ditch or stream. Variance more appropriate. Been careful, but it does go back into Rock Creek.

Where does ditch begin? Against environmental law to let waste into creek? Palchak cited her own environmental background.

Lewey noted deep layering, clean coop twice per year to spread on garden.

Sugimura noted **where ditch goes to downstream parcels, need 10' setback. Measuring to bank of ditch or the creek here?** Roberts thought measure to center of weir, half ditch, half creek.

Bush noted concrete head gate would not be a problem.

***MOTION:*** Buildable area for lots 1-6 is established by setbacks as stated in EIR text, PC determined nearest bank is part of ditch for measuring setback distance to chicken coop. (*Lagomarsini/Roberts. Ayes: 4. Absent: Lizza.*)

--- Break: 10:44-10:50 ---

## 5. WORKSHOP

**10:40 A.M.**

### A. LOCAL HAZARD MITIGATION PLAN. *Staff: Dana Hoffman, Michael Baker International*

Wendy Sugimura introduced Dana Hoffman, project manager. Hazard mitigation means reduce or eliminate long-term risk to life and property. Required by FEMA (Federal Emergency Management Agency) and CalOES (California Office of Emergency Services) for funding. CWPP (Community Wildfire Protection Plan) is included, focused on fire on local and federal stakeholders. Influence where federal agencies concentrate fuel-reduction projects. Joint effort by Town and County. Five stakeholder meetings gave feedback on specific hazards. Significant community outreach was held. Used existing data from past studies. Main goal is approved plan that qualifies for FEMA post-disaster, shelf life five years, set up Mono to access mitigation grant funding. Educate community on hazards, reduce risks over time. Specific to climate change. Community events, seven RPAC meetings, Mono website, online survey posted and distributed. Draft plan open through end of July.

Planning team evaluated 14 hazards, including climate change. She presented structure of plan. Changes in development occurred since last plan. Twenty priority mitigation actions for next five years, additional for long term. High level of six communities with lone access route. Fire assessments included in Ch. 7, missing from Ch. 3 and Ch. 4. Design secondary access routes. Wildlife/vehicle collision included this time. Receive comments from PC and public, eventually to BOS. Submit to FEMA and CalOES in August.

Bush commended an amazing amount of work. Roberts described it as comprehensive. Into Code once adopted? Hoffman cited recommendations on reducing risk, option to apply for grant funding.



Lagomarsini noted extreme heat was omitted. Retirees in Chalfant need consideration. Hoffman thought it could be included in additional analysis. Short timeline, so may not happen. Sugimura **suggested adding** "specific to Tri-Valley."

Roberts recalled Petersen Tract had access routes. Different from June Lake Area Plan.

Hoffman: Slope issues, focused on hazard areas covered, not high fire area.

Roberts indicated step hill into Williams tract.

Pipersky: Utilities and loss of electricity, internet a hazard, or hazards result in that?

Hoffman: One hazard can lead to another; e.g., fire to flood. Discussed under wind and fire, not evaluated in that way. FEMA has specific hazards. More a risk than hazard?

Bush thanked Hoffman.

## 6. REPORTS

**A. DIRECTOR:** 1) **GP update:** Cannabis applications opened June 7, two complete apps; 2) **Opening day of STR:** Expect June Lake applications; 3) **LADWP irrigation:** Discussion with LADWP re irrigation practices in Long Valley, impacts to sage grouse and ranchers; 4) **Water transfer:** Workshop on North County water transfer program, public trust doctrine and Walker Lake in Nevada (level decreasing, terminal lake, endangering ecosystem). Acquire water rights to keep water in stream and into lake; CA and Nevada involved. MOU triggers CEQA. Voluntary program. Cannabis uses lots of water. Conceptual outreach point, bring shaped program soon. LA County \$7 million already in all activities. Mendocino, Santa Barbara, Humboldt top counties. District Court weighed in on decisions. Legal questions got resolved. How to interpret tribal rights, public trust doctrine. Entire watershed of Walker at issue, two forks. North of Conway Summit. CEQA consider impacts to riparian, sage grouse, wet meadows, etc.

**B. COMMISSIONERS: Roberts:** CCPCA (California County Planning Commissioners Associations) conference. [planningcommission.org](http://planningcommission.org) for presentation. Enviro greenmailing; [phonyuniontreehuggers.com](http://phonyuniontreehuggers.com) Elevator inside Shasta Dam, co-generation facility using heat, steam to kilns to dry lumber. Anderson is just south of Redding. No date set for Eureka. Noah Levy will organize. Shasta conservative and hippies as well. Sugimura reminded of travel/training budget for PC.

## 7. INFORMATIONAL: No items

## 8. ADJOURN at 11:30 am to regular meeting July 19, 2018

*Prepared by CD Ritter, PC secretary*

4  
MONO COUNTY  
PLANNING COMMISSION

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

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

DRAFT MINUTES

August 16, 2018

---

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

**STAFF:** Gerry Le Francois, principal planner; Michael Draper & Bentley Regehr, planning analysts; Jake Suppa, code compliance; Walt Lehmann, public works; Stacey Simon, county counsel; CD Ritter, commission secretary

**GUESTS:** Mike Dudley, Bryan Mahony, David Prince

---

1. **CALL TO ORDER:** Chair Scott Bush called the meeting to order at 10:09 a.m. at the board chambers in Bridgeport with teleconference to Town/County Conference Room in Mammoth Lakes.

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES**

***MOTION:*** Continue minutes of June 14, 2018, as agenda incorrectly stated July 19, 2018.

4. **PUBLIC HEARINGS**

**A. CONDITIONAL USE PERMIT 18-005/Dudley** for a non-owner occupied (Type III) short-term rental use in a 3-bedroom (BD) single-family residential unit at 92 and 94 Nevada St. (APNs 16-099-032 & -033) in June Lake, and the Land Use Designation (LUD) is Single-Family Residential (SFR). Parking is proposed only at 94 Nevada St. Maximum occupancy of eight persons and three vehicles.

Michael Draper described a 3BD dwelling, maximum occupancy eight. Parking standards: minimum two/dwelling, space/BD, so three required.

--- Pipersky arrived at 10:18 a.m. ---

CEQA exemption. Findings: Meets parking for three, existing structure meets site requirements, no new construction, change to STR year-round. Nevada Street is private non-paved road. Two comment letters challenged and supported proposed action.

Limit in June Lake or Mono? *Draper noted limit within Clark Tract of eight parcels total. Other parcels in Leonard.*

Where are two spaces on plot map? *Draper indicated two 10x20 spots, gravel in front of house.*

Frontage on Nevada Street? *Draper: Unsure exact. Use Permit = SFR of two spaces.*

Gravel parking block in other two?

**OPEN PUBLIC COMMENT:** Mike Dudley and wife have owned since 1973. Adjacent parking parallel, third in driveway. Adjacent area for parking as well, partially on both lots.

Simon stated both lots are part of use permit, but only 92 Nevada St. **indicated. Vacant lot can't be used until** developed with primary residence. Violation of Code and General Plan.

Roberts noted notice was incorrect on vacant lot. Simon indicated developed lot properly noticed, Use Permit relates only to developed lot. Notice was over-inclusive. Lot 94 not on table.

Draper stated CUP for only one specific parcel, undeveloped lot left out, adjacent lot not for parking.

Park own vehicle on vacant lot? Simon stated accessory use prior to main use, so violation as well.

Problem with STR? CC&Rs? *Mono does not enforce CC&Rs.*

---

**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

Property used before? *Not to his knowledge.*

Suppa confirmed no complaints on that property.

Three spaces now including driveway? *Draper: For UP need two spaces to meet SFR requirements. In Operations Permit, look at three spaces. Parking could limit occupancy. CLOSE PUBLIC COMMENT.*

**DISCUSSION:** Lizza was concerned with size of home. Eight is too many based on size of house. Concern is noise, traffic. Eight = party. Six is more reasonable.

Change parking? *No.* Bathrooms? *Two.* Reasonable opposition? *Main concern is noise.*

Lagomarsini foresaw row of STRs proposed. Roberts noted other applications are miles away.

Pipersky noted noise regulations would be in effect regardless. Ways to mitigate if neighbors complain.

**REOPEN PUBLIC COMMENT:** Draper thought square footage low after 2009 appraisal. Home on Washington Street next to Mike Rosas, who screens tenants, model by which to operate, not party house. Family vacationed there since 1970s. Families can come. Shortage of properties. Will screen renters vigorously, including age. Not want to disrupt neighborhood. Property manager Bryan Mahony in neighborhood to monitor. Rosas shared best practices. Understands concerns, not want to be nuisance.

Age limit? *Draper: Age 25 or 27. Submittals strict rules on noise, parking, trash, off deck by 9 pm. House important to family.*

If violations occur with eight, change to six? *Simon: Revoke UP, reissue. Condition 2: People park on adjacent parcel. Delete. The project may not park or store any type of vehicle or equipment on any neighboring parcel.*

One family? One rental? *Simon: Not separate parties. All renting together.*

If no large family with five kids, carving out people who want to do this. *Simon: Multiple families OK if booked under one family. Dudley had two families stay before.*

Dudley cited 1,431 sf in 2009 appraisal.

Suppa noted occupancy covers two/BD and additional two. Ten persons is threshold before becomes commercial property.

Withdraw project if limited to six? *Dudley: No. Could make six work. CLOSE PUBLIC COMMENT.*

**MOTION:** Deny CUP 18-005/Dudley as categorical exemption, refile notice subject to limit of six, amend item two on parking (~~Upon a change of ownership of the neighboring property, APN 016-099-033~~, the project may not park or store any type of vehicle or equipment on ~~the any~~ neighboring parcel). (*Lizza/Pipersky. Ayes: 4. No: Lagomarsini.*)

If limit number, limit ages? *Simon needs to research.*

Lizza saw concerns of neighbor, so six. Roberts thought management plan prevents party house.

**B. CONDITIONAL USE PERMIT 18-006/Streton** for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 80 Leonard Ave. (APN 015-270-010) in June Lake, and the LUD is SFR. Maximum occupancy of five persons and three vehicles.

Six persons, two cars? Two 10x20 parking spaces can be met. Proposal for non-owner-occupied. Went to LDTAC, 30 days of comment. General Plan: Meets new policies on Ch 25, Code 5.65, allow Type III in Leonard Avenue. Option to deny on basis of access. CEQA for categorical exemption 15301. Project provides adequate parking, access via Leonard Ave. Class 2 County road. Consistent with Ch. 25 and 26, Code 5.65. Six persons of single party. No stay in travel trailers.

Simon: Condition 4: ~~Upon approval of a Short Term Rental Activity permit.~~

Property ever on long-term rental? *No.*

**OPEN PUBLIC COMMENT:** Bryan Mahony, property manager, said parking meets safety. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Roberts noted one area approved for STR. Looks like **it's** in order.

**MOTION:** Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-006/Streton after modifying Condition 4: ~~Upon approval of a Short Term Rental Activity permit.~~ (*Roberts/Lagomarsini. Ayes: 5.*)

- C. CONDITIONAL USE PERMIT 18-007/Schreiber** for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 184 Leonard Ave. (APN 015-270-003) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and six vehicles.

Michael Draper described 1,025-sf footprint with three floors. No comments received. Could deny on basis of single point of entry, unimproved access. But existing structure in compliance. Occupancy is 10 persons of single party. No sleeping in travel trailer outside property.

Only two parking spaces? *Draper: Operations permit consideration. Parking analysis meets General Plan of two for SFR. Parking spaces/bedroom part of Operations permit. In application process asked to meet Operations permit requirements.*

Operations parking? *Draper: Parking space/bedroom.*

**OPEN PUBLIC COMMENT:** Clarification: 3,700 sf on property. **CLOSE PUBLIC COMMENT**

**DISCUSSION:** Lizza was reluctant with 10 people, but maybe OK with four bedrooms.

**MOTION:** Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-007/Schreiber subject to findings and conditions contained in staff report. (*Lagomarsini/Lizza. Ayes: 5.*)

- D. CONDITIONAL USE PERMIT 18-008/Prince** for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 46 Leonard Ave. (APN 015-101-004) in June Lake, and the LUD is SFR. Maximum occupancy of six persons and two vehicles.

Michael Draper indicated access via Leonard Avenue. Two BD/Loft. Maximum limited to 2BD. Six persons of single party. Parking discussed by staff. No comments. Findings: Two parking spaces insufficient in size and paving requirements. Condition that parking meet Ch. 6 standards: paved, size requirements. Property needs CofO (Certificate of Occupancy) on deck project before short-term rental. Existing nonconforming structure due to setback issues but could still be permitted as existing nonconforming structure. Parking on site or fine of \$1,000/day.

How get parking up to standard? *Le Francois: bring another space to 10x20 standard.*

How to find space? *Le Francois: Earthwork. Survey by Mono to not encroach onto Leonard. Parking space right up to property line.*

Proponents know parking? *Draper: Parking requirements need to be met before renting.*

Prince indicated property assessed in 2013 at 830 sf.

**OPEN PUBLIC COMMENT:** David and Barbara Prince bought in 2013. Kit house look. Down to A-frame with loft. Actually 1BD/loft + storage. Two spaces not full size but adequate. Paving problem with asphalt, so laid concrete. Inherited nonconforming property, lot good size but steep, rocky area. Replaced whole structure but beams to roof. No intent for commercial endeavor. Not believe in free ride, so son from Idaho would pay cleanup, heat, water, etc. Beneficiary of trust. Rents to friends. Biggest concern is management, so working with Connie Lear.

Why not bring up to standard, bring application? Prince: CofO not required for rehab. Rough gravel along road.

Doing work after approval, why not before?

Lizza: Retaining wall under deck installed by Prince? *Prince: Yes.* Lizza: Stairwell too? *Prince: Yes, rebuilt everything.* **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Lizza: Setback variance? New deck and stairwell.

Simon cited restrictions in General Plan **on use change from private residence to STR. Can't expand structure,** etc.

Deck replacement? *Simon noted upgrades for health/safety purposes if deck unsafe. Draper: Footing of deck to ensure not hit by vehicle.*

Lizza found photos inadequate. Footing that impedes access? *Draper: Footing with big concrete block, last one. Originally plans for footing to come out, but potential of being hit.*

Prince: No encroachment. Off highway. Footings strengthened east side, all new. Deck above was existing, red tagged earlier so rebuilt it all with inspector **Shoffner's suggestions.**

Lizza: Seems premature. Come into compliance, have CofO, better parking, visual representation.

Pipersky: Why CofO? *Le Francois: Renovations, part of final is dependent on parking up to standard. If PC uncomfortable, continue till done.*

Keep place in line? *Le Francois: Noticing still stands.*

1BD/loft with six people? *Draper: Two bedroom, but loft not bedroom.*

Pipersky: One bedroom for personal belongings.

Lizza noted if son to pay totally legitimate, not STR.

Barbara Prince wanted to open beyond family to STR. One bedroom is small but is a bedroom. Could lock up stuff elsewhere.

Draper noted if loft, would need three parking spaces, difficult to meet.

**MOTION:** Continue CUP 18-008/Prince to Sept. 20 meeting. *(Lizza/Lagomarsini. Ayes: 5.)*

Prince: What are we asked to do? *Bush: Get parking in place before approval. OK for family, but not when renters are in jeopardy. Prove can fit cars in properly, people know where to park.*

Prince noted nonconforming property existed, was not created. *Bush: OK as family residence, other layer for STR. Supervisors could not approve now.*

Simon: Provision in nonconformance says cannot alter or expand use if increases intensity of use of land. Is STR an increase in intensity?

Roberts recalled property as long-term rental.

**E. CONDITIONAL USE PERMIT 18-009/Smith** for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 70 Leonard Ave. (APN 015-270-011) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and three vehicles.

Michael Draper indicated neighboring properties look for similar use. Single party of individuals at a time. No comments. Access via Leonard Avenue. Condition: Max 10 of single party, no RV while renting.

Reflect 3BD, eight people? *Simon: Three vs. four not change.*

**OPEN PUBLIC COMMENT:** None. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Lagomarsini noted wrong number of people.

**MOTION:** Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-009/Smith with change to Condition 1: Occupancy of ~~10~~ eight persons. *(Pipersky/Roberts. Ayes: 5.)*

**F. CONDITIONAL USE PERMIT 18-010/Stepanian** for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 27 Carson View Dr. (Leonard Ave. neighborhood, APN 015-270-005) in June Lake. Maximum occupancy of 10 persons and four vehicles. In accordance with the California Environmental Quality Act, addenda to the existing General Plan EIR are being utilized for all proposed use permits (18-005 through 18-010).

Michael Draper described Carson View Drive as private road, routed through Leonard Avenue. No RV or travel trailer to dwell in while renting property.

**OPEN PUBLIC COMMENT.** No items. **CLOSE PUBLIC COMMENT.**

Paving? *Similar type of material. Nothing to do with STR.*

Steep roof slope would not hold snow. Three garages? *No, two.*

**MOTION:** Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-010/Stepanian as submitted. *(Lagomarsini/Pipersky. Ayes: 5.)*

--- Break: 12:15-12:25 a.m. ---

## 5. WORKSHOP

A. **Housing Toolbox:** Housing survey was sent to BOS. Bentley Regehr requested direction on actions going forward. Agree on general goals? Verbiage: workforce = affordable = community housing. Lizza thought affordable implied low income. Housing needed to staff businesses.

Regehr noted overall supply increase. Lagomarsini wanted housing for worker bees, young families.

Mahaffey **stated** "affordable" is controversial. Most of work force in our industry is lower income.

Bush noted workforce could be by owner; affordable same or totally different, implies lower income. Amazing that Mono has condos, not apartment buildings like cities.

Lagomarsini observed housing progression: start in Chalfant, then Bishop, then Mammoth.

Bush described apartments as affordable housing. Without house or condo, **don't live anywhere**. Lizza thought "community housing" implied engaged in community. Roberts saw evolving words for same thing, evoking images of past stigma.

Regehr: Supply increase: Lizza: SFR (Single-Family Residential) with ADU (Accessory Dwelling Unit).

Le Francois: Parcel size with primary use. State has additional standards. Aggressive ADU policies.

Roberts saw tiny home interest but by time caught up, fad passed. Regehr stated no regulations in place.

Roberts viewed them as generally portable. *Regehr: Tiny vs. RV into definitions. Mahaffey: Has wheels? Is portable. Require to not look portable. Unregulated, undefined. Different to code compliance vs. public.*

Lagomarsini: Sewage/septic multiple tiny homes. *Regehr: Elements to look at.*

Roberts thought all government processes needed streamlining.

Lizza wanted to identify potential housing developers. Conversion of commercial properties. Office space into living units. Lagomarsini: Rehabs. Bush: Rundown cabins, old motels. Roberts: June Lake older collection of cabins to fix up for long-term rentals. Torn down for condos. Lagomarsini favored incentivizing not to tear down places. Roberts wanted to prohibit destruction of living units but lawyer found state regulation **saying it's OK** to do it.

Le Francois indicated more mobile home parks had process for displacement analysis. Mono Inn did that, on-site housing for staff. Double Eagle was mobile park, relocated.

Housing Mitigation Ordinance reinstated, purchase at market, deed restrict.

Housing land trust? *Mahaffey: No strong feelings. Getting consensus on overall goals. Retain land for future uses. Unit into market for family or person in workforce. Resources there?*

Deed restrict so not make more money when selling? *Mahaffey: Deed restrict value (not sell for X dollars). In pool for income range, if afford more, home created for person in lower range. Keeps actual unit in price range.*

Lehmann asked about on-site housing for larger projects (maids, etc.). Where draw line?

Roberts thought no longer having right to live there if income rises is bothersome. Negative reinforcement: out of housing unit.

Rent control on rental units?

**Can't** be here if no place to live.

Bush asked to move topic to start of next meeting. *Regehr: Come with ideas to discuss.*

Mahaffey requested workshop with BOS on Sept. 18 in Mammoth. **Incorporate today's comments. Is there funding to implement options?**

## 6. REPORTS

A. **DIRECTOR:** 1) Wendy Sugimura is new CDD director.

B. **COMMISSIONERS:** Lizza missed last meeting due to market deliveries.

## 7. INFORMATIONAL

8. **ADJOURN** at 1:11 pm to BOS/PC workshop Sept. 18 in Mammoth and regular PC meeting Sept. 20 in Bridgeport.

*Prepared by CD Ritter, PC secretary*

9  
**Mono County**  
**Community Development Department**

---

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

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

September 20, 2018

**To:** Mono County Planning Commission  
**From:** Michael Draper, Planning Analyst  
**Subject:** Conditional Use Permit 18-008/Prince - Short-Term Rental

**RECOMMENDED ACTION**

- 1) Deny the project, finding that parking at the site does not meet Mono County General Plan Chapter 6, Parking, requirements for a Single-family Residential land-use designation.  
  
OR
- 2) A. Approve CUP 18-008, applying Commercial Lodging parking standards, limiting the project to one parking space and maximum occupancy of four, subject to findings and conditions contained in this staff report; and  
  
B. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption.

**BACKGROUND**

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at [https://www.monocounty.ca.gov/sites/default/files/fileattachments/june\\_lake\\_citizens\\_advisory\\_committee/page/9707/str\\_wrkshp\\_prdngs\\_as\\_of\\_02.15.18.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf).

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately by the Board of Supervisors and is also required prior to the commencement of rental activity.

This project was before the Commission at its last meeting, August 16, 2018, where it was determined that there was inadequate evidence to approve Use Permit 18-008. The Commission had concerns regarding the project's ability to comply with Mono County General Plan Chapter 6, Parking, requirements. The site's current uncovered parking areas are not of asphalt or similar impervious or approved semi-pervious surface, and only one spaces meets the minimum stall size of 10' x 20'.

**PROJECT DESCRIPTION**

This proposal, CUP 18-008/Prince, is located at 46 Leonard Avenue, June Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the east, west and north are also



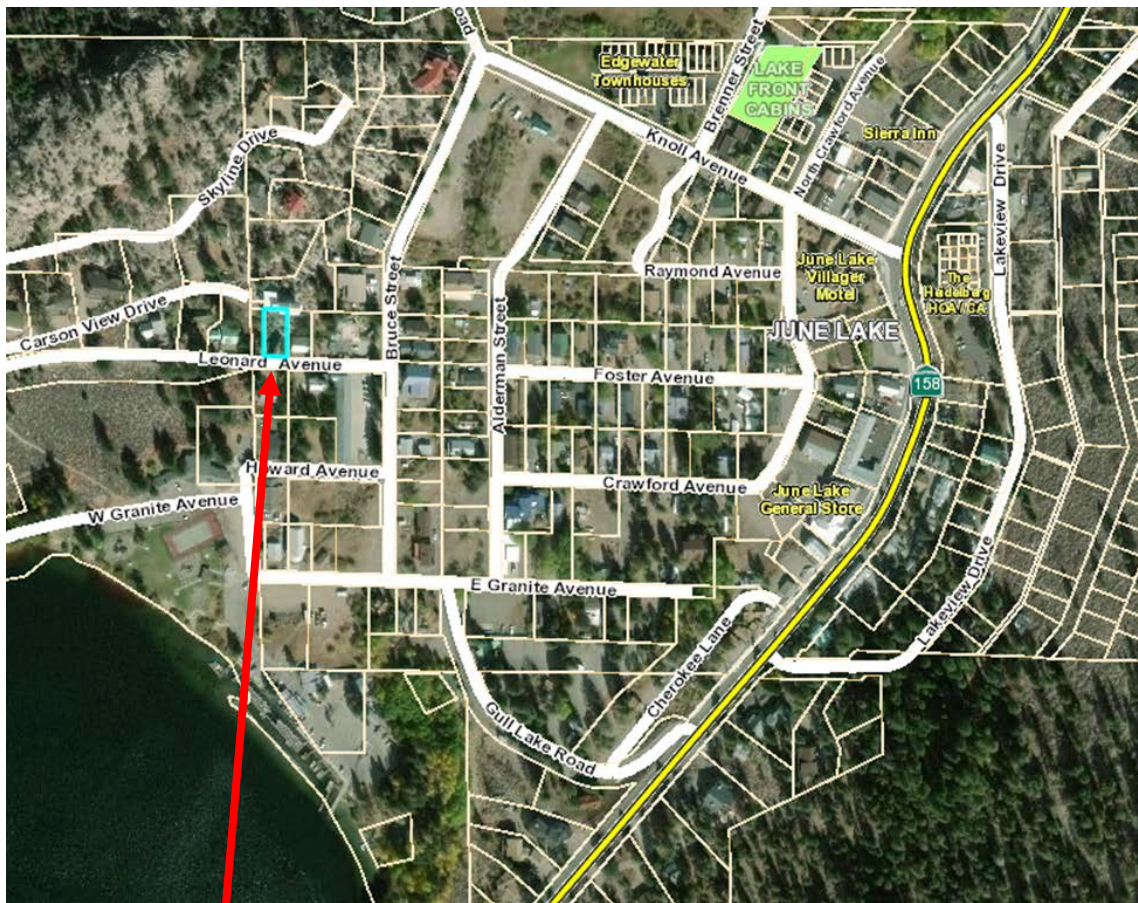
designated Single-Family Residential (SFR). To the south of this property is a Multi-Family Residential (MFR-H) parcel.

The parcel (APN 015-101-004) is approximately 4,791 square feet in size. The existing single-family dwelling is 801 square feet and contains two bedrooms and a loft. The deck is 714 square feet. The application identifies space for one 10' x 25' parking area and one parking space of 8' x 18' in a 394-square foot gravel parking area located on the front and east side of the house (see photographs below). Access to the property is taken from Leonard Avenue, a County-maintained, Class 2 paved road.

The proposal is for a non-owner occupied (Type III) short-term rental of an entire house consisting of two bedrooms. The maximum number of occupants for a two-bedroom unit is limited to six people and only a single party of individuals may occupy the rental at a time.

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. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

#### **SITE PLAN: CUP 18-008/Prince, Type III Short-Term Rental**



Project location 46 Leonard Ave.  
APN: 015-101-004



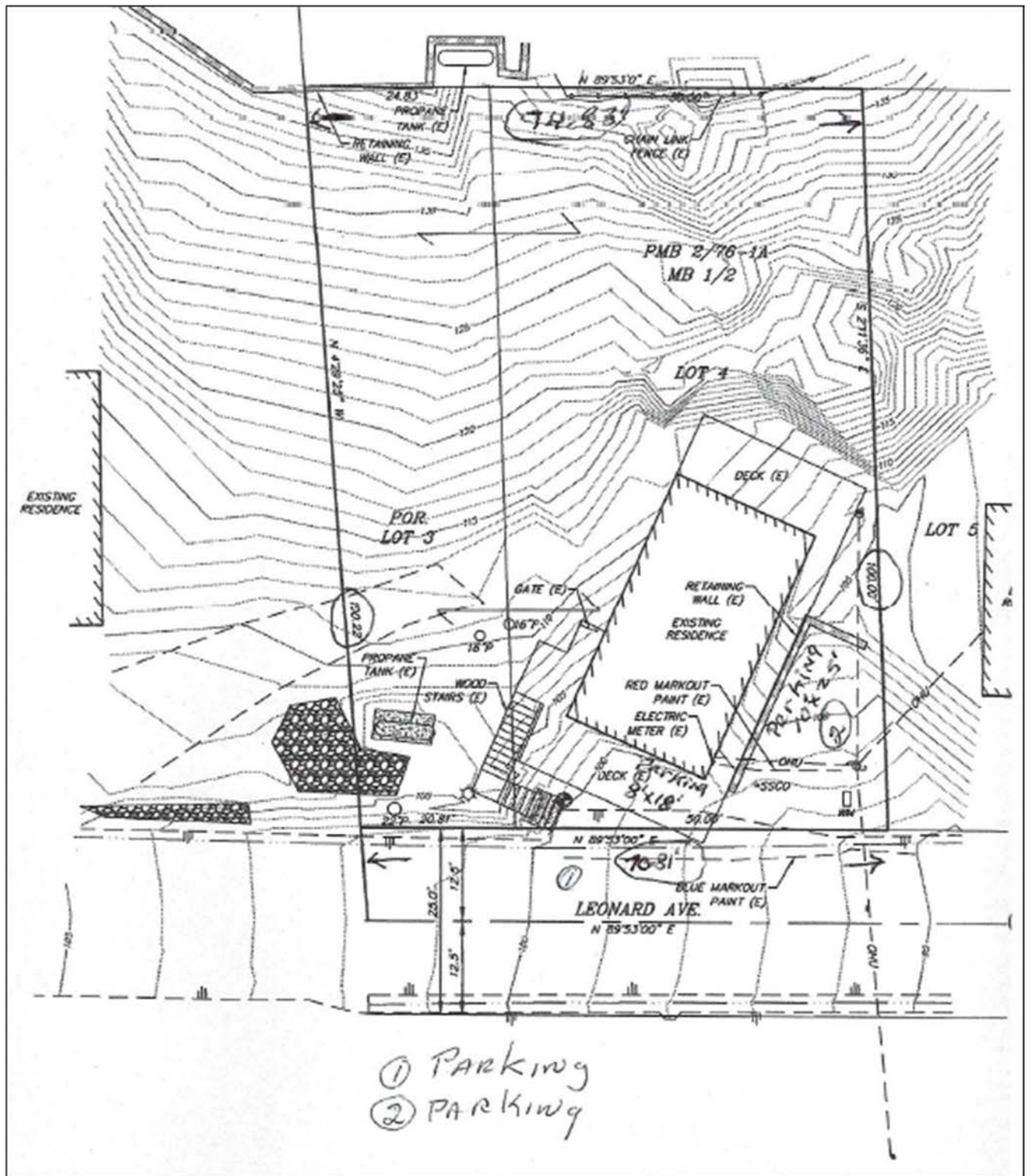


Figure 1 Applicant's parking plan



*Figure 2: Front parking area 1.*



*Figure 3: Side parking area 2*



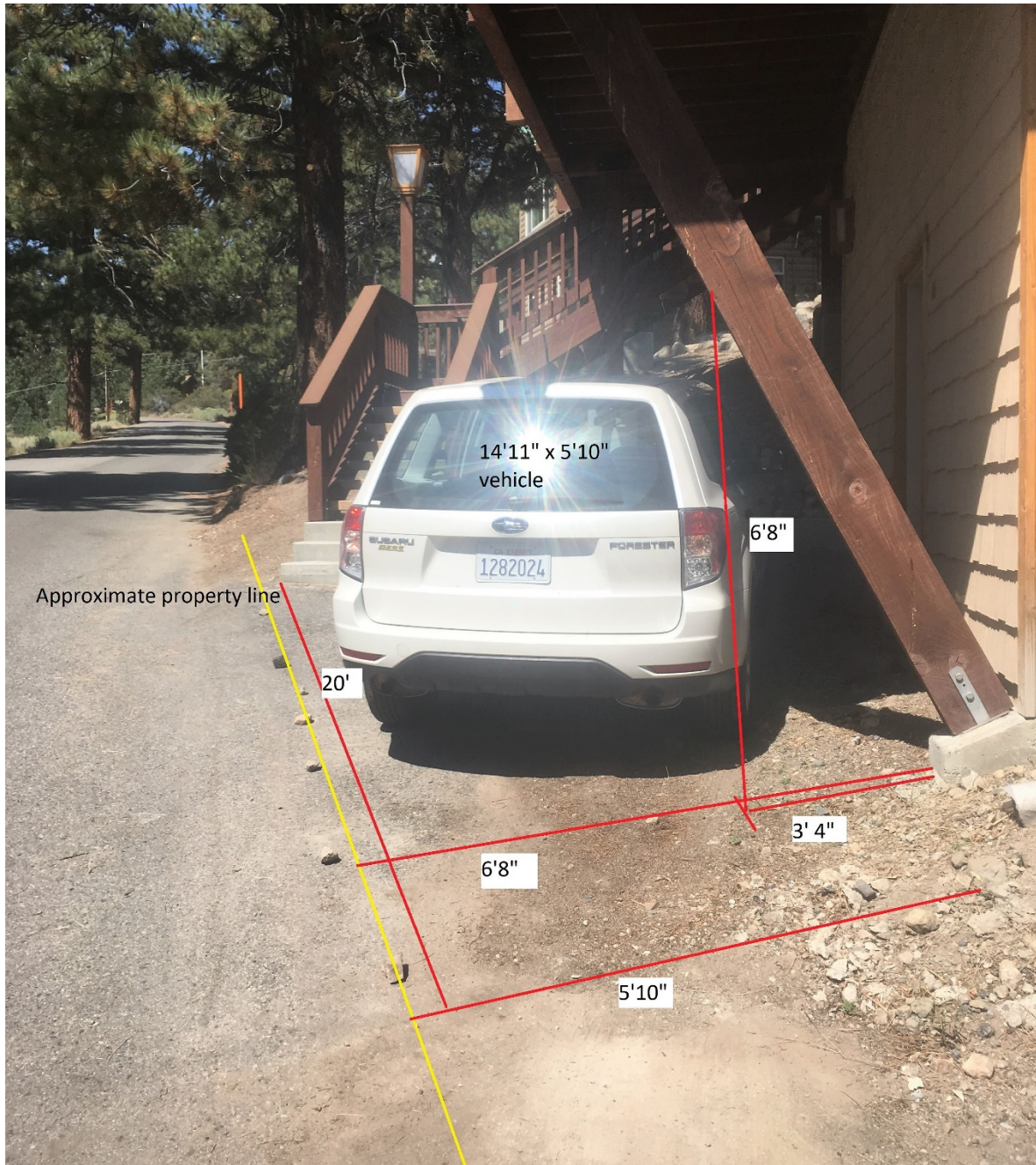


Figure 4: Staff measurements of parking area 1





Figure 5: Additional measurements of parking area 1





Figure 6: Additional measurements of parking area 1

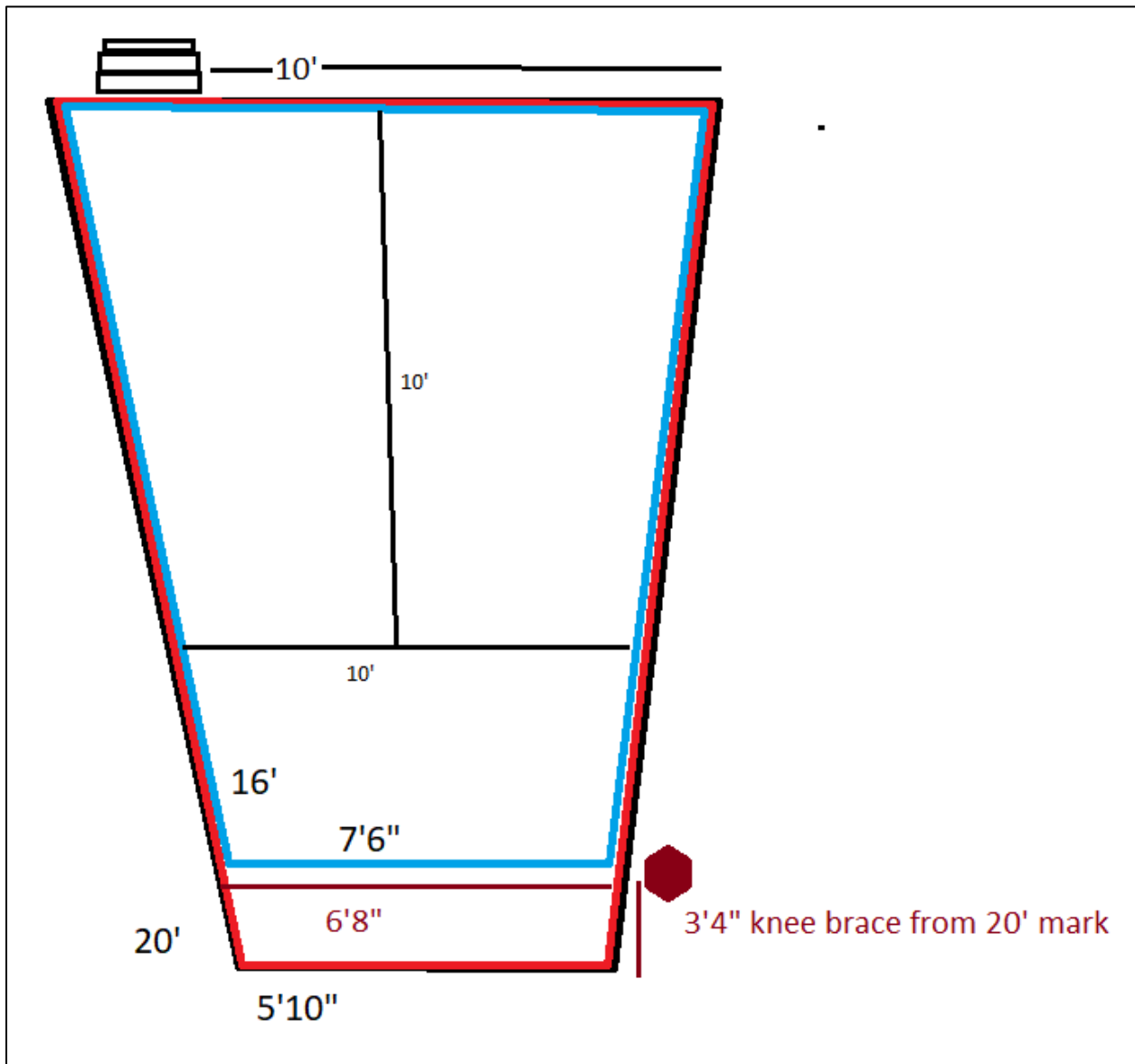


Figure 7: Parking area 1 diagram





Figure 8: Staff measurements of parking area 2

#### LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on July 2, 2018, and reviewed the staff report and use permit on August 6, 2018.

#### COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on July 6, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. No comments were received at the time this staff report was written.

#### GENERAL PLAN CONSISTENCY

The project is consistent with Chapter 25, Short-Term Rentals, which established 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.

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

The project is consistent with the following June Lake Area Plan Policies:

**Policy 13.M.1.** Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

**Action 13.M.1.a.** Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-

owner occupied and specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

**Action 13.M.1.f.** Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

The Commission may deny an application based on the following Countywide Land Use Element Policy amendment:

**Policy 1.L.3.** In addition to reasonable opposition by the neighborhood, short-term rental applications may be denied in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

**Action 1.L.3.a.** Short-term rental applications may be denied where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- Most 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.

The project is also required to comply with Mono County Code Chapter 5.65 and receive Board of Supervisor approval for the Short-Term Rental Activity permit in a public hearing. The purpose of Chapter 5.65 is to implement procedures, restrictions, and regulations related to the operation of a short-term rental. It also provides enhanced enforcement tools to address unauthorized short-term rentals countywide.

## **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 short-term basis (as a Type III rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, short-term rentals are subject to compliance with regulations governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.



**USE PERMIT FINDINGS**

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

## Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
  - a) Mono County General Plan Chapter 6, Parking, requires a minimum of two parking spaces for a unit in a Single-Family Residential Land Use Designation. Further, uncovered parking shall be a minimum size of 10' x 20' and of asphalt or similar impervious or approved semi-pervious surface. The project is an existing non-conforming use for parking, and with the change in use to a short-term rental, parking requirements must be met. Only one parking space of 10' x 20' can be provided on site; the other parking space measures approximately 5'10" x 20'. Because the minimum of two 10' x 20' parking spaces cannot be provided on site, the project does not meet General Plan requirements.

Alternative finding:

- a) The Commercial Lodging parking requirement in Mono County General Plan Chapter 6, Parking, of "one space per sleeping room" shall be applied, with the condition that the parking be paved with asphalt or similar impervious surface, or an approved semi-pervious surface (per Table 06.020). The project can meet parking stall size standards for one uncovered space of 10' x 20', and paving shall be a condition of the permit. Because only one parking space is provided, occupancy shall be limited to an occupancy maximum of four persons and one vehicle.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
    - a) The property is accessed from Leonard Avenue, a Class 2 County road, and use of property for a Type III rental is not expected to generate a significant increase in traffic.
  3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
    - a) The proposed Type III short-term rental of an existing 801-sq. ft. unit is not expected to cause significant environmental impacts; and
    - b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
  4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
    - a) The project is inconsistent with parking requirements set forth in Mono County General Plan Chapter 6, Parking, including number of spaces, 06.030 Parking stall size, and Table 06.020 Driveway paving requirements.

Alternative finding:

- b) The project will be consistent with the 2018 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and Mono County Code Chapter 5.65.

This staff report has been reviewed by the Community Development Director.

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** CUP 18-008

**APPLICANTS:** David and Barbara Prince

**ASSESSOR PARCEL NUMBER:** 015-101-004

**PROJECT TITLE:** Type III Short-Term Rental/Prince

**PROJECT LOCATION:** The project is located at 46 Leonard Ave, June Lake

On August 16, 2018, 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 18-008/Prince, subject to the following conditions, at the end 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:** August 16, 2018

**EFFECTIVE DATE USE PERMIT** August 27, 2018

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:** August 16, 2018

\_\_\_\_\_

cc: X Applicant

\_\_\_\_\_  
X Public Works

\_\_\_\_\_  
X Building

\_\_\_\_\_  
X Compliance

\_\_\_\_\_

**CONDITIONS OF APPROVAL**  
**Use Permit 18-008 / Prince**

- 1) Occupancy is limited to a single party of four persons and one vehicle.
- 2) The property shall pave parking areas consistent with Mono County General Plan Chapter 6, Parking, Table 06.020 requirements.
- 3) The property shall receive a Certificate of Occupancy prior to any use as a short-term rental.
- 4) All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
- 5) The project shall comply with provisions of the Mono County General Plan including Chapter 25, Short-Term Rentals.
- 6) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 7) Property shall be maintained in a neat and orderly manner.
- 8) Project shall comply with applicable Environmental Health requirements.
- 9) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 10) 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.

22  
**Mono County  
Community Development Department**

---

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

**Planning Division**

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

September 20, 2018

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst  
Michael Draper, Planning Analyst

Re: Use Permit 18-003 / High Sierra Cannabis Retail (DeCoster)

**RECOMMENDATION**

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 18-003 subject to Conditions of Approval.

**PROJECT OVERVIEW**

The site is located at 2555 Hwy 158 (APN 015-085-010) in June Lake, at the intersection of Hwy 158 and Lakeview Drive. The project proposes to convert a portion of the existing 1,400 square foot commercial building into cannabis retail. Currently the building houses Insane Audio, a manufacturing company specializing in premium in-dash multimedia and navigation solutions for off-road vehicles. The existing business would continue to operate in the same capacity after the addition of cannabis retail.

The project proposes two phases. The first phase will utilize a 100-square foot vacant room located on the northwest corner of the structure as a storefront for cannabis retail. No construction improvements will occur during phase one. Phase two includes expansion of the retail area to 475 square feet and the addition of a public restroom with improved accessibility. Neither phase proposes any expansion to the existing building footprint.

All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process. A CUP for retail cannabis must demonstrate adequate plans for site control, setbacks, odor control, signage, visual screening, lighting, parking, and noise.

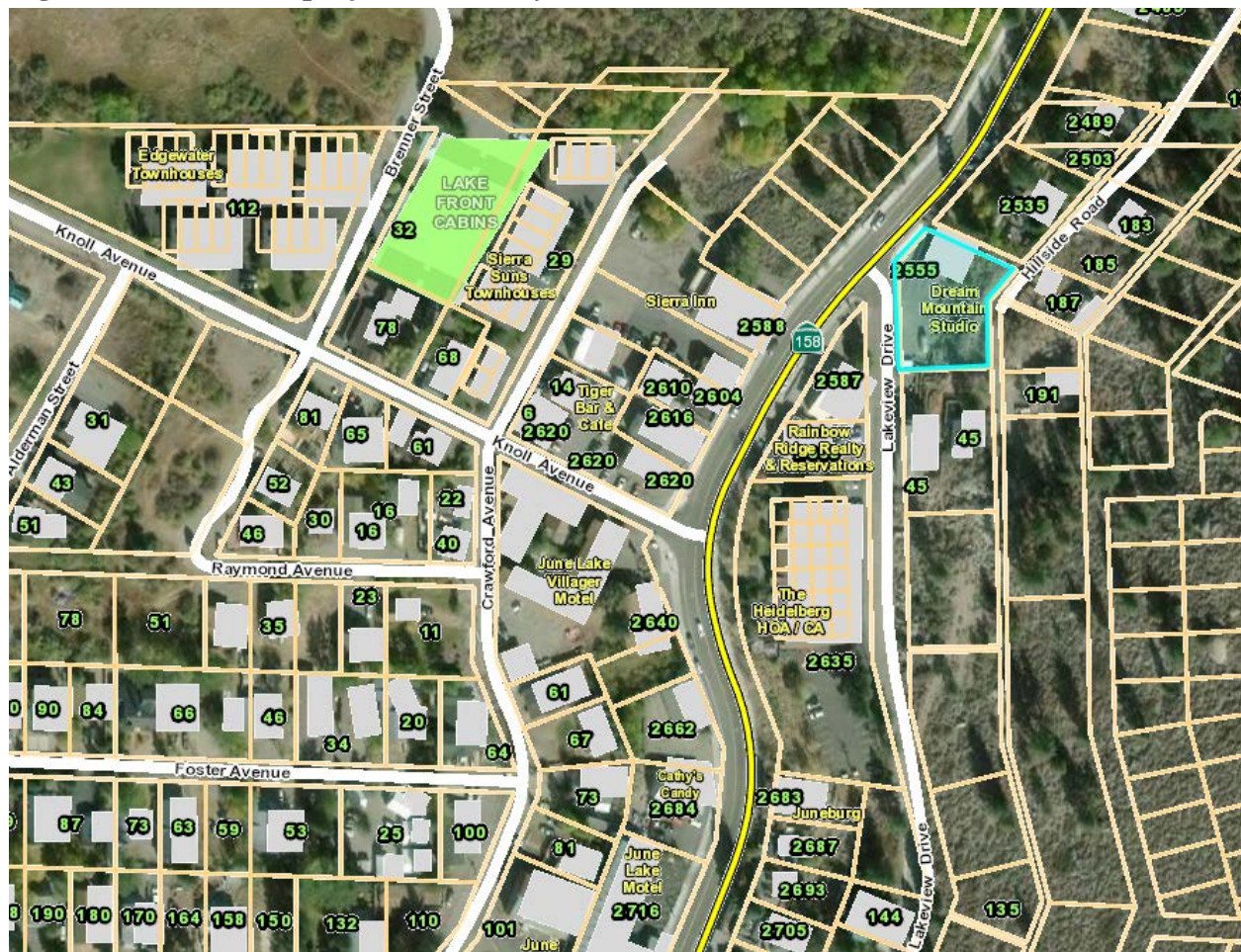
The project qualifies for a Class 3 CEQA exemption (CEQA Guidelines, 15303) as it involves the conversion of a small structure without expansion of the building footprint. An avalanche study was also conducted to provide support that the operation meets Mono County Safety Element guidelines for year-round use in a potential avalanche hazard zone (conditional use area).

## PROJECT SETTING

The existing 1,400-square foot commercial building is located on the 14,512 square foot lot at 2555 HWY 158 (APN 015-085-010). The lot is designated commercial and is surrounded by other commercial lots to the west and south, and single family residential to the east and north. The parcel is at the northern terminus of the June Lake commercial core.

Historically, the June Lake commercial core along SR 158, extending west to Crawford Avenue and east to Lakeview Drive, has provided a combination of food, retail, and lodging services. The project structure has been used for retail and food services in the past, and currently houses Insane Audio. The proposed expanded retail use is consistent with both the area's character and the building's historical use.

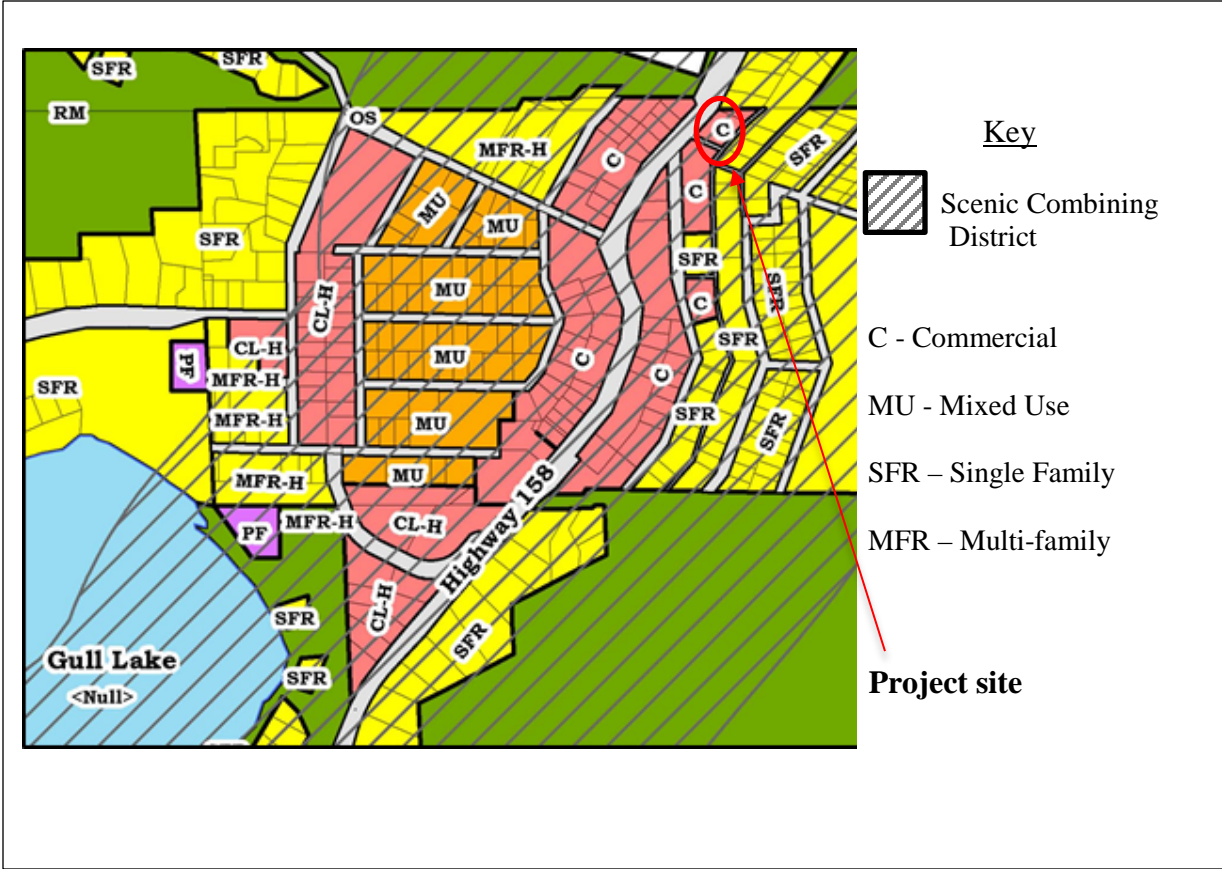
**Figure 1: Location of project. 2555 Hwy 158, June Lake.**



*Parcel location highlighted in blue*



Figure 2: Land designation map.





**Figure 3: Site viewed from Hwy 158.**



**Figure 4: Site viewed from intersection of Hwy 158 and Lakeview Drive.**



**GENERAL PLAN CONSISTENCY**

The General Plan Land Use Designation for this property is Commercial (C). According to the Mono County General Plan, “the ‘C’ designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas....” Cannabis activities, including retail, are subject to a use permit and operation permit under MCC 5.60.

The proposed development is also consistent with June Lake Area Plan policies contained in the Mono County General Plan Land Use Element. The sections below from the Mono County General Plan support the development of commercial services in the community of June Lake.

**MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies****Objective D**

*Provide for commercial development to serve both residents and visitors.*

*Policy 1: Concentrate commercial development within existing communities.*

*Action 1.1: Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.*

**MONO COUNTY LAND USE ELEMENT, June Lake 2010: June Lake Area Plan****Objective B**

*Promote well-planned and functional community development that retains June Lake's mountain community character and tourist-oriented economy.*

**Objective C**

*Contain growth in and adjacent to existing developed areas.*

*Policy 1: Encourage compatible development in existing and adjacent to neighborhood areas.*

*Action 1.1: Use the area specific land use maps, specific plans, the Plan Check and Design Review processes to guide development.*

*Action 1.2: Encourage compatible infill development in the Village and Down Canyon areas.*

**Objective I**

*Maintain the June Lake village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.*

**Objective 1.L.**

*Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.*

**Policy 1.L.4.** *In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.*



## 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) Cannabis retail is permitted in commercial land use designations, subject to Use Permit and compliance with Chapter 13, Cannabis Regulations.
  - b) Adequate site area exists for the proposed use. The project proposes no physical expansion of the current lay-out. Lot coverage (calculated by the amount of impermeable surface) is approximately 30 percent at project completion, which is well below the maximum allowable for commercial land use designations of 70 percent.
  - c) The project has capacity to meet parking requirements. There currently exists three paved spaces and a paved loading area. The retail area requires one space for every 200 square feet of gross leasable area and warehouse space requires one space for every 1,000 square feet of gross floor area. The retail area is 100 square feet square feet in Phase I and the combined warehouse area for the cannabis operation and Insane Audio is 625 square feet, meaning at least two spaces and a loading area is required. Phase II expands the retail area to 425 square feet requiring one additional parking space. There is room for an additional five spaces beyond the current paved parking (see: Figure 9).
  - d) The location of the proposed project is consistent with the June Lake Area Plan's intent for concentrating resident- and visitor-oriented services in commercial core in the June Lake village.
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 parcel is accessed by Lakeview Drive via Hwy 158 and is adequate for the kind of traffic generated by the proposed use. Lakeview Drive and Hwy 158 are used for accessing existing commercial businesses in the June Lake commercial core. Parking is sufficient for employees and visitors.
  - b) The commercial business is not expected to generate significant amounts of traffic to alter existing circulation patterns.
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 use is not expected to cause significant environmental impacts. No modifications to the existing building are being permitted. Avalanche danger has been deemed insignificant enough to allow for year-round use (see "Avalanche Study" section).

- b) The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides the public the opportunity to comment on the proposal, and comments are attached to this report.
  - c) Compliance with General Plan Chapter 13, *Commercial Cannabis Activities*, and General Plan Amendment 17-03: *Commercial Cannabis Policies*, the County minimizes and mitigates, to the best of its ability, any detrimental impacts to the public welfare and injury to property and improvements.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a) Retail cannabis operations are permitted in commercial land use designations, given they meet the criteria set forth by Chapter 13.
  - b) The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of commercial uses and services for residents and tourists. The project provides an unfilled service for residents and visitors of June Lake.
  - c) General Plan Amendment 17-03, *Commercial Cannabis Policies*, established policies and actions with the purpose of establishing a regulated commercial cannabis industry in Mono County.

### **COMPLIANCE WITH MONO COUNTY CANNABIS REGULATIONS (CHAPTER 13)**

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:

#### **13.070.C. Site control.**

*No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities.*

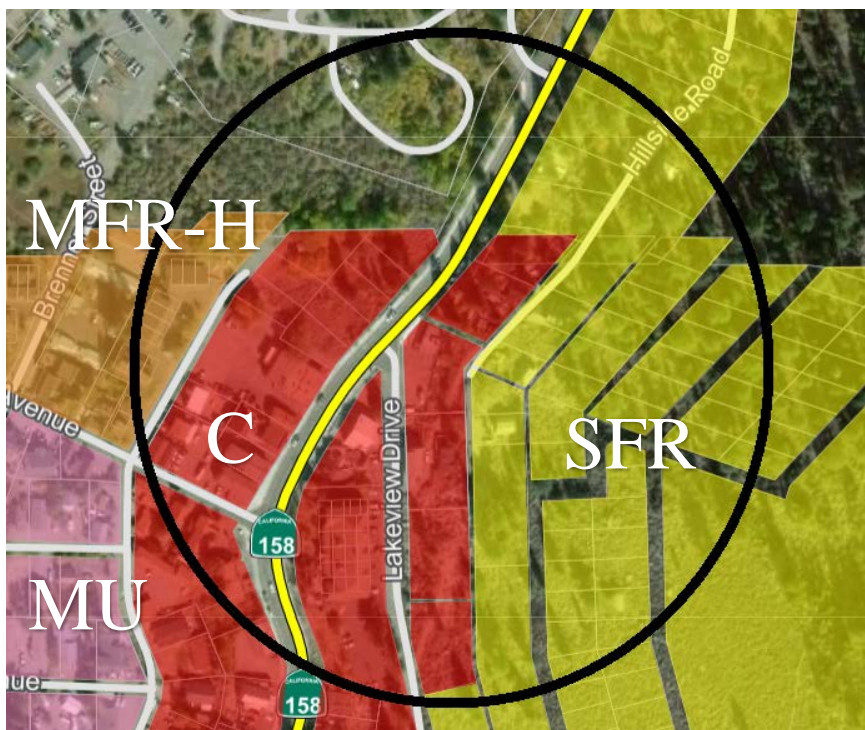
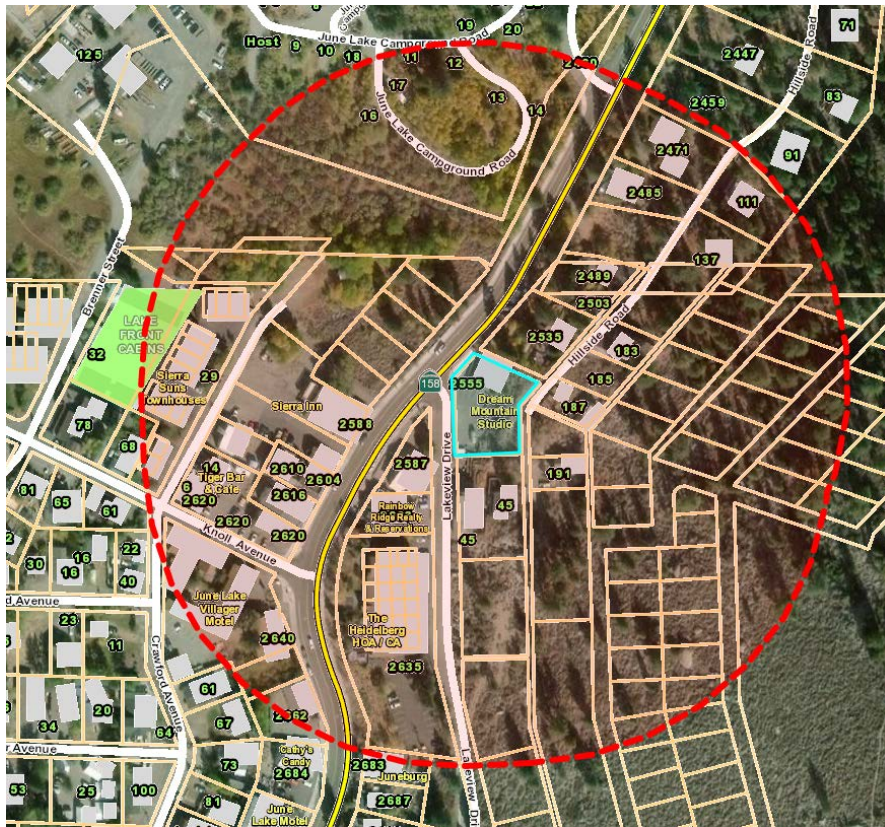
None of the above-mentioned facilities are located within 600 feet of the site. The June Lake community has one school (Our Lady of the Rosary) located at 4479 Hwy 158 and 1.9 miles from the project site. The June Lake Community center (also the location for the County's First 5 program), library, and Gull lake park are over 1,800 feet from the project site. The baseball field in June Lake Highlands is approximately 4,000 feet from the site. Currently there are no existing licensed child care facilities in the community of June Lake.

The site is immediately surrounded by Commercial and Residential land-use designations. To the north is a commercial property currently occupied with a single-family residence; on the east side is a residential property owned by the applicant; to the south is a commercial property currently occupied with a single-family residence; and to the west are vacant, commercial, parcels. Single Family Residential, Mixed-Use, and Multi-Family Residential - High land use designations are within the 600-foot radius of the site (see: Figure 5).

The project was noticed to all property owners within 600 feet of the site. One comment letter was received in opposition to the project. The letter, authored by the property owner of 45 Lakeview Drive and directly south of the project, expresses concern that odors from the retail product will disturb his tenants (Attachment 3).

At this time, one letter in support of the project has also been received (Attachment 4). The letter was written by the property owner of APN 015-075-021, a vacant parcel directly to the west of the project site.

**Figure 5: 600 ft. radius around site location.**



**13.070.D. Setbacks**

*All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.*

The structure currently meets setback standards for commercial designations (10' front, 5' rear, 0' side) and the proposal does not include expansion of the building footprint (see attachment 1: site plan).

**13.070.E. Odor control**

*An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.*

The project is for retail only with no associated growing operation or on-site consumption of product. The store will only sell pre-packaged products from licensed distributors inside the retail premise. No on-site consumption or smoking is permitted. Odor mitigation measures are not applicable due to lack of cannabis-related odor generation.

**13.070.F. Signage**

*A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.*

No additional sign space will be allocated for the project. Phase I will include adding “High Sierra June Lake” to the existing space below the Insane Audio logo. The sign will be 20” be 72” wide. Phase II will include changing the sign attached to the building to read “High Sierra June Lake” instead of the existing Insane Audio logo. This sign will be 30” by 84”. The change reflects street presence being a greater priority for the cannabis operation compared to the existing Insane Audio business.



**Figure 6: Location of Phase I sign addition.**



**Figure 7: Location of Phase II sign modification from “Insane Audio” to “High Sierra June Lake”.**



**13.070.G. Visual screening**

*All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.*

The proposal states that the interior layout will not allow for any cannabis products to be visible from the street and no cannabis products will be placed in the existing display window. The project will also be required to comply with Mono County Code chapter 5.60.140 (A), “no cannabis or cannabis products shall be visible from the exterior of the retail premises.”

**13.070.H. Lighting**

*All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.*

The proposal does not include any changes to the existing complying lighting.

**13.070I. Parking**

*A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.*

The project has capacity to meet parking requirements. There currently exists three paved spaces and a paved loading area. The retail area requires one space for every 200 square feet of gross leasable area and warehouse space requires one space for every 1,000 square feet of gross floor area. The retail area is 100 square feet square feet in Phase I and the combined warehouse area for the cannabis operation and Insane Audio is 625 square feet, meaning at least two spaces and a loading area is required. Phase II expands the retail area to 425 square feet requiring one additional parking space for a total of three onsite spaces, which is currently met by the project. There is room for an additional five spaces beyond the current paved parking (see: Figure 9).



**Figure 8: Location of existing parking and loading.**



**Figure 9: Location of potential five additional parking spaces.**



**13.070J. Noise**

*Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.*

The project is not expected to generate noise beyond that of traditional commercial operations in the June Lake commercial core.

**ENVIRONMENTAL REVIEW**

The project qualifies for a categorical exemption from the provisions of CEQA as the project is considered a Class 3 – Conversion of Small Structure (CEQA Guidelines, 15303). A Class 3 exemption consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 categorical exemptions specifically include stores, motels, offices, restaurants or similar structures not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. The project proposes no expansion to the building footprint or modifications to the exterior of the structure. The retail use is consistent with current and historical uses for the property.

**Avalanche Study**

The Mono County Safety Element aims to avoid exposure of people and improvements to unreasonable risks of damage or injury from avalanche hazards:

***Objective 4.A.***

*Limit development that attracts concentrations of people in historical avalanche paths (Conditional Development Areas) during the avalanche season.*

Prior to approving new development, other than single-family residential, in conditional development areas, the Planning Commission shall find:

***Action 4.A.1.a***

*Based on a site-specific study by a qualified snow scientist, that the site is not within a potential avalanche hazard.*

The site is in a conditional development area based on a 1973 study by Norm Wilson that found the general area to be a Blue Zone, or moderate hazard zone. A site-specific avalanche hazard study was completed specifically for this project in August 2018 by Sue Burak of Snow Survey Associates concluded that the property is in a White Zone. A White Zone is characterized as a low-risk zone with estimated return periods of 300 years or impact pressures less than a gale force wind (21 lbs/ft<sup>2</sup>). Associated impact pressures with potential White Zone avalanches are considered “relatively harmless to people”. Discrepancies between the Wilson report and the recent study can be attributed to lack of precision and poor photo and mapping quality that existed when the Wilson report was completed.

**ATTACHMENTS**

- 1- Site Plan
- 2- Avalanche Study
- 3- Letter of Opposition
- 4- Letter of Support



**MONO COUNTY**  
**Planning Division**

**DRAFT NOTICE OF DECISION & USE PERMIT**

**USE PERMIT:** UP 18-003

**APPLICANT:** John DeCoster

**APN:** 015-085-010

**PROJECT TITLE:** High Sierra Cannabis Retail

**PROJECT LOCATION:** 2555 HWY 158, June Lake, CA 93529

**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:**  
**EFFECTIVE DATE USE PERMIT**

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.

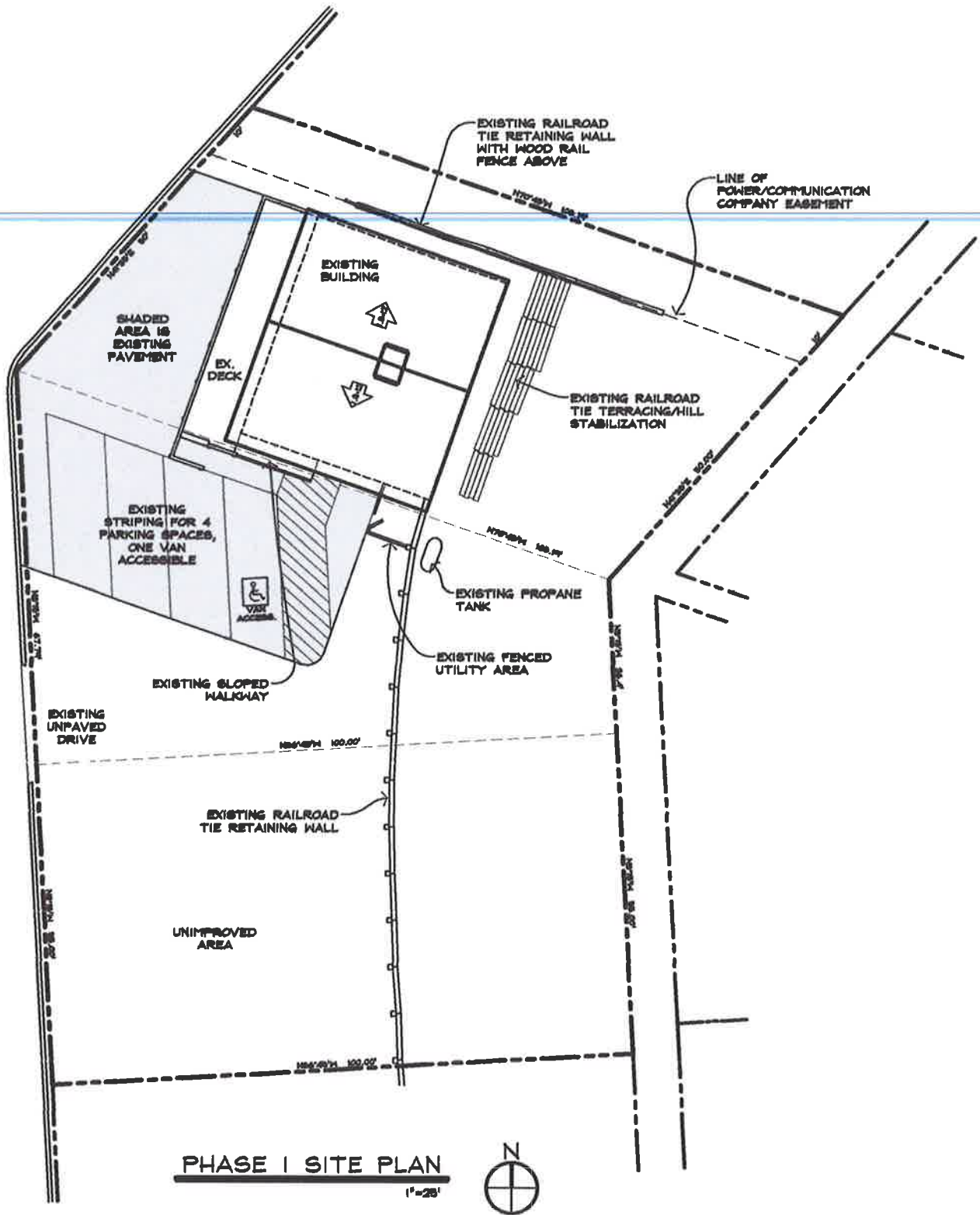
**MONO COUNTY PLANNING COMMISSION**

**DATED:** September 20, 2018

- cc:  Applicant
- Public Works
- Building
- Compliance

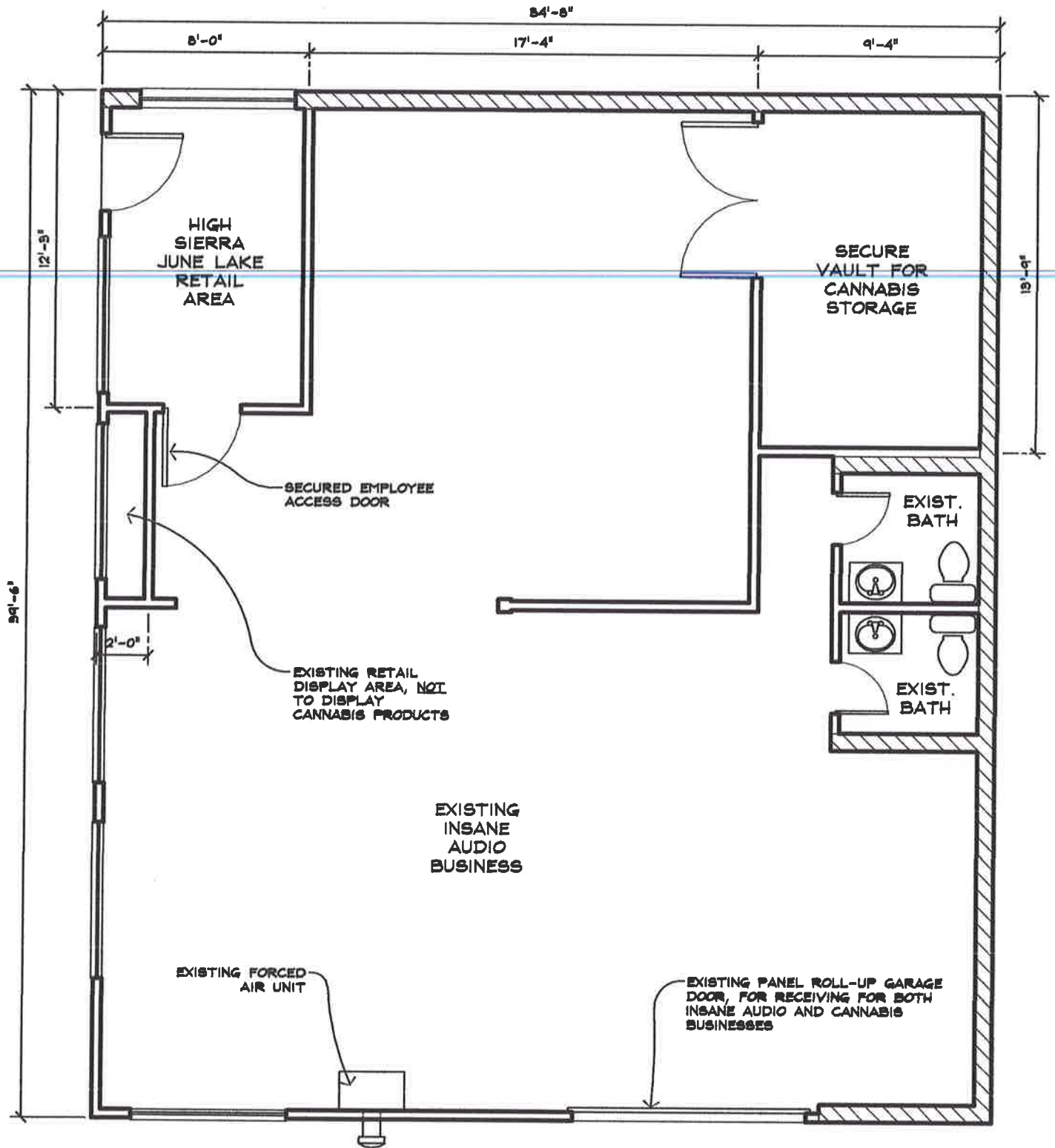
**Conditions of Approval:**  
**Use Permit 18-003/High Sierra Cannabis Retail**

- 1) All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) Project shall comply with Chapter 13, Cannabis Regulations, which has been provided to the applicant.
- 3) The project shall be in substantial compliance with the site plan as shown on Attachment 1 found in the staff report.
- 4) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations.
- 5) Project is required to comply with any requirements of the June Lake Fire Protection District. The applicant shall provide a “will serve” letter from the June Lake Fire Protection District indicating the FPD will provide service to the project.
- 6) Project is required to comply with any requirements of the June Lake PUD. The applicant shall provide a “will serve” letter from the June Lake Public Utility District (PUD).
- 7) Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- 8) 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.
- 9) An operation permit under MCC Chapter 5.60 is required prior to commencing operations.



**PHASE I SITE PLAN**  
1"=20'

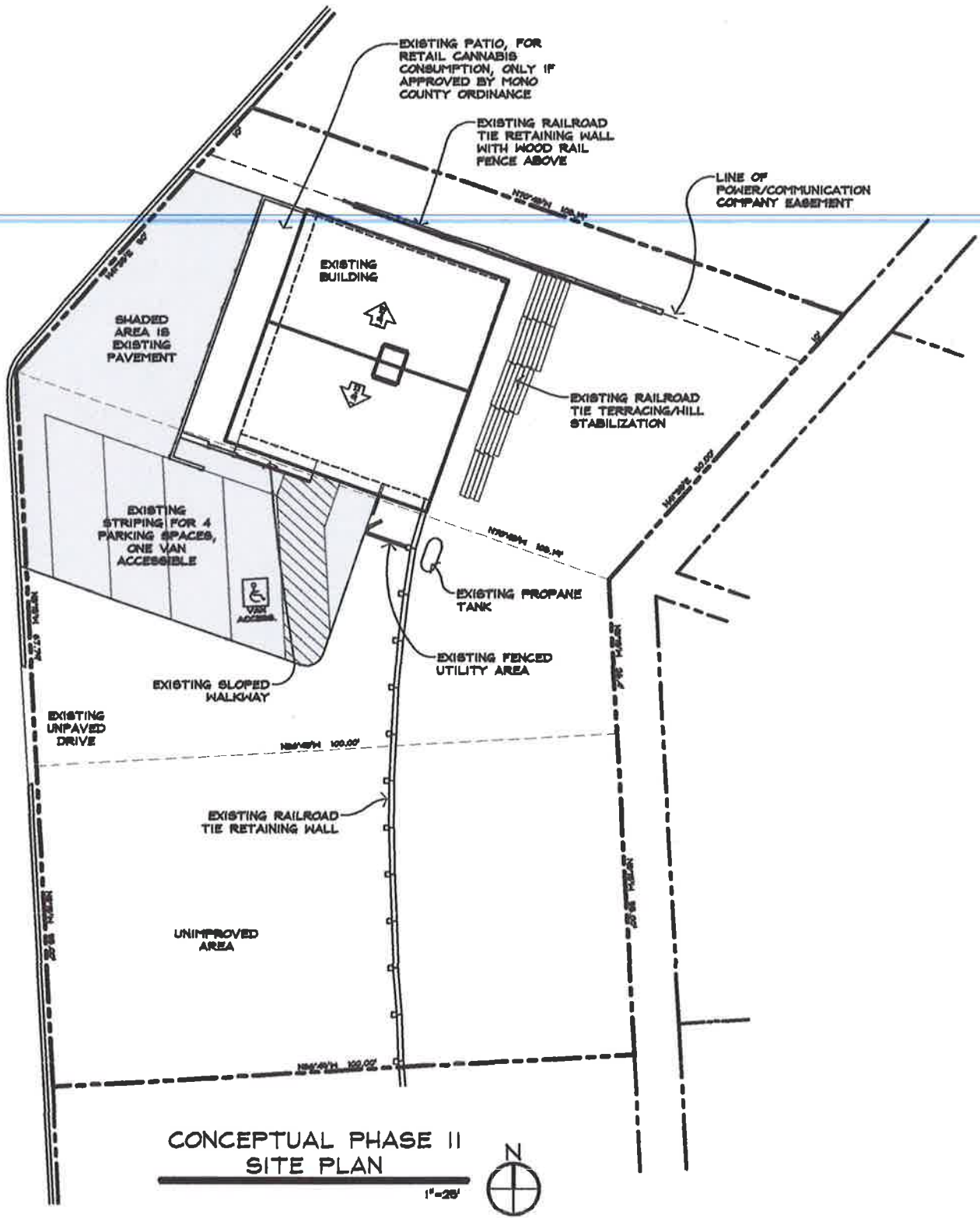


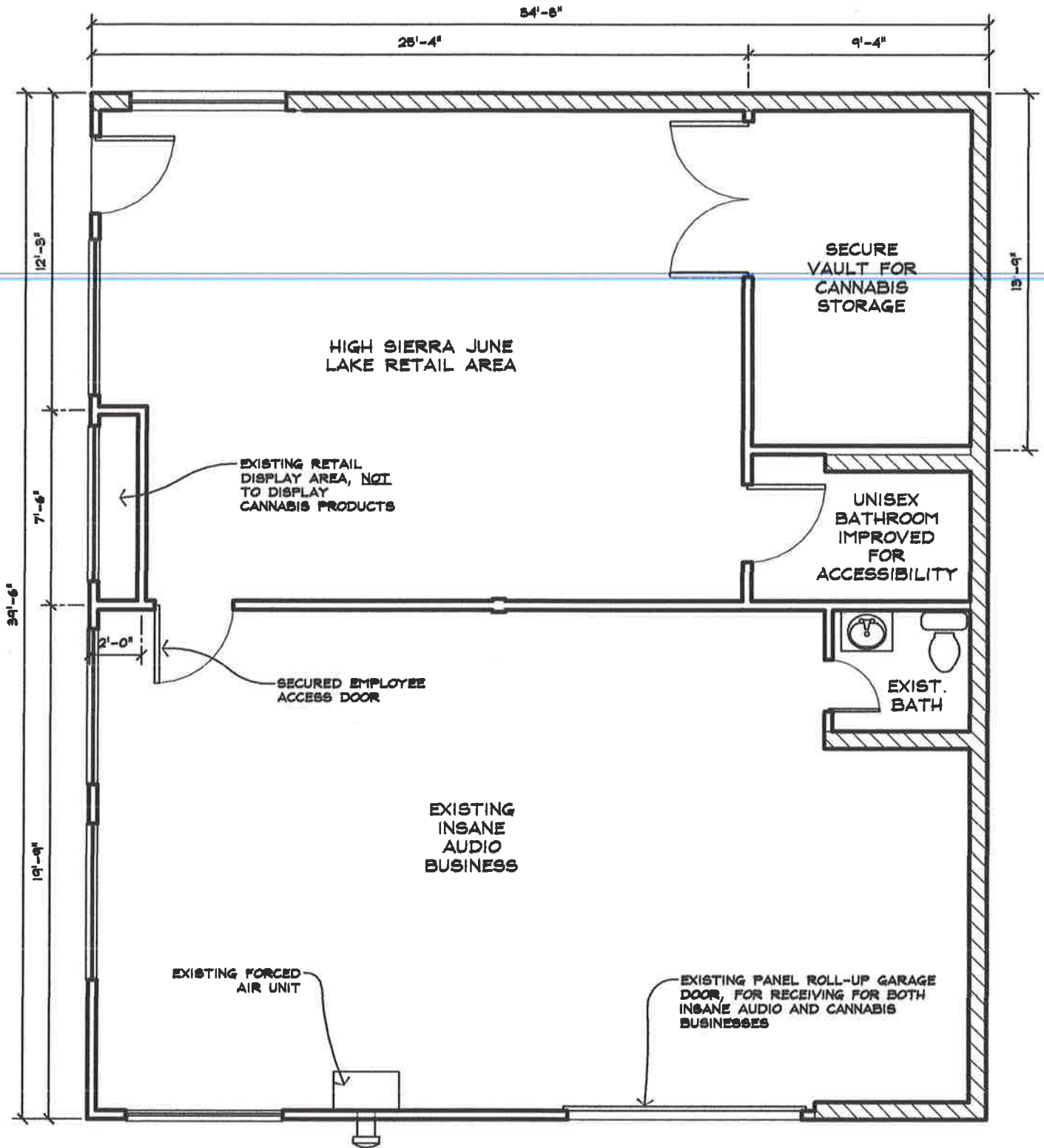


**PHASE I FLOOR PLAN**

3/16" = 1'-0"







CONCEPTUAL PHASE II  
FLOOR PLAN

3/16" = 1'-0"





# AVALANCHE HAZARD STUDY

2555 HIGHWAY 158  
JUNE LAKE, CALIFORNIA

SUE BURAK  
SNOW SURVEY ASSOCIATES  
AUGUST 13, 2018

## INTRODUCTION

Snow avalanches are a natural hazard that threaten people and infrastructure in mountain communities worldwide. Avalanche risk mitigation is critical to highways and roads, utilities and residential and commercial uses. A key component of avalanche risk mitigation is avalanche hazard mapping which delineates zones of higher and lower hazard according to the frequency and magnitude of avalanche in the area. In this report, the findings of a 1973 avalanche report (Wilson, 1973) that identified avalanche hazard areas within the June Lake Loop are updated for an individual slope located above a proposed commercial operation (Figure 1,2,3). This report presents recent findings from an avalanche hazard evaluation on an individual slope. This study follows accepted methods of avalanche hazard analysis for land-use planning. The avalanche hazard rating previously identified in the 1973 report is revised for consistency with the results from historic aerial photographs, history of snow conditions and terrain and vegetation analyses.

## DEFINITIONS

The following terms are used throughout this report.

**Avalanche path:** Area within which avalanches start, run and stop. Paths consist of a starting zone, a track and a runout zone.

**Avalanche starting zone:** The part of an avalanche path where snow fails and begins to move downslope. Slope angles in starting zones are generally steeper than 28 degrees.

**Avalanche track:** The part of an avalanche path that connects the starting zone with the runout zone and where large avalanches move with approximately constant speed.

**Runout zone:** The part of the avalanche path where large avalanches decelerate quickly and stop. The runout zone is the critical area for land use decisions because of its attractive setting for development.

Avalanches commonly occur from November through April. The primary terrain factors in avalanche formation are slope steepness, slope orientation with respect to wind and sun, slope configuration and size and ground surface roughness. Avalanches can occur on small and large terrain features. Snow avalanche risk determination and mapping depends on terrain analysis, estimates of avalanche frequency, snow supply, destructive potential and avalanche runout distance. In this report, a variety of methods are used to evaluate the likelihood of an avalanche of sufficient size and destructive potential that could reach and damage property or persons at 2555 Highway 158 in June Lake, Mono County, California (Figures 1,2,3,4).

## BACKGROUND

The need for an avalanche study for the building at 2555 Highway 158 (hereafter, the DeCoster building) is based on a 1973 Norm Wilson avalanche hazard map (Figure 6). The 1973 map was later revised in 1988 by a “avalanche committee” comprised of local property and business owners who were appointed by the Mono County Board of Supervisors. The building at 2555 Highway 158 and residential parcels upslope of the building on Hillside Drive are identified as being within the Moderate avalanche hazard zone in the 1973 Wilson report (Figure 6). The buildings also lie within the boundary of an “avalanche area” drawn on the Conditional Use map shown in Figure 5. The 1973 Wilson report is not available in its entirety so it is not known what criteria Wilson used to identify avalanche areas or the methods used to differentiate between the High and Moderate Hazard zones.

Avalanche zoning is a process that identifies avalanche-prone areas on a map, thereby allowing land use agencies to regulate the types of land uses based on the level of risk and severity of consequences of avalanches. The level of acceptable risk depends on the type of land use, local and regional attitudes towards individual choice and the County’s responsibility to protect life and property from natural disasters.

Avalanche zoning in North America is based on concepts developed in Switzerland. The return period ( $T$ ) describes the expected time between the large avalanches. For example,

the one in one-hundred-year avalanche ( $T = 100$ ) has an annual frequency of 0.01 (1/100). Avalanche frequency depends on snow supply and terrain and decreases with distance in the avalanche track and runout zone. Snow supply is determined by frequency of snowfalls and amount of snow and wind transport of snow into the starting zone of an avalanche path. The destructive potential is based on avalanche size, predicted impact pressures and destructive potential (Table 1).

<b>Avalanche size</b>	<b>Avalanche Destructive potential</b>	<b>Typical Mass</b>	<b>Typical Path Length</b>	<b>Typical Impact Pressure</b>
D1	Relatively harmless to people	<10 t	10 m (33 ft.)	21 lb./foot <sup>2</sup>
D2	Could bury, injure or kill a person	10 <sup>2</sup> t	100 m (330 ft.)	209 lb./foot <sup>2</sup>
D3	Could bury and destroy a car, damage a truck, destroy a wood frame house or break a few trees	10 <sup>3</sup> t	1000 m (3280 ft.)	2089 lbs./foot
D4	Could destroy a railway car, large truck, several buildings or a substantial amount of forest	10 <sup>4</sup> t	2000 m (6562 ft.)	10443 lb./foot <sup>2</sup>
D5	Could gouge the landscape, largest snow avalanche known	10 <sup>5</sup> t	3000 m (9843 ft.)	20885 lb./foot <sup>2</sup>

Table 1. Classification of avalanche size, destructive potential and typical impact pressures (Greene et al., 2016).

The “Red” or “High” hazard zone is defined as an area of either high frequency or high energy avalanches. Avalanches are expected to occur once, on average, every 10 years, while the “true” return period may lie between 3 and 30 years (Mears, 1987).

Avalanches that occur within the “Red” zone produce a dynamic pressure on a flat large rigid surface normal to the flow, of 600 lbs. ft<sup>2</sup> or greater. The pressure on a flat surface is given as a reference pressure for standard for simple impact conditions. The actual



pressure may be more or less depending on the orientation of the surface (Mears, 1992). Occupied structures are generally prohibited in the Red Zone.

Return periods for highways are generally given as every 30 years, though active mitigation (GasEx, explosives control), results in high frequency avalanche activity each winter. Ski lift base structures are designed for a typical threshold return period of 100-year return periods (CAA 2002). Structural protections are based on flow depth and impact pressures.

The “Blue” or “Moderate” hazard zone is defined as an area where avalanches are less frequent (more than 30 years average return period) and moderate energy. Avalanches reach the Blue Zone with return periods of 10 to 100 years. The upper part of the Blue Zone will have 10-year return periods with the lower part by 100- year return periods. Longer return period avalanches (up to 300-year average return period), result in impact pressures less than 600 lbs-ft<sup>2</sup>. Occupied structures are allowed in Blue zones only if the structures are reinforced for avalanche forces and/or avalanche defense structures are in place.

The “Yellow” (very low hazard) zone is sometimes used to define an area beyond the Blue Zone. Avalanche are very rare in the Yellow zone with average return periods of more than 300 years. Use of the Yellow zone is appropriate in areas with long historic records of 100 to 300 years ago such as the case with European countries. Land use is not restricted in the Yellow Zone but potential avalanche loads on structures is advised (

In Canada, the White zone includes areas outside of the Yellow zone. The White zone includes any area with estimated return period greater than 300 years or impact pressures less than 21 lbs/ft<sup>2</sup> which is comparable to a gale force wind (Stethem, 2009).

It is important to recognize that in the mountainous countries in Europe, established systems of public avalanche hazard warning and evacuation for residential areas have been in place for decades. Long records of avalanche events along with long term records of weather patterns and snowpack characteristics can extend for 200 years or longer. Similar systems do not exist in the United States. Local jurisdictions have standards that fit local political and economic conditions, i.e., Juneau, AK, Placer County, CA., Inyo

County, CA, rather than adhering closely to the Swiss guidelines. A limited historic record exists for the slope above the DeCoster building is based on observations from a long-time resident who lives adjacent to the DeCoster building.

Mono County is in the process of implementing an avalanche forecasting program for County roads and has recognized the importance of developing avalanche warnings and rescue plans for the avalanche prone areas in the county.

## ENVIRONMENTAL SETTING

The June Lake region is located east of the Sierra Crest and receives around 80% of the area's average annual precipitation in the form of snow. The June Mountain Study plot located at 9,200 ft. was installed in 2012 and collects weather and snowpack data on hourly intervals. Snowfall and wind data from the study plot show average March snow depths ranged from 22" in March 2015 to 80 inches in March 2017. Hourly wind speeds during winter storms range from 35-50 mph range with peak gusts measured at 60 mph. Wind direction during storms is mostly from the west southwest except during upslope events when wind direction is from the northeast.

The June Mountain Ski Patrol uses active mitigation in the form of explosives to manage the avalanche problem on the June Mountain Ski Area. The mountainous terrain west of the ski area is popular with backcountry recreationists. Human triggered avalanches occur each winter along the San Joaquin Ridge and Negatives areas west of June Mountain.

During the winter, the northwest facing slopes above the Heidelberg Inn, Lakeview Drive and 2555 Highway 168 are wind scoured due to the prevailing west to southwest winds that blow across the San Joaquin Ridge. On the forested slopes above the building and residences, winds blowing across the slope remove snow from the low ridgelines along the moraine from the east end of Lakeview Drive to the Boulder Lodge area. Slopes above 2555 Highway 158, Hillside Drive and Lakeview Drive are often snow-free during the winter (McCamish, personal communication July 2018). Snowdrifts can form on the lee side of the low ridges and can persist into late spring, providing moisture for stands of

Jeffrey Pine, Red Fir, Mountain Hemlock and thick growths of bitterbrush, ceanothus and manzanita.

## AVALANCHE STUDIES IN THE JUNE LAKE AREA

The first avalanche study of the June Lake area was conducted by Norm Wilson. The 1973 Wilson avalanche hazard map (Figure 6) identified the building located at 2555 Highway 158 as located within the avalanche “Blue” or Moderate hazard zone. It is not clear if the Wilson report used the Swiss classification criteria to define Red and Blue zones. The Red and Blue zone definitions used in the 1982 Wilson report to Placer County did not match the Swiss definitions of Red and Blue zones in terms of impact pressures and return periods (Wilson, 1982). The Wilson maps are 45 years old and should be interpreted knowing the methods and data available today would produce different results.

In 1987, Art Mears, avalanche engineer, used impact pressure criteria and calculated return intervals for large avalanches to establish Red Zones and Blue Zones throughout Mono County (Mears 1987). Mears evaluated the large avalanche path below Carson Peak in June Lake but did not evaluate any areas identified in the Wilson report. The Mears maps are more than 30 years old and should be also be interpreted knowing the map’s limitations and that new methods and additional data are available.

The Mears report was not adopted by Mono County due to negative public outcry (Penniman, 1992). In its place, “local avalanche committees” were appointed by the Board of Supervisors. The local avalanche committees compiled “historical runout maps based on memories of long time local residents of historic avalanche runout distances. The “Avalanche Influence Area” was defined as a “...community area in which privately owned property has experienced avalanche activity...” and where “residents and visitors would be notified of avalanche hazards. “Conditional Development areas” were defined as “privately owned areas that have previously experienced avalanches and which “should be subject to development restrictions and conditions” (Penniman 1992).

The Conditional Development Area map for the June Lake Area (Figure 5) depicts a thick line drawn on an aerial photograph. The dotted line shown on the map is approximately 16 ft wide at an approximate scale of 1" = 250 ft. Interpretation of the conditional development area is hindered by grainy quality of the photograph. The discrepancy between the area identified in the Wilson 1973 map (Figure 6) and the Conditional Use map appears to be the result of gerrymandering by commercial and private property owners at the time to exclude their properties from being included in the Conditional Development area (Mono County 2010). Land use planning efforts are further hindered by the fact that the Conditional Development area map does not provide information on avalanche return intervals and impact pressures. It is also important to note that people interpret the lines delineating High and Moderate avalanche hazard zones as having precision that does not exist (CAA, 2002).

Records of historic avalanche activity in the June Lake area are limited to a vague report of an avalanche in the Oh Ridge and possibly the Boulder Lodge area in 1969. Somewhat more detailed accounts are available of ski lift damage that occurred during the February 1986 storm. The February 1986 storm was a 100 -year winter storm and resulted in widespread destruction of mature forests through the Sierra Nevada range.

A large destructive avalanche off Carson Peak occurred prior to 1963 and destroyed hundreds of acres of forest. The vegetation trim lines are visible in Google Earth. The portion of Highway 158 along June Lake is well known for road closures due to avalanches reaching the roadway from Mt Downs. CalTrans controls the avalanche problem with a GAZEX system.

## METHODS FOR EVALUATING AVALANCHE HAZARD FOR 2555 HIGHWAY 158

1. Terrain analysis from maps and aerial photos



In areas that receive sufficient snow, the location and character of avalanche paths can be identified from topographic maps, aerial photos and Google Earth imagery. Field observations or photographs of previous avalanches are reliable methods for determining the area affected by large avalanches (CAA 2002, Mears, 1992).

Evaluating avalanche hazard on the short small slope above Highway 158 required observations or records of prior avalanche activity, historical observations of snow conditions, terrain and vegetation indicators, and review of historic aerial photographs and historic imagery available in Google Earth. Aerial photographs of the June Lake area were available from the USDA, USFS from 1963, 1973 and 1983. Google Earth historic imagery is available from 1993 to the present.

## 2. Terrain Analysis from Field surveys

Slope angles were measured with a Suunto Tandem clinometer and Google Earth elevation profiles; both approaches provided the same slope angles. Photographs show the characteristics of terrain and vegetation. Distribution of species, conifer age and stand densities and the diameter at breast height (DBH) of Jeffrey Pines were recorded. Observations were taken in a general downslope path from the top of the ridge to 2555 Highway 158.

3. Interview with local resident. A phone interview was conducted with a long time June Lake resident who has lived adjacent to the DeCoster building on parcel 2503 since 1977.

## RESULTS

### 1. Terrain Analysis from maps and aerial photos

Low altitude aerial photographs taken by the USDA, USFS were viewed at the Mammoth Lakes Ranger Station Office on July 17, 2018 and photographed with a Sony RX 100 II. The photographs are included in the Appendix.

Black and white images were available in 1963 and 1973. The 1983 photograph is a color photograph. Large rocks, trails, old roads and structures are visible as well as boundaries between tree and shrub species. Comparison of the photos is somewhat hampered by different view angles and the altitude of the overflight. Photographs are grainy when viewed under magnification.

The landmark winters of 1969, 1983, 1986, 1995, 1998, 2006 and 2017 produced many large and destructive avalanches in the avalanche prone populated areas of Twin Lakes, Bridgeport, Swall Meadows and Long Valley. Comparison of the 1963 and 1973 images do not show signs of vegetation damage or down and broken trees that indicate avalanche activity. The 1983 photograph does not show downed trees or trimlines across Highway 158 that would indicate the runout area of an avalanche. Trim lines are identified by vegetation of constant height or stands of trees of similar age which has regrown after being damaged or destroyed by an avalanche (Sinickas, 2013). The higher resolution Google Earth historic imagery from 1993, 1998, 2005, 2009 and 2013 (Appendix) do not show vegetation disturbance, downed trees or trimlines on the slope.

## 2. Field Study of Terrain and Vegetation Indicators

Avalanches occur when four ingredients are present: a slab of snow, a weak layer, a trigger and a slope angle steep enough to slide, generally between 30 and 45 degrees. For slopes less than 25 degrees, avalanches are quite rare.

The slope distance from the Red Fir snag shown in figure 7 is 1,305 feet from the snag to the DeCoster building. The elevation at the top of the slope near the snag is 8,300 feet. The slope has a vertical drop of 622 feet. Slope angle at the top of slope is 35 degrees for a slope distance of 450 feet slope distance (Figure 8). A stand of Jeffrey Pines consisting of multiple age classes (one to ~150 years old) grow in a shallow gully at elevations of 8204 to 8030 feet. The gully veers to the northeast, upslope of parcel 2503 (Figure 4).

The slope angle lessens to 21 degrees at the location arrow in Figure 8 to the bottom of the slope. The average slope angle from the Red Fir snag to the DeCoster building is 21 degrees.

The area is covered with areas of thick undergrowth of brush and conifers and supports stands of Jeffrey Pine, Red Fir and Mountain Hemlock. To the east of the ridge shown in Figure 8, sagebrush covers the slope, a sign that snow does not accumulate and low soil moisture limits plant species to those that tolerate dry conditions.

Vegetation indicators of avalanche activity on the slope above the buildings was not seen. Large diameter (24-30 inch) Jeffrey Pines are 150 to 200 years old (E. Vanes, Inyo National Forest forester, personal communication, July 17, 2018). Jeffrey Pines on the slope range in age from young trees less than one year old to mature Jeffrey Pine and Red Fir. Trees with scars or broken limbs on the uphill side, or “flag trees” with fresh scars or broken limbs on uphill side of standing trees, and brush with healthy limbs confined to the downhill side were not observed during the field survey (Figure 10).

### 3. Historic Records

Long records of historic avalanches are generally not available in the western United States. Mono County archives and Google searches failed to find historic reports of avalanche damage at the Heidelberg Inn (email correspondence from Barry Beck, Mono County Assessor, to Mono County Planning Department, August 3, 2018). The Heidelberg Inn opened for business in May 1928.

The McCamish home is shown in Figure 4 and was constructed in 1939. Ms. McCamish reported she has never observed avalanche activity on the slope above her house or the DeCoster building. There was no avalanche activity on the slope during the 100-year February 1986 storm that took out mature forests on the Sherwin Ridge in Mammoth Lakes and destroyed a chairlift on June Mountain. Ms. McCamish reported very small cornices occasionally form along the shallow ridge identified in figure 8 but no cornice failures or avalanches have ever been observed.

The construction of the residence on parcel 187 (Figure 4) was completed in 1948. Historic accounts of avalanche activity that occurred during the 1948 winter (Pete Madron, Mono County Planning Department files) document several unusually large and destructive avalanches that occurred on McGee Mountain in 1948. Avalanches crossed highway 395 and ran onto the meadows east of the highway. Another avalanche reached

well beyond the existing trailer park in McGee Creek. It is reasonable to expect that unusually large avalanches occurred in the June Lake area during the winter of 1948. Since construction was completed in 1948, it is reasonable to assume no avalanches occurred on the slope.

The Wilson avalanche hazard map included the slopes above Highway 158 and the DeCoster building as being in a Moderate avalanche hazard zone. Signs of avalanche activity on the slope are absent and the Heidelberg Inn, also included in the Moderate Hazard zone, has not encountered an avalanche since it opened for business in 1928.

## CONCLUSIONS

A variety of empirical evidence is presented to support the conclusion of this report that avalanche activity in the future on the slope above the DeCoster building is very unlikely. A detailed field survey of the slope was conducted on July 5, 2018. Methods used to evaluate avalanche hazard included extensive review and comparison of historic aerial photographs, terrain and vegetation analyses and an interview with a local resident who has occupied a home adjacent to 2555 Highway 158 since 1977.

Aerial photography and terrain inspection did not find an avalanche starting zone, track and runout or evidence of past avalanche activity that would be expected if the slope was subject to the impact pressures and frequency associated with the Moderate hazard rating. Avalanche indicators needed to define areas of previous historic avalanches were also not observed. The presence of buildings immediately upslope and adjacent to 2555 Highway 158 built in 1939 and 1948 also support the finding that avalanche activity has not occurred on the slope since 1939, a period of 79 years. It should be noted that an avalanche that could reach the highway would also damage or destroy the occupied residences on Hillside Drive.

Based on evidence from a variety of methods, the slope does not meet the Moderate or Blue zone avalanche hazard criteria in the 1973 Wilson report. Wilson (1973) may have used measurements of slope angles alone to define avalanche areas. Upper slope angles



are 35 degrees which is within the range of slope angles associated with avalanche formation. The slope is short and constrained by the gully shown in Figure 8. The Jeffrey Pine stand is a substantive anchor for snow deeper than one foot and prevents the formation of a continuous slab of snow needed for a large avalanche to occur.

The White Zone (low risk) zone is an area with an estimated return periods of greater than 300 years or impact pressures less than a gale force wind or 21 lbs/ft<sup>2</sup>. The DeCoster building can be described as being within a White Zone.

The effects of a warming climate need to be addressed. Major avalanche periods of importance in land-use planning and engineering result from periods of prolonged heavy precipitation often accompanied by high winds. A warming climate has produced rain falling at elevations that historically were covered with snow. Higher snowlines and rain-on-snow events are more frequent and the trend is expected to continue. It is possible that within the 300-year return period, elevations below 8,500 feet will be snow free for the majority of the winter months.

## ACKNOWLEDGEMENTS

The author gratefully acknowledges the assistance of Mono County Planning staff Wendy Sugimura, Bentley Regehr and Michael Draper in obtaining details regarding the Wilson report, Pete Madron avalanche records and historic planning documents. Chris Wilbur provided expert consultation and Jeannie McCamish shared her experiences and observations based on many years of living along Highway 158.

## Literature

Canadian Avalanche Association, 2002, Guidelines for Snow Avalanche Risk Determination and Mapping in Canada.

Greene, E., Atkins, D., Birkeland, K.W., Elder, K., Landry, C., Lazar, B., Mccammon, I., Moore, M., Sharaf, D., Sterbenz, C., Tremper, B., and Williams, K. (2010). *Snow, Weather, and Avalanches: Observational Guidelines for Avalanche Programs in the United States*. 136.

June Lake Master Environmental Assessment, 2002. Mono County Planning Department,

Mears, A.I. and D. Whitmore, 1987: Snow-Avalanche Hazard Analysis County of Mono, California.

Mears, A. I. Snow Avalanche Hazard Analysis for Land-Use planning and Engineering, Colorado Geological Survey, Department of Natural Resources, Denver, Colorado, 1992.

Mono County Planning Department, June Lake Area Plan: 2010, 1991, Mono County, California.

Sinickas, A. Field-based statistical modelling of snow avalanche runout, MSc. Thesis, University of Calgary, September, 2013.

Soil Survey Inyo National Forest Wet Area, California, June 1995.

Stethem, C. and Associates Ltd. Snow Avalanche Risk Zoning For the Remaining Base Areas at Kicking Horse Mountain Resort Golden, BC. 2009.

Penniman, D. The Political Dilemma of Avalanche Hazard Zoning: A Comparative Analysis of Four Sierra Nevada Counties. International Snow Science Workshop, 1992. pp 236-245.

Wilson, N.A., 1973. Avalanche Hazard Study, June Lake

Wilson, N.A. Avalanche Hazard Study, Placer County, Fall, 1982.

## List of Figures

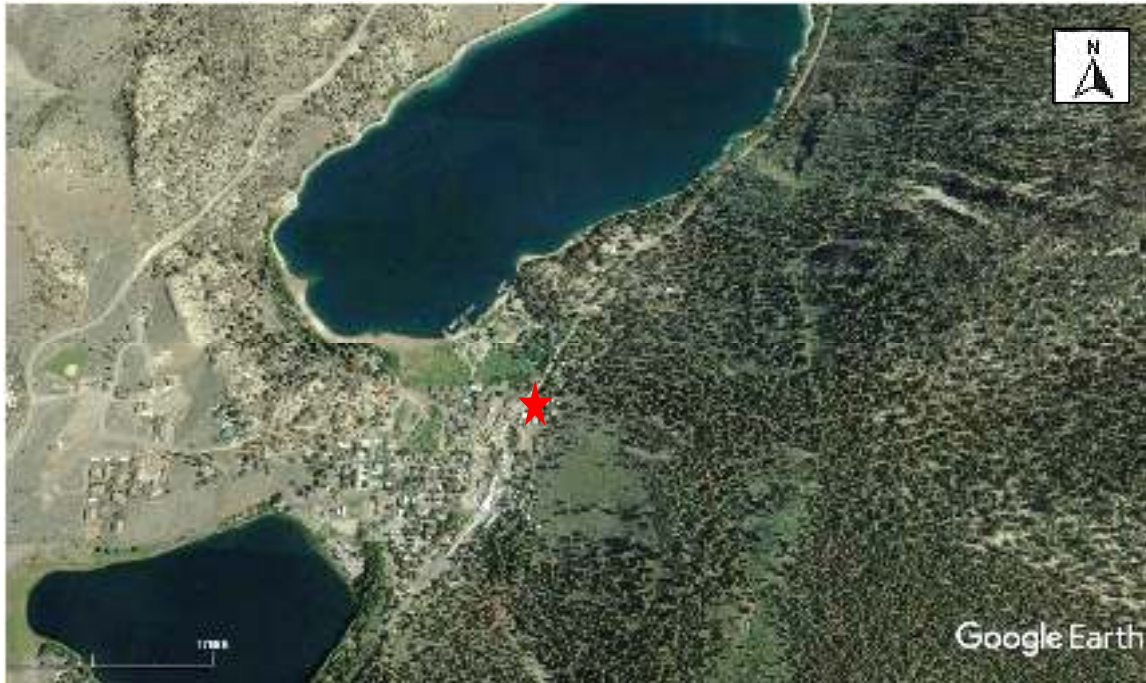


Figure 1. June Lake and Gull Lake area overview. Red star represents location of DeCoster building.



Figure 2. View of Highway 158 and the DeCoster building. The red line indicates the general location of an avalanche path that could reach the DeCoster building and Highway 158.





Figure 3. Oblique view of moraine above Highway 158 and DeCoster building.



Figure 4. Assessors parcel map with dates of building completion of DeCoster and McCamish homes and the Heidelberg Inn in white text.



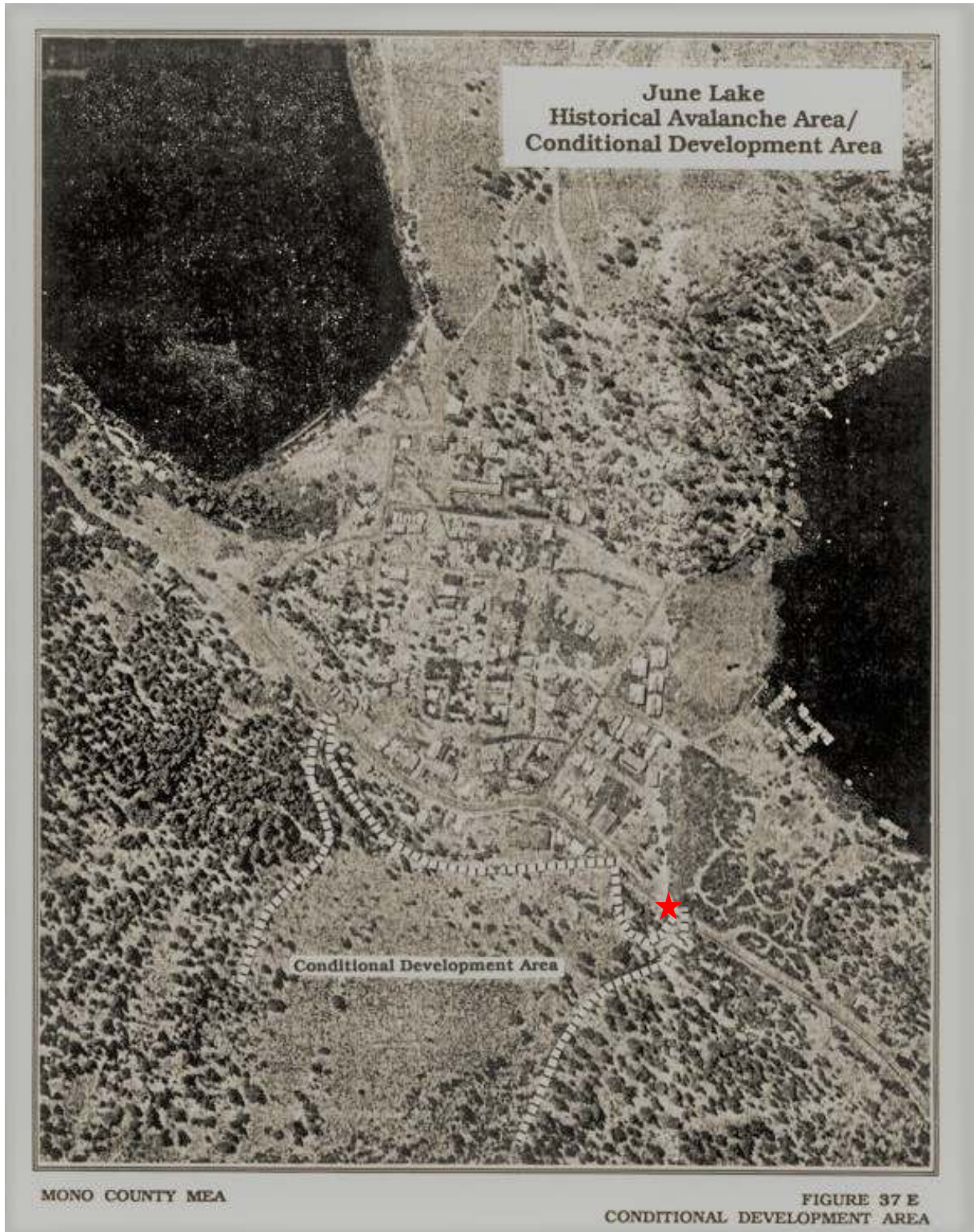


Figure 5. Conditional Development Area, June Lake General Plan 1991.

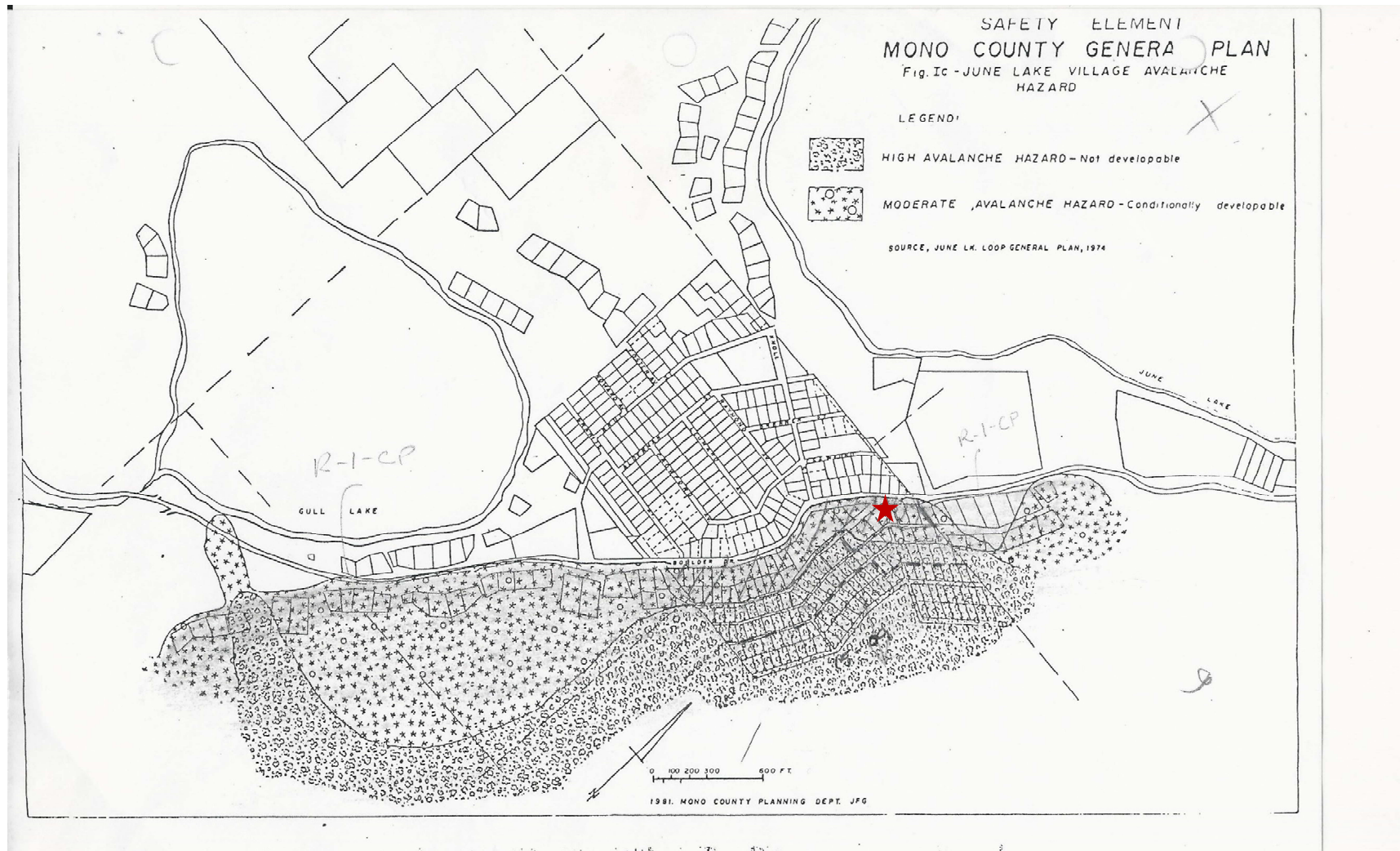


Figure 6. Avalanche Hazard map, Norm Wilson, 1973.





Figure 7. View downslope from top of slope. Red Fir snag on left side of photo is the top of the slope. DeCoster building location noted with red star. The shallow gully referenced in the text is visible and contains Jeffrey Pines.



Slope angle  $34^{\circ}$

Jeffrey Pine stand

Ridgeline

Slope angle  $27^{\circ}$

Jeffrey Pine, 120-150 years in age

Slope angle  $21^{\circ}$

DeCoster building

Figure 8. Terrain features: Ridgeline above shallow gully in green, slope angles and location of DeCoster building.





Figure 9. View from top of slope. Sierra Inn is the tan building visible in the upper left.



Figure 10. Jeffrey Pine in shallow gully shown in Figure 8. 28 inch DBH, age approximately 150 to 200 years (E. Vanes, USFS pers. comm July 2018).

## APPENDIX. USDA AERIAL PHOTOGRAPHS



Figure A\_1. 1963. The red circle was drawn in 1963.





Figure A\_2. Closeup Highway 158, June Lake area, 1963. Green denotes 2555 Highway 168. The blue star is the Heidelberg Inn.





Figure A\_3. 1973 Aerial photograph, June Lake. Green denotes 2555 Highway 158. The blue star is the Heidelberg Inn.



Figure A\_4. 1983 aerial photograph.



Figure A\_5. Google Earth historic image, 1993





Figure A\_6. Google Earth historic image, August 1998







Figure A\_7. Google Earth historic image, June 2005





Figure A\_8. Google Earth historic image, May 2009





Figure A\_9. Google Earth historic image, July 2011





Figure A\_10. Google Earth historic image, September 2013



September 9, 2018

To: Mono County Community Development Department  
Mono County Planning Division  
Commissioner Bentley Regehr- Planning Analyst  
Mono County Supervisors

Stacy Corless

Fred Stump

Bob Gardner

John Peters

Jennifer Halferty

**RECEIVED**  
SEP 10 2018  
Mono County  
Community Development

I do not believe a drug retail cannabis business should be the first building a tourist sees as they enter our community. What kind of message does this give to our visitors? The wrong message. "Welcome to our Druggie Town."

I believe the Conditional Use Permit 18-003/DeCoster: retail cannabis sales at 2555 Hwy 158, should not be allowed. There are many reasons in addition to the visual impact at the entrance to the community. We are a tourist community.

1. The location is adjacent to my residential apartments. At times, I rent to families with children. Having drugs (cannabis) next to these families is opening the door for children to be exposed to the drug culture and drug (cannabis) use. This is not appropriate. No one wants to rent from me with a drug building next door. No one is allowed to use drugs, cannabis, marijuana, in my rental properties. The smell will drift to my apartments and my tenants will not tolerate the marijuana smell and will move.
2. Across the street from this proposed Cannabis Distribution Building is a family owned home with small children living and playing outside who will be exposed to the drug culture. This is not acceptable.

3. I find this use appalling and if you decide to allow this use permit then you need to go to the Mono County Tax Collector and reassess my property, along with many other property owners, and lower our property values by at least \$100,000. The county will lose property tax dollars, possibly in the hundreds of thousands of dollars.

Please think this through carefully and reject the use permit (18-003/DeCoster).

Sincerely,

Rodger Guffey

Property owner 45 & 49 Lakeview Dr.

September 10, 2018

**RECEIVED**  
SEP 11 2018  
Mono County  
Community Development

To: Mono County Development Department  
Mono County Planning Department  
Mono County Supervisors Corless, Stump, Gardner, Peters and Halferty  
Planning Analyst Regehr

Subject: Support for High Sierra

This letter is to offer my support for High Sierra and their Conditional Use Permit. June Lake and the Eastern Sierra's main economic driver is tourism. In order to remain competitive with other world class destinations, I support having a local recreational cannabis store. Simply put, now that recreational cannabis has won on the ballot, the next logical step is to offer places to purchase it.

Respectfully submitted,



Jamie Schectman  
President, B-ROC, LLC



# MONO COUNTY 5-YEAR CAPITAL IMPROVEMENT PLAN FISCAL YEARS 2019 – 2024



Mono County Courthouse 1920s



Mono County Courthouse 2018



For Consideration by Mono County Community Development Department

And Mono County Planning Commission

September 20, 2018

Prepared by:

Assistant CAO Tony Dublino

Contributors:

CAO Leslie Chapman

Finance Director Janet Dutcher

Facilities Superintendent Joe Blanchard

County Engineer Garrett Higerd

Information Technology Director Nate Greenberg

## Table of Contents

Executive Summary

Overview

Development of the Capital Improvement Program

Project Programming Process

Appendix A – Capital Improvement Program Details

## EXECUTIVE SUMMARY

Mono County maintains 685 miles of roads, 200,000 square feet of space within 93 County-owned buildings, 12 mountain-top radio repeater sites, 68 acres of parks, and an 800-acre ranch. The preservation of these assets and the addition of new infrastructure is an essential component to the County's fiscal health, and its ability to maintain and enhance services.



Capital Improvement Plans, both short-term and long-term, are commonplace in all forms of business and government. The intent of the County's 5-Year Capital Improvement Plan (CIP) is standard—to identify the anticipated investments in property assets countywide over the next 5 years, and to chart a course for implementation that is based on countywide priorities and anticipated resources.

The County's property assets, and resources necessary to maintain and develop them, have historically been managed by individual County Departments. These Departments have set priorities, made recommendations to the Board, and those recommendations have been considered individually. The approach has been effective over the years, has resulted in the successful funding and implementation of numerous infrastructure improvements, but has not facilitated decisions within a countywide context.

The County has taken steps over the last several years to provide this countywide context. The County's Strategic Plan establishes priorities, many of which relate to the maintenance and enhancement of County infrastructure and services. The Project Approval Process, approved by the Board in April 2014, is another example of efforts to create a Countywide context for decision making on various projects. A countywide approach to capital improvement funding is one of the tenants of "Fiscal Resilience," an effort advocated for by CAO Leslie Chapman and Finance Director Janet Dutcher.

The proposed CIP is one by which *Primary Infrastructure Projects* have been identified and prioritized by individual Department leaders, *Enhancement Projects* have been requested, reviewed, and prioritized by the Project Review Committee, and the resulting CIP combines all projects into a single 5-year plan. This countywide plan is annually presented to the Board for consideration, direction and approval.



## OVERVIEW

### The 5-Year CIP – What is It?

The 5-Year CIP is a tool that sets mid-range policy direction for the implementation of projects, in consideration of the County’s available financial, and staff resources. Although it is a 5-year planning document, the CIP is updated and presented annually, allowing the Board to refine direction as different needs and desires emerge.

The CIP fulfills established policy stating the CAO shall “recommend to the board of supervisors an annual county operating budget based upon long-range plans for acquiring, constructing, or improving buildings, roads, and other county facilities” (Mono County Code 2.84.070 B.)

The inclusion of a project on an approved 5-Year CIP does not ensure the project will be implemented exactly as programmed, but charts a reasonable and achievable course, based on anticipated financial and staff resources.

The CIP itself becomes a guide for public review of the County’s major capital investment objectives and facilitates public discussion about project needs and priorities. It establishes a long-range fiscal management tool to assist County leaders with anticipating and planning for major capital expenses looming in future years, by accumulating resources prior to initiating projects.



The CIP provides perspective on the wide range of County needs, creating a countywide context to make significant investment decisions that considers the recommendations of staff as well as the public.

It is important to note that the CIP identifies *possible* projects for consideration for approval by the Board of Supervisors. Inclusion of a project in the adopted Final CIP does not constitute approval for the project to proceed by the Board of Supervisors. Each project proposal concept and funding plan must be



reviewed and approved by the Board of Supervisors at various stages of project development, prior to proceeding.

Regular updates to the CIP will be necessary to refine estimates and descriptions of projects, and may result in projects expanding, changing, or being deleted. The broad purpose of this plan is to forecast future major capital expenditure needs, and to plan accordingly.

The CIP consolidates projects from numerous County Departments including transportation maintenance plans, facilities development plans for various departments and service needs, IT plans for radio infrastructure, the Sheriff and EMS facilities, Behavioral Health housing needs, and community-driven enhancement projects.

The 5-Year CIP will be presented to the Board for adoption as a companion document to the 'Phase 2' Mono County Budget Process, following the identification of carry-over fund balance from the prior year. The County's Final Budget will address priorities and funding for annual operational, maintenance and service obligations for Mono County functions. The CIP will enable a plan and strategy for funding large, one-time capital expenses over the coming five-year period.



### Consistency with the County's General Plan

The CIP is referred to the County's Planning Agency (Community Development Department and Planning Commission), in order to confirm that the projects included in the Plan is consistent with the County's General Plan. On September 20, 2018 the plan was referred to the Planning Agency and the Mono County Planning Commission duly considered the Plan at a noticed public meeting. On XXX, 2018, the Mono County Community Development Department and the Mono County Planning Commission found that the Capital Improvement Plan for Fiscal Years 2019-2024 was consistent with the Mono County General Plan.

## DEVELOPMENT OF THE CAPITAL IMPROVEMENT PLAN

The CIP includes two types of Projects: Primary Infrastructure Projects, and Enhancement Projects. The CIP helps to ensure adequate financial and staff resources exist for the construction, maintenance, and future planning for both types of projects.

### Primary Infrastructure Projects

Primary Infrastructure Projects are those that involve critical County infrastructure: Roads, County office buildings that are utilized daily, the County Jail, and other infrastructure such as radio towers and communications systems. The people responsible for identifying the needs are generally the Division

Leaders and Directors within related County Departments. Using the County's Strategic Plan and Priorities, these managers develop plans for infrastructure and equipment that advances those strategic goals. Those plans are then aligned with available funding, where available.



The projects identified by these managers do not go through a Project Review Process. They are not considered optional, and the programming and implementation of these projects is based on funding and staff availability.

These projects reflect only maintenance and improvements to infrastructure that is necessary to maintain vital and mandated County services, or to make improvements to infrastructure necessary due to evolving legal requirements, safety concerns, or other issues.

### Enhancement Projects

In addition to the primary infrastructure that support vital County services, there are also projects that are proposed to enhance County services, or to provide a newly identified benefit to the communities. These projects often involve enhancements to community centers and parks, or enhancements of County facilities that will improve the delivery of services, security, or efficiency of operations. Enhancement Projects can be requested by individual County staff members, Department Heads, or community members. These projects may reflect improvements to existing infrastructure, may reflect a re-invention or re-purposing of existing infrastructure, or may be entirely new infrastructure.

All proposed projects are subject to the Project Review Process, and must be consistent with the County's Strategic Goals and priorities. The Project Review Process involves the submittal of a Project Request Form to the Public Works Department. The "Project Review Committee" convenes quarterly meetings to review the requests, and evaluates them based on the following criteria:

- Strategic Plan Alignment
- Safety
- ADA
- Legal requirements
- Community needs
- Department needs
- Funding

The results of that evaluation generates a ranking that staff utilizes to propose the CIP. The resulting proposal is presented to the Board on an annual basis, to confirm that it aligns with the Board's priorities, and strategic goals.

### Capital Planning and Operational/Maintenance Planning

Capital Improvement Projects, for the purposes of this Capital Improvement Plan, are defined as one-time major expenditures exceeding \$25,000 for construction or acquisition efforts. It has been determined that projects exceeding \$25,000 require a certain degree of planning using both financial and staff resources. Typically, these are large one-time equipment and technology acquisitions including heavy equipment replacement, new software acquisition, property acquisition, construction of facilities and infrastructure, major remodeling projects, and demolition efforts.

The CIP does not include recurring costs for maintenance and operations or other planned or unplanned repairs normally covered in the County's budget on an annual basis. Ongoing costs for routine maintenance and budgeted maintenance reserves, depreciation, etc. are included in various Department's operating budgets.

Notwithstanding, some maintenance projects have a high level of interested stakeholders, or Board members. To accurately reflect the work and prioritization of maintenance projects with an estimated cost of under \$25,000, the Facilities Division of Public Works will present a 5-year list of anticipated maintenance projects that it intends to perform as part of its annual operating budget. This list will be presented as a companion item to the CIP, allowing the Board to provide direction into the programming of those smaller-scale projects, within a broader context.

### Ongoing Operations and Maintenance Costs

An integral part of planning for capital projects, large and small, is to ensure that funding is available for the inevitable operating and maintenance costs that will be incurred once a project is complete. These include: additional staffing, utilities, debt service payments, and Cost Allocation Plan (CAP) charges. In addition to identifying financial needs for implementing projects, the CIP also provides an opportunity to recognize upcoming changes in operational costs and make budgetary adjustments as necessary.

## PROJECT PROGRAMMING PROCESS

### Capacity Analysis

Each CIP Project requires a certain amount of financial resources and staff resources. Identifying those needs several years in advance, and considering all projects together, allows the County to plan for 5 years in a County-wide context.

In considering the financial impacts of all proposed projects over a 5-year period, it is possible to establish a strategic financial approach, to 'smooth out' the financial peaks and valleys that may occur from year-to-year and ensure funding is available when needed to carry out projects.

Successful implementation of projects is not only about financial resources—it is also about staff resources. Each project will require a certain amount of staff time to manage the project, to provide environmental review, and administrative and/or legal support. It is imperative to recognize the demands these projects will place on staff resources and compare them to existing staff availability to ensure that the County has adequate staffing in place to carry out the projects as projected.

## Staff Resources

Once the Primary Infrastructure Projects and the prioritized Enhancement Projects have been identified, the estimated staff resources necessary to deliver the projects are considered. Those considerations inform the ‘programming’ of the projects, or the assigning of a given fiscal year (or multiple fiscal years in some cases) for the implementation of the project. With this exercise, it is possible to program projects in such a way that will not overwhelm available staff resources in a given fiscal year.

After reconciling the demands on staff resources with available staff resources, the projects can then be programmed in accordance with anticipated financial resources.

## Financial Resources

### General Fund

Projects that appear as “General Fund” projects are those that do not have a devoted internal or external funding source, other than discretionary resources within the County General Fund. As such, these projects compete for scarce discretionary resources. There are always more good ideas than can be paid for by the County General Fund, so the Strategic Plan and Priorities are used to guide the programming in light of available General Fund resources.



### Non-General Fund

Most projects on the 5-year CIP are non-general fund projects. This means they have some source of funding outside of the County’s discretionary General Fund. This does not mean that the funds are not “County” funds – many of them are – but that they are separate from the General Fund. In many cases, Non-General Fund Projects still have General Fund impacts in the form of required cash contributions, in-kind matches.

For example, the Solid Waste projects are funded through the Solid Waste Enterprise Fund. These are technically County funds, but do not impact the County’s General Fund on an annual basis.

Another example are projects funded by the local County Service Areas (CSA). These are projects that are proposed to be funded with special revenues that are collected through voter-approved special taxes that appear on property tax statements. Again, these CSA funds also have limits that must be acknowledged.



Another (and the largest) example of Non-General Fund projects are the Road projects. These projects are funded through a variety of restricted revenue sources, including the recently passed gas tax SB1, the State Transportation Improvement Program (STIP) and Highway User Tax, among others.

Although these funds are separate from the County General Fund, each of these funds have annual revenue projections. The CIP enables a 5-year view of each of these funding sources that can identify any over-allocation of those accounts.

APPENDIX A – CAPITAL IMPROVEMENT PLAN

Project	Amounts in thousands	FY18-19		FY19-20		FY20-21		FY21-22		FY22-23		Beyond 5 years	
		Estimate	GF	Other	GF	Other	GF	Other	GF	Other	GF	Other	GF
Davison House Demo/Sale	\$0	\$ -	\$ -										
Behavioral Health Housing	\$0												
South County Government Center	\$20,500	\$ 90	\$ 15,000		\$ 5,410								
Bridgeport 395 Banner	\$0												
Long Term Radio	\$5,285				\$ 500		\$ 500		\$ 4,000		\$ 285		
Short Term Radio	\$1,425	\$ 285		\$ 285		\$ 285		\$ 285		\$ 285			
Phones	\$180	\$ 180											
Storage: Sheriff	\$25				\$ 25								
Storage: Bridgeport	\$25							\$ 25					
Storage: Mammoth Lakes	\$35									\$ 35			
Network Upgrades	\$70		\$ 20		\$ 25		\$ 25						
Dispatch Upgrades/Move	\$200						\$ 200						
Mammoth BOS Room VTC	\$10		\$ 10										
Bridgeport BOS Room VTC	\$25									\$ 25			
Town/County Conference Room VTC	\$5		\$ 5										
Bridgeport Jail Project	\$27,000		\$ 500		\$ 500		\$ 500		\$ 13,000		\$ 12,500		
Systemic Safety Analysis Report	\$50		\$ 50										
County-wide Fog Seal and Stripe	\$616		\$ 616										
Highway Bridge Program Inventory Update	\$30		\$ 30										
Rimrock ZOB Preventative Maintenance	\$14		\$ 14										
Bryant Field & Lee Vining Airport Runway Fog Seal	\$62		\$ 62										
Aerial and topographic mapping	\$30		\$ 30										
Airport Road Rehabilitation	\$1,566		\$ 31		\$ 135		\$ 1,400						
Eastside Lane Overlay/In-Place Recycle - Phase 1	\$1,150		\$ 1,150										
Long Valley Streets Rehabilitation	\$2,550				\$ 300		\$ 2,250						
County-wide Fog Seal and Stripe - Phase 2	\$180		\$ 180										
Mono City Slurry Seal & Dig-outs	\$100		\$ 100										
Benton Crossing Road Slurry Seal - Phase 1	\$400		\$ 400										
South Landing Road Overlay	\$440		\$ 440										
Hackney Drive/Shop Road Rehabilitation	\$250		\$ 250										
Highway Safety Improvement Program Project	\$550		\$ 50		\$ 500								
Twin Lakes Road Slurry Seal	\$1,000				\$ 1,000								
Virginia Lakes Road Slurry Seal	\$1,000				\$ 1,000								
Benton Crossing Road Slurry Seal - Phase 2	\$520				\$ 520								
Eastside Lane Overlay/In-Place Recycle - Phase 2	\$2,810						\$ 2,810						
Cunningham Lane Bridge Replacement	\$1,750						\$ 250		\$ 1,500				
Benton Crossing Road Overlay/In-Place Recycle	\$2,960								\$ 2,960				
Cemeteries: Layout, Database & Plot Markers	\$15	\$ 5		\$ 5		\$ 5							
North County Campus Solar Project	\$0												
Crowley Lake Road Shop Sand/Oil Separator	\$0												

June Lake Fire Escape Road	\$0													
Conway Summit Comm Vault Re-Siding	\$20	\$	20											
Conway Summit Comm Vault Re-Roof	\$20	\$	20											
Lundy Campground Improvements	\$10	\$	10											
Install 10,000 Gallon Water Storage Tanks	\$25	\$	25											
CLCC Pergola	\$90				\$	90								
Walker Campus 2/So Tennis Court	\$115	\$	115											
Walker Campus 3/North Tennis Court	\$40						\$	40						
Walker Wellness Center Pergola	\$8	\$	8											
Benton Ballfield Phase 1	\$10			\$	10									
DA's Office Security Remodel	\$15			\$	15									
Hess Park Solar Pavillion	\$95	\$	60					\$	35					
BP Animal Shelter Kennel Improvement	\$12	\$	12											
Walker Campus 1/Parking	\$40						\$	40						
Benton Road Shop Demo/Reconstruct	\$750											\$	750	
Bridgeport Animal Shelter demo/Reconstruct	\$600											\$	600	
Lee Vining Road Shop Demo/Reconstruct	\$900											\$	900	
Bridgeport Medic 7 Demo/Reconstruct	\$360											\$	360	
Walker Road Shop Demo/Reconstruct	\$600											\$	600	
Chalfant Community Center Demo/Reconstruct	\$600											\$	600	
BP Courthouse Prep and Paint	\$100											\$	100	
BP Museum Prep, paint, new roof	\$100											\$	100	
BP Marina new roof	\$15											\$	15	
BP Historic Jail new roof	\$15											\$	15	
Countywide Tennis Court Replacement	\$800											\$	800	
Hess Park Historic Facility Relocation	Unknown													
AVSCW Recycling Relocation	Unknown													
June Substation Museum	Unknown													
PVLF - New Ops	Unknown											\$	-	
Benton Crossing Landfill Closure	\$5,520											\$	5,520	
CARB Replacement 10-wheeler	\$253	\$	253											
CARB Replacement 10-wheeler	\$253	\$	253											
CARB Replacement 10-wheeler	\$253	\$	253											
CARB Replacement Transport Truck	\$195	\$	195											
CARB Replacement Transport Truck	\$195	\$	195											
CARB Replacement Grader	\$315	\$	315											
CARB Replacement Grader	\$315				\$	315								



CARB Replacement Grader	\$315				\$ 315									
CARB Replacement 10-wheeler	\$253				\$ 253									
CARB Replacement 10Wheeler	\$253						\$ 253							
CARB Replacement Loader with Blower	\$541						\$ 541							
CARB Replacement 10-wheeler	\$253								\$ 253					
CARB Replacement Loader with Blower	\$541								\$ 541					
CARB Replacement Transport Truck	\$195													\$ 195
CARB Replacement Lube/Service Truck	\$250													\$ 250
CARB Replacement Lube/Service Truck	\$250													\$ 250
CARB Replacement Grader	\$350													\$ 350
CARB Replacement Grader	\$350													\$ 350
CARB Replacement Grader	\$350													\$ 350
<b>TOTALS</b>	<b>\$89,368</b>	<b>\$ 708</b>	<b>\$ 20,524</b>	<b>\$ 315</b>	<b>\$ 10,888</b>	<b>\$ 370</b>	<b>\$ 8,764</b>	<b>\$ 285</b>	<b>\$ 22,279</b>	<b>\$ 285</b>	<b>\$ 18,365</b>	<b>\$ 4,840</b>	<b>\$ 1,745</b>	

90  
**Mono County**  
**Community Development Department**

---

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

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

September 20, 2018

**To:** Mono County Planning Commission

**From:** Bentley Regehr – Mono County, Planning Analyst  
Megan Mahaffey – Mono County, Accountant  
Wendy Sugimura – Mono County, Director

**Re:** Housing Toolbox Workshop

## **BACKGROUND**

In the spring of 2018, a toolbox consisting of strategies to address housing challenges was established and vetted through an extensive community outreach process. A summary of the toolbox strategies and the associated community feedback was presented to the Mono County Board of Supervisors on June 19. Community Development staff has since worked with Economic & Planning Systems (EPS) to organize the toolbox strategies into a matrix that begins to fuse broad housing goals and strategies to potential programs and actions.

## **DISCUSSION**

The housing toolbox programs matrix, which was presented at the August Planning Commission meeting, has been further developed into a more descriptive document (attachment 1). Please note this document is a draft; staff has provided feedback and the new document is not yet available. Staff will provide an updated document at the meeting. However, the concept remains the same as the previous matrix, with three overarching goals followed by programs and then implementation actions.

The intent of this workshop is to receive input from the Planning Commission on the following:

- Goals and programs: Consider the goals or programs and whether any are missing, should be eliminated, or should be modified, and whether the goals and programs create a sufficient working framework for addressing housing issues.
- Implementation actions: Consider the implementation actions and whether any are missing, should be eliminated, or should be modified, and prioritize to the extent possible. To assist with prioritization, the implementation actions have been broken up into four categories: 1) Current staffing, meaning the work can be addressed within current staff workflow, 2) Additional staffing, meaning new work would be initiated that

would require additional staff resources to accommodate, 3) Funding, meaning dollars must be committed, 4) Partnership, meaning Mono County does not have authority or jurisdiction to accomplish the program alone, and 5) Outside County purview, meaning the program does not typically fit within existing County departments or staff work.

Feedback from the Planning Commission will be conveyed to the Board of Supervisors at a special meeting scheduled for September 28, 2018, at 1 pm in the Mammoth Board Chambers (Suite Z).

## Administrative Draft Report

# Mono County Housing Toolbox Programs and Funding Options

*The Economics of Land Use*



Prepared for:

Mono County

Prepared by:

Economic & Planning Systems, Inc.

August 28, 2018

*Economic & Planning Systems, Inc.  
One Kaiser Plaza, Suite 1410  
Oakland, CA 94612-3604  
510.841.9190 tel  
510.740.2080 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

**[www.epsys.com](http://www.epsys.com)**

EPS #181044



Table of Contents

---

1. INTRODUCTION..... 1

2. HOUSING ACTION PLAN GOALS AND PROGRAMS ..... 2

    Goal #1: Increase Overall Supply of Housing ..... 2

    Goal #2: Increase Supply of Community Housing ..... 4

    Goal #3: Retain Existing Community Housing ..... 7

---

## 1. INTRODUCTION

---

This report describes the County's Housing Toolbox Programs and Funding Options; it has been prepared to address the County's ongoing unmet housing needs, complement the County's Housing Element, and accompany the summary matrix. At a time of increasing housing demand, and in recognition that an active housing market is a key component of economic development in the County, it is worth noting that housing production has remained at historically low levels. Mono County leaders and decision makers recognize that without a concerted effort and reforms of its planning, regulatory, infrastructure programming, and financing efforts, it will be unable to meet the County's housing needs or achieve the County's economic development potential. Achieving safe and secure housing for all Mono County residents will confer social, fiscal, environmental, and economic benefits to the County, including the following:

- Expanded and improved housing stock for existing and future residents of the County at all household income levels.
- Expanded development-based funding revenues that support needed infrastructure and community facility improvements.
- Increased County revenues used to support and expand County services.
- Local business expansion and related increases in local employment and household income.
- Retention of existing businesses and attraction of new businesses as local labor force improves and expands.

### **Housing Action Plan Goals**

The Housing Action Plan is organized by three primary goals, each of which is supported by a number of specific programs. Each program, in turn, is described in some detail, along with program implementation actions.

1. Increase overall supply of housing, consistent with the County's rural character.
2. Increase supply of community housing.
3. Retain, to the greatest extent possible, existing community housing units.

Following the discussion of the Housing Action Plan Goals, this report will discuss a range of funding options that may be available and which could be used to support the County's housing goals.

## 2. HOUSING ACTION PLAN GOALS AND PROGRAMS

---

### Goal #1: Increase Overall Supply of Housing

#### Program #1a: Development Readiness

Development readiness refers to identifying “opportunity sites,” parcels, or groups of parcels, with good physical, regulatory, and market potential for residential development. Agencies can take steps to enhance project readiness and feasibility through their development regulations. In addition, this program identifies specific policies, regulatory changes, or public investments that would improve development readiness. While such options may not always be appropriate given the context of a specific development, the flexibility to diverge from standard development regulations can significantly enhance project revenues and/or save costs. Trade-offs between certainty (risk reduction due to clear regulations) and flexibility (potential cost savings or value enhancements through discretionary options) should be weighed when considering policies to adjust the design and programming parameters for affordable housing projects.

#### Program Implementation Actions

- 1) Update the County’s housing opportunity site identification and assessment database. The database would include an inventory of County-owned property as well as underdeveloped private property that is appropriate for higher density residential development. All sites would be evaluated based on size, location, transportation access, and infrastructure availability to identify sites most ready and appropriate for development. Potential capacity for infill projects should be noted.
- 2) Consider and initiate revisions to zoning and land use development standards that improve housing production potential on opportunity sites. Aligning zoning standards so that regulations are consistent with the intention of increasing housing potential is an important step in assuring development readiness. Zoning regulations should impart, to the extent possible, “use-by-right” (i.e., a limitation on the need for further discretionary review such as conditional use permits that add uncertainty and time to the approval process).
- 3) Reduce barriers to constructing second dwelling units, or accessory dwelling units (ADUs), consistent with State law and by providing “off-the-shelf” designs for use by interested property owners. The addition of small units on single-family lots, either as a new, separate unit or a new unit developed through internal remodeling/conversion, is an option which would provide rental units at market rents which might be affordable to moderate, and possibly low, income households. This would promote construction of housing units that may cost less because they are small and efficiently designed and thus cost less to build.

As part of the California 2017 Housing Package, AB 494 and SB 229 provide clarification and promote the development of ADUs. Both bills state that ADUs may be rented separate from the primary residence, but not sold separately. AB 494 states that, within local ordinances, no setback shall be required for an existing garage that are converted to ADUs. Furthermore, parking requirements for the ADU may not exceed one parking space per unit or bedroom (whichever is less). Lastly, AB 949 bill defines studios, pool houses,

or similar structures as an ADU. SB 229 provides that an ADU may be on a lot zoned for a lot with a proposed (built concurrently) or existing single family dwelling, and clarifies that the total area of floorspace shall not exceed 50 percent of the of the proposed/existing primary dwelling area or 1,200 square feet. The bill also prohibits ADUs from being considered a new residential use for the purpose of calculating water and sewer service fees, now with applicability to special districts and water corporations. <http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>

- 4) Define “tiny homes” and reduce barriers for tiny homes in a manner that is consistent with neighborhood character. This may include reducing minimum size requirements. As with #3 above, this would promote construction of housing units that may cost less because they are small and efficiently designed and thus cost less to build.

### **Program #1b: Project Review and Approval Streamlining**

Agencies can take steps to reduce development costs and risks by streamlining the approval process. Housing development often faces numerous political and procedural challenges, ranging from concerns about environmental impacts to the lengthy and uncertain approval process. These challenges increase development costs due to extra analysis and outreach requirements and increase risk by reducing the certainty that a developer investing in extensive pre-development efforts (including site acquisition) will receive approvals for a feasible project. These costs and risks can be reduced through public sector efforts such as establishing ministerial permitting or “by-right” zoning for projects meeting objective standards defined by the local jurisdiction, providing program-level environmental clearance, waiving or deferring certain impact fees, and making public investments in required infrastructure.

#### **Program Implementation Actions**

- 1) Evaluate the County’s project review process and determine if there are additional opportunities for housing developments that are consistent with County zoning to be processed as by-right or “Director Review” applications.
- 2) Continue to allocate money from the General Fund to CDD/PW/Env Health departments to conduct planning, building, and engineering review of development applications in a timely manner. Because current building and permitting fees do not fully cover staff time, additional resources may be needed to support timely review.
- 3) Identify future opportunities for CEQA streamlining, when possible, including completing studies to meet streamlining provisions and tracking changes in state legislation that provide new opportunities.

### **Program #1c: Proactive Investment**

The development of housing involves numerous categories of investment, including land acquisition, entitlement, and the construction of buildings and infrastructure. Sometimes the public sector has resources that can be directed toward these costs, thus reducing the cost for the housing developer.

Many prospective housing developments face challenges associated with site conditions and/or infrastructure beyond their own on-site needs, (e.g., deficiencies in roadways and transit services, water/wastewater, parks, school capacity, and other critical infrastructure). These



deficiencies make it challenging to provide adequate service to existing residents, let alone accommodate still more housing.

**Program Implementation Actions**

- 1) Review opportunity sites and evaluate if off-site infrastructure investment can improve the readiness and feasibility of new housing development.
- 2) Determine if there are strategically located parcels of land that can be purchased and “banked” for eventual disposition to housing developers.
- 3) Evaluate the feasibility and value of creating a housing land trust. A housing land trust could be a public or private, non-profit organization that acquires/owns real estate in order to provide benefits to its local community - and in particular to make land and housing available to residents who cannot otherwise afford them. As an example, the mission of the [Sonoma County Housing Land Trust](#) is to provide home ownership opportunities to low- and moderate-income families in Sonoma County while ensuring permanent housing affordability through the use of a land trust model. In Sonoma County, this means that the trust owns real estate in order to complete these goals, and the land beneath the home is leased to the homeowner for 99 years. If the house is to be resold, it must be made available at an affordable price. Keeping the land separate from the property enables a home to be sold at a below-market rate price.

**Goal #2: Increase Supply of Community Housing**

**Program #2a: Inclusionary Housing**

Local jurisdictions often adopt inclusionary zoning ordinances that require new residential developments to provide a certain proportion of units at below-market-rate prices. Based on the findings of the *Palmer* case in Los Angeles, most jurisdictions in recent years only applied these inclusionary zoning requirements to *for-sale* housing developments. The right of a jurisdiction to impose such inclusionary requirements on new for-sale development has been affirmed by the California Supreme Court in a case from San Jose. Furthermore, as of September 2017, AB 1505 affirms that jurisdictions *can* impose inclusionary requirements on new rental developments without violating other limitations on rent control.

Jurisdictions can strategically direct in-lieu fee proceeds toward affordable housing development and preservation programs. Most jurisdictions with inclusionary programs typically review and refine the inclusionary requirements and related fees from time to time, to reflect evolving local housing needs as well as evolving development economics (especially construction costs). Of course, there are limits on the extent to which new housing developments can provide affordable units and remain financially feasible, and care should be taken to craft inclusionary policies and in-lieu fee schedules that balance feasibility limits and thus do not dampen construction of market-rate housing.

**Program Implementation Actions**

- 1) Reinstate the Housing Mitigation Ordinance, including inclusionary requirements, along with an in-lieu fee schedule, for both ownership and rental market-rate housing developments. Include a provision for annual updates, indexed to a regional construction cost index. Update the HMO as needed.

## **Program #2b: Acquisitions**

This program would purchase market rate units, refurbish as needed, place affordability deed restrictions on the property, and then sell at below-market-rate prices. A program like this could potentially be funded through the County Revolving Loan Fund and administered by Mammoth Lakes Housing, or a similar organization.

### ***Program Implementation Actions***

- 1) Purchase housing units at market rate, deed restrict, and then sell. Could be administered through the County's Revolving Loan Fund. This program could include exploring the willingness of rental property owners currently not under a regulatory agreement to enter into a contract in exchange for payment of the market rate/affordable rent differential with household income restricted to 80 percent area median income.

## **Program #2c: Public Land Offering**

The County (and the Federal government) owns substantial land within the County, some of which may not be needed to serve a direct public purpose. The use of public land presents key opportunities that are not typically available on private land, such as the ability to defer land acquisition costs until the project is entitled, the possibility of acquiring the land at an appraised value that may be below market rate, and the chance to leverage the public land contribution or discount as a "local match" for competitive funding programs. This Program would involve the County potentially improving and disposing of select sites for housing production purposes. In addition, disposition of public land offers an opportunity to require, through the purchase and sale agreement, inclusion of affordable housing units, beyond the local HMO or State Law requirements (AB 2135 and AB 2125).

### ***Program Implementation Actions***

- 1) Establish a policy outlining the County's expectations and requirements regarding future public land disposition, including the provision of affordable housing consistent with State Law. AB 2135 (Surplus Land Act) requires agencies seeking to develop "surplus property" to give first priority to developers of low or moderate-income housing (or parks or schools, but not market-rate development), and allows the agency to offer the land at lower than its appraised market value to enhance the feasibility for such development. If terms cannot be reached with an affordable housing developer within 90 days, agencies are allowed to offer the land to other developers, but those developers are still required to provide at least 15 percent of units at affordable prices (AB 2125). In this way, agencies are already required by law to provide affordable housing on most "surplus properties."
- 2) Beyond this statewide requirement, the County and other public agencies can prepare for disposition and development by reviewing the current use and long-term needs for publicly-owned parcels, creating policy-level flexibility to offer land for either fee simple sale or long-term ground lease, and offering such land at prices below market-rate appraisal value to the extent that such discounts are required for affordable housing and can be recognized as a local match for other available subsidy programs. The key opportunity here is that these properties can be offered to developers with a range of specific conditions, most importantly, the requirement that a portion of the housing units be contractually price-restricted for lower-income households. Note that land offered by

the County for disposition for housing development is subject to a minimum of 25 percent housing available to lower income families, as required by State law.

### **Program #2d: Financial and Regulatory Incentives**

This program would establish a set of financial and regulatory incentives to offer market rate developers to include affordable housing in their housing projects. Incentives and concessions are defined as a reduction in site development standards or a modification of zoning code requirements. Financial and regulatory incentives need to acknowledge that most residential development applications in the County are for smaller projects (i.e., four units or less).

#### ***Program Implementation Actions***

- 1) Allow waivers or discounts of planning review or development impact fees for affordable projects and/or units.
- 2) Identify zoning requirements for which more flexible approaches could incentivize the provision of more on-site affordable units (e.g., setbacks, parking).
- 3) Create a density bonus beyond the State maximum. Density bonuses have good potential, based on the experience of other jurisdictions, to incentivize production of affordable housing units on-site. State Planning and Zoning Law requires that local jurisdictions allow an increase in residential density up to 35 percent above the applicable zoning district maximum, for projects providing affordable or senior housing units. A density bonus is generally expressed as a percentage. For instance, if the general plan and zoning allow 10 units, but the developer wants to build 12, the extra 2 units is a 20 percent density bonus. State law allows a maximum of 35 percent, which would allow an additional 3.5 units, rounded up to 4 units in this example.

Allowing more than a 35 percent increase in density is one of the possible provisions in a local ordinance. Other California jurisdictions have taken this approach. For instance, Sonoma County allows a bonus of up to 50 percent above the maximum density in return for greater affordability than required in state law or for on-site renewable energy systems generating at least 70 percent of the project's electrical energy demand or specified accessibility improvements. Sonoma County allows a 100 percent bonus for higher density land use designations providing 40 percent of the project to lower income households, with a specified maximum of 30 units per acre.

The City of Napa provides a maximum bonus of 100 percent and requires developers demonstrate that the project provides more affordable housing than required by the state law provisions or that the project incorporates amenities or public benefits that justify the increased density.

- 4) Establish a tax deferral program for affordable housing units.

### **Program #2e: Partnerships**

Residents of Mono County are served by a number of local government agencies including the County, the Town of Mammoth Lakes, water districts, fire districts, the K-12 school districts, the Cerro Coso Community College system, and the Eastern Sierra Transit Authority. There are also a number of charitable entities, or (501)(c)(3) organizations, which include most of the hospitals,

and nonprofit organizations serving the County. Each of these entities has an interest (even if indirect) in housing and, in many cases, has resources available that can help address the housing supply problem. A new level of interagency and public-private cooperation is needed to leverage the respective resources and capabilities of these organizations toward a common objective: increasing housing supply for employees, students, and the public-at-large. There are opportunities for the County and the Town to collaborate, particularly to share administrative resources.

### **Program Implementation Actions**

- 1) Pursue partnerships with other agencies in the County, such as the Town of Mammoth Lakes (TOML), where approximately 60 percent of the County's residents reside. The County and TOML may consider combining funding and/or administrative resources.
- 2) Investigate potential for landlord partnerships. Research the feasibility of implementing a program to link nonprofit housing and service providers with landlords. Such a program can help mitigate the real and perceived risks associated with renting to lower income households. Landlord concerns include non-payment of rent, property damage, or the burden of having to deal with other potential problems caused by tenants.

Financial incentives could be provided to landlords such as payment of rent deposits, the first month's rent, a pre-leasing bonus, rental assistance to qualified residents, access to eviction prevention funds, and support to perform basic maintenance.

Further assistance to landlords could include case management support for qualified residents; routine inspections; master lease with a nonprofit, 24-hour support hotline; and a tenant-certification program that provides prospective tenants with education on budgeting, credit, and other tools to help them be responsible tenants.

- 3) Investigate potential for developer partnerships. Statewide, housing for the lower echelon of household income (extremely low and very low income) is typically provided by affordable housing developers who make use of the federal Low-Income Housing Tax Credit (LIHTC) program and other federal and State housing subsidies. Local governments also provide subsidy funding to such projects which is instrumental in obtaining the LIHTC allocations.
- 4) Partner with other agencies and/or employers (i.e., ski resorts) to ensure that new employee housing qualifies towards the County's RHNA requirements.

## **Goal #3: Retain Existing Community Housing**

### **Program #3a: Rehabilitation Loans/Grants**

Owners/landlords of existing affordable housing developments and/or units may not be able to afford or justify significant capital investment in property upkeep. Grants or loans offered with favorable terms may help with these expenses, helping to retain safe, affordable housing units in the County. This Program presents another opportunity to partner with the Town of Mammoth Lakes.



### **Program Implementation Actions**

- 1) Collaborate with the Town of Mammoth Lakes on rehabilitation loan and grant programs and identify ways to bolster the program. Explore the willingness of owners of rental properties to participate in a rehabilitation loan program, which would provide funds to make property repairs in exchange for restricted rents to low income households.
- 1) Consider other programs that may improve housing stock quality, such as a fund for the rehabilitation of existing community housing units and incentives for energy efficiency improvements.

### **Program #3b: Rentals**

There is a significant supply of second homes/vacation homes in the County that sits vacant for much of the year, reducing the supply of housing available to the County's full-time residents and workforce, thus distorting the housing market. The County can work to mitigate the impacts of short-term rentals and incentivize long-term rentals.

### **Program Implementation Actions**

- 1) Conduct a study to fully understand the impact of the short-term rental market in the County.
- 2) Explore how to incentivize property owners to convert short-term rentals into long-term rentals, potentially through the use of a short-term rental tax and/or a tax deferral program for long-term rentals.
- 3) Continue to regulate the vacation home market in coordination with the Town. Consider further enhancing policy and enforcement on short-term rentals.
- 4) Limit accessory dwelling units to long-term rentals only.
- 5) Educate realtors about the short-term rental approval process.

### **Program #3c: Acquisitions**

While not counting toward meeting RHNA objectives, investments that purchase or extend existing affordability contracts may provide a cost-effective way to secure and sustain the County's price-regulated housing. The Mono County Revolving Loan Fund allows the County to purchase deed restricted units within TOML for purpose of preserving low-/moderate-income and workforce households. Purchased units are marketed for sale at below-market-rate.

### **Program Implementation Actions**

- 1) Track the expiration of deed restrictions and other affordability covenants in the County's Housing Element and identify opportunities to purchase and re-sell deed restricted units, thereby preserving the County's existing affordable housing supply. This could include exploring the willingness of owners of housing bond-financed developments to participate in a purchase program whereby the County would pay for the difference between market rate and affordable rent in exchange for extending the term of an existing regulatory agreement.
- 2) Review the language of deed restricting conditions to minimize unintended consequences. For example, deed restriction conditions should not discourage people from pursuing life

choices that improve their economic conditions (i.e., accepting work or better paying jobs). The conditions should not create perverse incentives to restrict income growth.

Table 1 Mono County Housing Toolbox Programs		Resources Allocated					
Housing Toolbox Goals	Program	Program Implementation Actions	Current Staffing	Additional Staffing	Funding	Partnership	Outside County Purview
1. Increase Overall Housing Supply, Consistent with County's Rural Character	1a. Development Readiness	Update opportunity site database	X				
		Regulatory changes that improve housing production potential	X				
		Reduce barriers to second dwelling unit construction			X		
		Reduce barriers to "tiny home" construction		X			
	1b. Project Review and Approval Streamlining	Identify additional opportunities for by-right review and approval	X				
		Allocate additional resources to bolster staff capacity to review applications		X			
		Identify future opportunities for CEQA streamlining	X				
	1c. Proactive Investment	Evaluate if off-site infrastructure investment can improve development readiness				X	
		Identify opportunities for land-banking				X	X
		Evaluate feasibility/value of creating a housing land trust		X		X	

<b>2. Increase Supply of Community Housing</b>	2a. Inclusionary Housing	Reinstate HMO, including inclusionary requirements, along with an in-lieu fee	X					
	2b. Acquisitions	Purchase housing units at market rate, deed restrict, and then sell.				X	X	
	2c. Public Land Offering	Establish policy regarding future county land disposition	X					
		Prepare for disposition and development by reviewing current use and long-term needs for county-owned parcels	X					
	2d. Financial and Regulatory Incentives	Allow waivers or discounts of planning or development impact fees for affordable projects/units	X		X			
		Identify zoning requirements for which more flexible approaches could incentivize more on-site affordable units	X					
		Create density bonus beyond State maximum	X					
		Establish a tax deferral program for affordable units		X	X			
	2e. Partnerships	Pursue partnerships with other agencies in the County, such as TOML	X				X	
		Investigate potential for landlord partnerships					X	X
		Investigate potential for developer partnerships					X	X
		Partner with other agencies and employers to ensure that new employee housing qualifies toward meeting the County's RHNA targets			X	X	X	



<b>3. Retain Existing Community Housing</b>	3a. Rehabilitation Loans and Grants	Bolster rehabilitation loan and grant program, in collaboration with TOML			X	X	
		Consider programs that may improve housing stock quality			X	X	
	3b. Short-term Rental Policies	Conduct a study to evaluate the impact of short-term rentals in the County		X	X		
		Explore how to incentivize property owners to convert short-term rentals into long-term rentals		X			
		Consider further enhancing policy and enforcement	X				
		Educate realtors about the short-term rental approval process	X				
	3c. Acquisitions	Identify opportunities to purchase and re-sell deed restricted units					X
		Review the language of deed restricting conditions to minimize unintended consequences		X		X	
		Identify opportunities to bolster the County's Revolving Loan Fund			X		