

## Exhibit A

### Chapter 15.40

#### Housing Mitigation Requirements

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The County of Mono has a shortage of housing that is affordable to many citizens who work and reside in Mono County. The cost of housing has risen sharply over the past several years due to the cost of housing in the county's resort communities, the increase in second-home residences throughout the county, the scarce and limited amount of private land within the county available for residential development, and the overall increase in the cost of housing throughout the State of California. Wages for workers residing in Mono County have not kept pace with the increase in housing costs. As a result, employees in the lower, moderate, and even upper-moderate income ranges cannot afford to reside in proximity to work centers, have been forced to move greater distances from their places of employment, or have moved from the area entirely. This has decreased the pool of workers necessary to meet the needs of businesses and communities within Mono County. It has also increased commuting time to places of employment and contributes to substandard living conditions for workers and their families that earn low and moderate income levels.

Requiring developers of land to mitigate the impact of development projects on the availability of workforce and affordable housing, either directly or through the payment of fees, dedication of land, or similar means, is reasonable and necessary to offset the impact of the development which has resulted in a decrease of land available for workforce housing, and for persons with low and moderate levels of income, a demonstrative increase in the price of housing, and an increase in the need for workers within the county. Despite the availability of state and county incentives, there has been little or no market development of residential housing affordable to households earning very low, low, moderate, and even upper-moderate income levels and no other reasonable means to meet this need for workforce and affordable housing are available.

A requirement that new development mitigate these impacts by the development of affordable housing units, the payment of fees, or similar means is reasonable and necessary to improve the health, safety and general welfare of the citizens of Mono County. Recognizing that different regions within the county experience separate and distinct needs for affordable housing, different mitigation requirements will apply to most appropriately address the needs of the different communities. These mitigation conditions will not

result in a negative impact on the overall development of housing or impose a barrier that will prevent persons with lower and moderate levels of income from purchasing housing.

#### **15.40.020 Definitions**

For the purposes of this chapter the following definitions shall apply:

A. **Affordable Unit@** means a housing unit which is required to be built, sold, and/or restricted pursuant to the requirements under this chapter. For purposes of determining the fractional fee required pursuant to this chapter, the designated size of an affordable single-family unit, including an affordable condominium unit and an affordable unit required for non-residential projects, is determined to be twelve hundred (1200) square feet (excluding garage and secondary dwelling unit); the designated size of an affordable multi-family unit or manager's unit is one thousand (1000) square feet; and the designated size of a secondary unit is six hundred-forty (640) square feet.

B. **Building Cost@** means the cost per square foot of building a single family residence in Mono County as determined by the Mono County Building Division for **Habitable Space D,@** or as determined by resolution of the Board of Supervisors.

C. **Developer@** means a person or entity who applies for a permit or other approval for the construction, placement, or creation of residential or non-residential development, including the subdivision of land.

E. **Dwelling Unit@** means any structure or portion thereof designed or used as residence or sleeping quarters of a household, including a caretaker unit.

F. **Full-Time Equivalent Employee@ (FTEE@)** means a full-time employee or combination of part-time employees whose work constitutes a total of 2,080 hours of annual employment generated by residential and non-residential development. In general, a full-time employee employed for an entire year equals one FTEE, a full-time employee employed on a seasonal basis equals one-half FTEE, and a part-time employee employed on an annual basis equals one-half FTEE. When an "employee generation calculation" results in seasonal or part-time employees, those employees shall be combined to form FTEEs.

G. **Household@** means one or more individuals who occupy one dwelling unit as a single housekeeping unit, whether or nor related by blood or marriage.

H. **Housing Fund@** means the County of Mono Affordable Trust Fund established pursuant to this Chapter.

I. **Housing Mitigation Fee@** means any fee established pursuant to this chapter.

J. **HUD@** means the United States Department of Housing and Urban Development.

K. **Housing Mitigation Agreement@** means an agreement between the County of Mono and a developer governing how the developer shall comply with this chapter.

L. **Location Factor@** means a factor that represents the cost of housing and need for affordable housing within a specific geographic region within Mono County that will be used in the calculation of housing mitigation requirements.

M. **Market Rate Unit@** means a dwelling unit in a residential development project that is not an affordable unit.

N. **Area Median Income,@** also known as "AMI," means the median income, adjusted for family size, applicable to Mono County as published annually pursuant to Title 25 of the California Code of

Regulations, Section 6932 (or its successor provision), as determined periodically by HUD and updated on an annual basis.

O. ANon-residential development project@ means a project for the construction, addition, subdivision of land, or placement of a structure which is for a non-residential use and which is proposed to be developed within the following General Plan land use designations: commercial, commercial lodging, service commercial, industrial park, industrial, rural resort, including that portion of any development within a mixed use or combined use designation (e.g. specific plan) which includes the construction, addition, or placement of a structure for non-residential use.

P. AResidential development project@ means a project for the construction or placement of any residential dwelling unit in a permanent location, or the subdivision of land which is planned, designed, or used for development of residential dwelling units within the following General Plan land use designations: rural residential, estate residential, single-family residential, multi-family residential, or any other area where residential dwelling units may be developed.

Q. ASecondary Housing Unit@ shall mean a dwelling unit located on the same parcel as a principal unit and as defined pursuant to Chapter 16 of the Land Use Element of the Mono County General Plan.

R. "Sleeping Area" means any bedroom, loft, or other space that can be equipped with beds, foldout sofas, or other similar sleeping furniture within a visitor accommodation/transient occupancy facility.

#### **15.40.030 Housing Trust Fund**

A. There is hereby established the Mono County Affordable Housing Trust Fund (the AHousing Fund@). Any and all fees collected pursuant to this Chapter, together with any other funds received by grant or otherwise for the purpose of furthering the development of affordable housing within the County of Mono, shall be deposited into the Housing Fund.

B. The Housing Fund shall be administered by the Mono County Housing Authority subject to any direction provided by the Board of Supervisors and the provisions of this chapter.

#### **15.40.040 Requirements For Non-Residential Projects**

A. Affordable Housing Mitigation requirements shall be imposed on developers of non-residential development projects based on the Full-Time Equivalent Employment generation created by the proposed use. The mitigation requirements shall be determined pursuant to Table Z of this Chapter.

B. Developers of non-residential development projects shall construct or acquire one affordable unit, or pay a fractional housing mitigation fee, based on the type of development project as defined below. The affordable unit may be offered for sale or may be a rental unit and shall be deed-restricted as provided in Section 17.60.110 of this chapter. A fee shall be paid for any fractional units (Athe fractional amount@). The fee shall be based on the fractional amount multiplied by the Building Cost multiplied by the designated size of one affordable unit multiplied by the location factor: Fractional amount x Building Cost x 1200 x location factor. The affordable units shall be constructed or acquired on-site if allowable by the Mono County General Plan, or if not allowable on-site, the unit(s) shall be constructed or acquired off-site in the community where the development project is located.

1. Visitor Accommodations. Developers of any visitor accommodation, including but not limited to hotels, motels, inns, resorts, timeshares, and other development projects designed for the use of transient occupancy by visitors, shall provide one affordable unit for every twenty (20) sleeping areas provided by the project multiplied by the location factor. Any visitor accommodation project that results in the development of nine or fewer sleeping areas is exempt from the provisions of this chapter. Developers of ten (10) and up to nineteen (19) sleeping areas shall be required to pay a fractional fee where each sleeping area is determined to have a fractional value of one-eleventh of an affordable unit multiplied by the location factor.

Developers of more than 20 sleeping areas shall pay a fractional fee in addition to providing one affordable unit for every 20 sleeping areas developed where each sleeping area is determined to have a fractional value of 1/20 of an affordable unit multiplied by the location factor.

2. Commercial. Developers of commercial projects, including but not limited to office and retail space, restaurants and other food services, facilities for repair services, professional services, and facilities for cultural and religious activities, shall provide one affordable unit for every eight thousand (8,000) square feet of commercial space developed multiplied by the location factor. Commercial development projects less than two thousand (2,000) square feet shall be exempt from the provisions of this chapter. Commercial development projects of two thousand (2000) square feet and up to and including seven thousand nine hundred and ninety-nine (7,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/6001 of an affordable unit multiplied by the location factor. Commercial development projects that are greater than eight thousand (8,000) square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/8000 of an affordable unit multiplied by the location factor.

3. Industrial or Service Commercial. Developers of industrial and service commercial projects, including but not limited to facilities to be used for cottage industries, automobile repair shops, plumbing and construction services, manufacturing shops, and similar facilities, shall provide one affordable unit for each twenty thousand (20,000) square feet of industrial or service commercial space developed multiplied by the location factor. Industrial or service commercial projects that are less than twenty-five hundred (2,500) square feet are exempt from the provisions of this chapter. Industrial and service commercial projects of twenty five hundred (2500) square feet and up to and including nineteen thousand nine hundred and ninety-nine (19,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/17,500 of an affordable unit multiplied by the location factor. Industrial and service commercial projects greater than twenty thousand (20,000) square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/20,000 of an affordable unit multiplied by the location factor.

4. Warehouse. Each warehouse project shall provide one affordable unit for each twenty thousand (20,000) square feet of warehouse space developed multiplied by the location factor. Warehouse projects less than five thousand (5,000) square feet are exempt from the provisions of this chapter. Warehouse projects of five thousand (5000) square feet and up to and including nineteen thousand nine hundred and ninety-nine (19,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/15,000 of an affordable unit multiplied by the location factor. Warehouse projects greater than twenty thousand 20,000 square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/20,000 of an affordable unit multiplied by the location factor.

5. Storage. Each storage project shall provide one affordable unit for each forty thousand (40,000) square feet of storage space developed multiplied by the location factor. Storage projects less than five thousand (5,000) square feet are exempt from the provisions of this chapter. Storage projects of five thousand (5000) square feet and up to and including thirty nine thousand nine hundred and ninety-nine (39,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/35,000 of an affordable unit multiplied by the location factor. Storage projects greater than forty thousand (40,000) square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/40,000 of an affordable unit multiplied by the location factor.

C. Special Fees and Exemptions. The following non-residential development projects are exempt from the housing mitigation requirements set forth in this chapter:

- i. Non-residential projects producing less than one (1) FTEE in any five-year period.
- ii. Public and private elementary and secondary schools.
- iii. Nursery school and daycare facilities that are open to public enrollment.

- iv. Public libraries, art galleries, museums, and other non-recreational public facilities.
- v. Churches and other places of worship.
- vi. Any building which is destroyed or damaged by fire or natural catastrophe so long as the square footage of the building is not increased as a result of the repair, rebuilding, or restoration of the damaged building.
- vii. Multi-family apartment buildings that are deed-restricted to require working resident occupancy or other approved affordable housing criteria.
- viii. Secondary housing units as defined in Chapter 16 of the Land Use Element of the Mono County General Plan.

D. Developers of non-residential development projects may propose to the Community Development Department and the Planning Commission comparable alternatives to these requirements in lieu of construction or acquisition of affordable units or payments of all or a portion of the housing mitigation fee.

**15.40.050 Residential Development Projects Inclusionary Requirements.**

A. Single-Family Subdivisions. All residential development projects shall provide an affordable housing unit for each ten (10) lots or housing units developed, and shall pay a fee in lieu of providing any fractional units. The size, design, and location of inclusionary units shall be consistent with the Mono County General Plan, applicable specific plans, and other county ordinances and building standards. Compliance may be accomplished by the developer alone or in combination with others, including without limitation the Mono County Housing Authority or a nonprofit housing corporation. The housing mitigation requirements set forth herein shall be based upon the size and location of the project.

i. Inclusionary Requirements.

a. Developers of residential subdivisions consisting of the creation of two units or lots shall not be required to meet any housing mitigation requirements.

b. Developers of residential subdivisions consisting of the creation of three (3) and up to and including nine (9) lots shall pay a fractional fee whereby the fractional unit is to be calculated where each lot is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor.

c. Developers of residential subdivisions consisting of the creation of ten or more lots or housing units shall provide an inclusionary unit on-site for every ten lots or units created and shall pay a fee in lieu of providing a fractional inclusionary unit where each lot is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor. The inclusionary unit(s) provided shall be sold at an affordable level as provided in Table Y.

d. In addition to building an affordable unit and paying affordable unit fractional fees, developers of each residential subdivision consisting of three (3) or more lots shall be required to deed-restrict twenty percent (20%) of the lots developed multiplied by the location factor to require the building of a secondary dwelling unit at the same time as the primary residence is constructed, and shall pay a fee in lieu of providing a fractional deed-restricted lot unit where each lot is determined to have a fractional value of 1/5th of a secondary unit multiplied by the location factor. Any lot designated to require a secondary dwelling unit will not be issued a building permit unless the plans submitted show an approved secondary dwelling unit and a certificate of occupancy shall not be issued unless the secondary dwelling unit has been constructed in an approved manner.

e. The construction of the on-site units shall be located within the same subdivision and within the boundaries of the project, shall be compatible in exterior appearance with the market rate units being developed in the project, and shall be dispersed throughout the residential development to the extent feasible and as provided in the housing mitigation agreement. Placement of any required secondary unit deed-restricted lots or units shall be dispersed throughout the residential development to the extent feasible and as provided in the housing mitigation agreement. The affordable units must contain a similar number of

bedrooms as the market rate units but may be smaller than market rate units as determined in the housing mitigation agreement and as provided in Table Y. The interior amenities within an affordable unit or secondary dwelling unit may differ from the interior amenities in a market rate unit, and may be required to include EPA II wood stoves, energy efficient amenities, and other cost-efficient amenities as provided in the housing mitigation agreement.

f. The on-site units and secondary dwelling units must be built at the same time as market rate units and a certificate of occupancy will not be issued as to any unit until the affordable unit(s) are completed and issued a certificate of occupancy.

**B. Multi-Family Subdivisions, Projects and Condominiums.**

All multi-family projects and condominium developments in Mono County shall meet the housing mitigation requirements set forth herein, based upon the size and location of the project.

**i. Condominiums and Planned Developments.**

a. Condominium subdivisions consisting of the creation of two (2) or fewer units shall not be subject to the provisions of this chapter other than as provided in section 15.40.070 for any specific condominium unit.

b. Condominium subdivisions consisting of the creation of three (3) and up to and including nine (9) units shall pay a fractional fee whereby the fractional unit is to be calculated where each unit is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor.

c. Condominium subdivisions consisting of the creation of ten or more units shall provide an inclusionary unit on-site for every ten units created and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor. The inclusionary unit(s) provided shall be sold at an affordable level pursuant to Table Y.

d. In addition to the inclusionary requirements above, condominium subdivisions consisting of the creation of fifteen (15) or more units shall construct or provide an on-site manager's or employee unit for every additional (15) units developed and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/15th of an affordable unit multiplied by the location factor.

e. The interior amenities within an affordable condominium unit may differ from the interior amenities in a market rate unit, and may be required to include EPA II wood stoves, energy efficient amenities, and other cost-efficient amenities as provided in the housing mitigation agreement.

**ii. Multi-Family Units.**

a. A project consisting of the development of fewer than fifteen (15) duplexes, triplexes or other form of multi-family project not developed as a condominium or planned development project, where with the exception of one owner-occupied unit all other units will be leased as rental units, shall be exempt from the requirements of this chapter. The project must be deed-restricted to prevent the conversion to condominiums to be subject to the provisions of this section, or will otherwise be subject to section 15.40.050.B.i., above.

b. A project consisting of the development of fifteen (15) or more duplexes, triplexes or other multi-family project not developed as a condominium project or planned development, where with the exception of one owner-occupied unit all units will be leased as rental units, shall construct or provide an on-site manager's unit for the use of managers or other employees of the project, or provide an affordable unit, for every fifteen (15) units developed and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/15th of an affordable multi-family unit

multiplied by the location factor. Each affordable unit required to be constructed pursuant to this section shall be affordable to persons earning 80% or less of the AMI. The project must be deed-restricted to prevent the conversion to condominiums to be subject to the provisions of this section, or will otherwise be subject to section 15.40.050.B.i., above.

#### **15.40.060 Alternatives**

The County will consider and may approve alternative mitigation proposals in those circumstances where it can be demonstrated by the developer that the alternative proposal meets the purpose of this chapter and provides a greater housing benefit to the community than would otherwise be attained through building affordable dwelling units or the payment of fees in accordance with this Chapter. Developers may submit an alternative plan with the designated processing fee to the Community Development Department. Initial approval of such an alternative proposal will be made by the Community Development Department and thereafter approved by the Planning Commission, and will be subject to final review and approval by the Board of Supervisors. Alternatives that will be considered include, but are not limited to, land dedication, off-site housing, conversion of existing housing, and payment of in lieu fees.

#### **15.40.70 Single Family Residence Housing Mitigation Fees.**

Developers of Single Family residences shall pay a Housing Mitigation Fee in an amount set forth in Table X based on the square footage of the single family dwelling, the FTEE factor, building cost, and location factor. The first twenty-three hundred and ninety-nine (2399) square feet shall be exempt from this requirement. This fee shall be paid prior to the issuance of a building permit. The gross floor area of any attached garage and/or any attached or detached secondary housing unit shall not be included in the calculation of square footage for the purposes of this section.

#### **15.40.80 Developer Incentives.**

A. A developer may apply for incentives from the County to assist the developer in meeting the requirements of this Chapter. The grant of any incentive(s) by the County to a developer is discretionary and nothing in this Chapter shall establish, directly or through implication, a right of a developer to receive any assistance or incentive from the County. In granting incentives the County may require the demonstration of exceptional circumstances that necessitate assistance from the County, as well as documentation of how such incentives will increase the feasibility of providing affordable housing. The following incentives will be considered by the County:

i. Density Bonus. A density bonus incentive pursuant to the California Density Bonus Law will be provided for any project that meets the criteria set forth in Government Code section 65915, as that section may be amended or replaced from time to time. The County may consider an additional density bonus upon request of the developer when such request can be accommodated within the parameters of the Mono County General Plan or any applicable specific plan.

ii. Fee Waiver or Deferral. The payment of County fees required under this Chapter may be deferred until the certificate of occupancy is issued. Further, a developer may apply for a fee reduction or waiver when the developer can demonstrate that substantial evidence exists that a waiver or reduction of any fee is necessary to allow the developer to meet the requirements of this section, and/or when a developer proposes to substantially exceed the requirements of this Chapter. A developer of a residential subdivision who builds affordable units in amounts that exceed the requirements of this Chapter may apply for a waiver of assessments for any applicable County maintained road maintenance and snow removal services that would otherwise be required.

iii. Reduced Site Development Standards. A developer may propose, and the County may consider, a reduction in site development standards including a reduction in setback, lot coverage, and square footage requirements; a reduction in parking requirements; a modification of the requirement that all utility lines must be placed underground; and reduction of open space requirements. To be eligible for such reduced development standards, the developer must provide substantial evidence that the reductions are

necessary to allow the developer to meet or exceed the requirements of this Chapter, and that the reduced requirements will meet all applicable health, safety, snow storage and drainage requirements and will further the purpose of this Chapter.

#### **15.40.90 Exempt Projects.**

A. In addition to any projects deemed exempt as provided elsewhere in this Chapter, the following projects are exempt from the provisions of this Chapter:

i. Multi-family units that will be rented to permanent residents of Mono County or persons employed within Mono County, and that provide at least twenty-five percent (25%) of the available units to persons falling within the HUD affordable housing guidelines. To be eligible for this exemption the project must be deed-restricted to prevent the conversion of the multi-family units into condominiums and to ensure that the affordable units remain within the affordable housing guidelines.

ii. Residential development for agriculture workers.

iii. Mobile Home Park development.

iv. Any building that is replaced or repaired as a result of fire or other catastrophic damage or loss so long as the square footage is not increased.

v. Any development that is being developed as an affordable housing project as defined by state law.

#### **15.40.100 Procedure.**

Housing Mitigation Agreement. The developer, the holder of any deed of trust or other lien holder on the property, and the Community Development Director or his or her designee shall execute a Housing Mitigation Agreement prior to the recordation of the parcel map or subdivision map, in the case of subdivisions, and prior to the issuance of building permits in the case of all other development. The Developers entry into the Housing Mitigation Agreement shall be a condition of approval for any tentative parcel or final map. The executed Housing Mitigation Agreement shall be recorded by the county recorder at the time of the recording of any final or parcel map or at the time of the issuance of any building permit. The Housing Mitigation Agreement shall include, but not be limited to, the following:

i. A complete description of the development project;

ii. The specific method of compliance with the requirements of this Chapter;

iii. Any such matters as may be determined appropriate by the developer and/or the County.

#### **15.40.110 Occupancy and Availability of Affordable Units**

The occupancy and continuing availability of inclusionary units shall be provided for in the following manner:

A. For Sale Inclusionary Units. Inclusionary units that will be for sale shall be subject to the following conditions and restrictions:

1. Eligible Participants. Only full-time Mono County residents or employees working within Mono County meeting eligibility requirements specified by the Board of Supervisors by resolution shall be eligible to purchase affordable units.

ii. Restrictions on Use and Resale. The affordable housing units developed

pursuant to this Chapter shall be subject to resale restrictions, deed restrictions, and other requirements specified by the Board of Supervisors by resolution.

iii. Sales Price and Transfer. The initial maximum purchase price shall be set by the Community Development Director. Restrictions will run with the property and be observed by subsequent owners.

iv. Restriction on Use of Unit. The unit must be occupied by the owner of the unit as their primary residence and may not be leased or rented without the express approval of the Community Development Director or his designee; or, if the unit is administered by the Mono County Housing Authority, by that entity. A secondary housing unit developed as a requirement pursuant to this Chapter may be rented in an amount determined by the affordable housing guidelines as defined by state law or the Mono County Housing Authority.

v. Term of Restrictions. The restrictions set forth in this section shall remain in effect in perpetuity.

vi. Covenants, Conditions, and Restrictions. Any Covenants, Conditions, and Restrictions (AC, C & Rs) required for approval of any subdivision shall include all of the requirements of this Chapter and shall be recorded. Additional Conditions that may be required include provisions that the owner of an affordable unit must pay all property taxes in a timely manner, may not refinance the unit without the express written approval of the Community Development Director and only when any deed of trust is subordinate to the CC&Rs, that the owner must maintain the property in good condition, and comply with all local land use requirements. The CC&Rs shall provide, in addition to any other enforcement remedies, that they may be enforced by the County at the County's sole discretion as to any condition imposed by the County.

#### **15.40.120 Serial or Sequential Development Prohibited.**

Developers may not avoid the requirements of this Chapter by developing projects in a serial or sequential manner. Development of property owned by a developer or his or her successor in interest that is contiguous to any other development subject to this chapter shall be deemed to be one single project for the purposes of this Chapter when the subsequent development occurs within five (5) years of any prior development and when the combined development becomes subject to the requirements of this Chapter.

#### **15.40.130 Enforcement.**

A. The Community Development Department/Mono County Housing Authority shall be responsible for monitoring and enforcing the provisions of this Chapter. Any violation of this Chapter may be enforced in any manner permissible by law and shall constitute a violation of the Mono County Code and may be enforced as provided in Section 1.04.060 and Chapter 1.12 of the Mono County Code.

B. Owners and occupants of property subject to the restrictions and requirements of this Chapter shall permit County employees to inspect the property upon two business days advance written notice. Owners of property subject to the restrictions pursuant to this Chapter shall retain all records related to compliance with the obligations and restrictions of this Chapter, the Housing Mitigation Agreement and/or the C, C&Rs for a period not less than five years, and shall make such records available to County employees for inspection and copying upon five business days advance written notice.

#### **15.40.140 Annual Review**

The provisions of this Chapter, the Affordable Housing Guidelines, and any resolutions adopted to further the purposes of this Chapter shall be reviewed annually by the Mono County Housing Authority and the Community Development Director or his or her designee, and an annual report and accounting shall be provided to the Board of Supervisors evaluating the policies set forth in this Chapter and their effects.

#### **15.40.150 Appeal, Waiver, and Adjustment**

A developer of any project subject to the requirements of this Chapter may appeal to the Board of Supervisors for a reduction, waiver, or adjustment of any of the provisions or requirements contained in this Chapter. Any such appeal shall be based upon the absence of any reasonable relationship or nexus between the impact of the development and either the inclusionary requirement or the amount of the fee charged. Based on substantial evidence, and a finding of good cause, the Board of Supervisors may adjust or waive any provision or requirement contained in this Chapter.

Any appeal must be in writing and filed with the County Clerk/Recorder and served on the Community Development Director not later than ten (10) days before the first public hearing on any discretionary approval or permit for the development, or if no discretionary permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within ten (10) days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal within sixty (60) days after the filing of the appeal. The appellant shall bear the burden of producing substantial evidence to support the appeal, which shall include providing comparable technical information to support appellant=s position. The decision of the Board of Supervisors shall be final.

#### **15.40.160 Severability**

The provisions of this Chapter are intended to be severable, and in the event any provision or requirement provided for under this Chapter is determined to be invalid or unenforceable, the remainder of the Chapter shall remain in effect.

**Table X**

**Large Single Family Fee - Based on House Size**

Fee = (House Size - 2399) x 1.00625 (FTEE Factor) exponentially raised by the House Size/1000 x Bldg Cost x Location Factor

<u>Example Size</u>	<u>FEE</u>
Up to 2400 sf	\$0
2500 sf	\$314
3000 sf	\$2,245
4000 sf	\$8,000
5000 sf	\$16,296
6000 sf	\$27,159
7000 sf	\$56,678
8000 sf	\$60,726
9000 sf	\$75,384
10000 sf	\$96,752

(Housing Ordinance Calculator to be used to determine fee.)

**Table Y**

<u>Required Family Units</u>	<u>Type Required (minimum size)</u>
1	1 - 1200 sf, 2BR @120% AMI
2	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI
3	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI
4	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI
5	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI
6	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI
7	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI 1 - 1500 sf, 4BR @100% AMI
8	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI 1 - 1500 sf, 4BR @100% AMI 1 - 1500 sf, 4BR @ 80% AMI
9	2 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI 1 - 1500 sf, 4BR @100% AMI 1 - 1500 sf, 4BR @ 80% AMI

- 10
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 1 - 1200 sf, 3BR @ 80% AMI
  - 1 - 1500 sf, 3BR @150% AMI
  - 1 - 1800 sf, 3BR @200% AMI
  - 1 - 1500 sf, 4BR @120% AMI
  - 1 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI
- 11
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 1 - 1500 sf, 3BR @150% AMI
  - 1 - 1800 sf, 3BR @200% AMI
  - 1 - 1500 sf, 4BR @120% AMI
  - 1 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI
- 12
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 1 - 1800 sf, 3BR @200% AMI
  - 1 - 1500 sf, 4BR @120% AMI
  - 1 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI
- 13
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 2 - 1800 sf, 3BR @200% AMI
  - 1 - 1500 sf, 4BR @120% AMI
  - 1 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI
- 14
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 2 - 1800 sf, 3BR @200% AMI
  - 2 - 1500 sf, 4BR @120% AMI
  - 1 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI
- 15
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 2 - 1800 sf, 3BR @200% AMI
  - 2 - 1500 sf, 4BR @120% AMI
  - 2 - 1500 sf, 4BR @100% AMI
  - 1 - 1500 sf, 4BR @ 80% AMI

- 16
- 2 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 2 - 1800 sf, 3BR @200% AMI
  - 2 - 1500 sf, 4BR @120% AMI
  - 2 - 1500 sf, 4BR @100% AMI
  - 2 - 1500 sf, 4BR @ 80% AMI

- 17
- 3 - 1200 sf, 2BR @120% AMI
  - 2 - 1200 sf, 3BR @100% AMI
  - 2 - 1200 sf, 3BR @ 80% AMI
  - 2 - 1500 sf, 3BR @150% AMI
  - 2 - 1800 sf, 3BR @200% AMI
  - 2 - 1500 sf, 4BR @120% AMI
  - 2 - 1500 sf, 4BR @100% AMI
  - 2 - 1500 sf, 4BR @ 80% AMI

Additional requirement to be determined on a similar basis.

**Table Z (applies to non-residential projects)**

<u>Use</u>	<u>FTEE Generation Rate</u>
Visitor Accommodations (includes motels, hotels, fractional ownerships, and other visitor accommodations except condominiums)	0.2 / sleeping area
Commercial (includes retail, office, restaurant, etc.)	0.5 / 1000 sf
Industrial / Service Commercial	0.2 / 1000 sf
Warehouse	0.2 / 1000 sf
Storage	0.1 / 1000 sf
Other	Determined by Community Development Director