

MONO COUNTY PLANNING COMMISSION

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760.932.5420, fax 932.5431
www.monocounty.ca.gov

AGENDA

November 14, 2013 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

*Videoconference: BOS Conference Room, third floor, Sierra Center 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 restaurant). Agenda packets are also posted online at www.monocounty.ca.gov / boards & commissions / planning commission. For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. **MEETING MINUTES:** Review and adopt minutes of October 10, 2013 – *p. 1*

4. PUBLIC HEARING:

10:10 A.M.

A. USE PERMIT MODIFICATION 13-001/June Lake Cross Country Ski Trails. The proposal is to modify Use Permit 12-005/Black (June Lake Cross Country Ski Trails), extending the use permit operations previously allowed only for the 2012 season to a continuous seasonal use. UPM 13-001 (UP 12-005) allows public access on APNs 015-010-006, 015-010-004, & 016-094-009 for non-commercial cross country skiing associated with adjacent U.S. Forest Service land. The 40+ acre project consisting of three parcels has a land use designation of Natural Habitat Protection (NHP) and Estate Residential that conditionally allow for such recreational uses. In accordance with the California Environmental Quality Act, an addendum to the June Lake Environmental Impact Report (EIR) was approved for UP 12-005. *Staff: Heather deBethizy, associate planner, & Nick Criss, compliance officer – p. 5*

10:30 A.M.

B. GENERAL PLAN AMENDMENT 13-004 to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District (TROD) to allow for nightly rentals at four adjoining parcels, APNs 015-140-035, -034, -033, & -032, along Boulder Drive in the community of June Lake. In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. The Planning Commission may recommend that the Board of Supervisors approve the proposed General Plan Amendment. *Staff: Courtney Weiche, associate planner – p. 24*

5. **WORKSHOPS:** No items.

6. REPORTS:

A. DIRECTOR

B. COMMISSIONERS

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

7. INFORMATIONAL: No items.

8. ADJOURN to December 12, 2013

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

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

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

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DRAFT MINUTES

October 10, 2013

COMMISSIONERS PRESENT: Chris Lizza, Mary Pipersky Dan Roberts, Rodger B. Thompson **ABSENT:** Scott Bush
STAFF PRESENT: Scott Burns, CDD director; Gerry Le Francois, principal planner; Courtney Weiche (videoconference) associate planner; Brent Calloway, associate analyst; Garrett Higerd & Walt Lehmann, public works; Tom Perry, building official; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Dan Roberts called the meeting to order at 10:19 a.m. at the county courthouse in Bridgeport and led the pledge of allegiance.

2. **PUBLIC COMMENT:** None

3. **MEETING MINUTES:**

MOTION: Adopt minutes of September 9, 2013, as amended: P. 2, graph 2: **LADWP Mono County** reluctantly signed agreement on Benton Crossing landfill. (*Lizza/Thompson. Ayes: 4. Absent: Bush.*)

Later in meeting, another correction: P. 4, sentence 3: **Strong Arguments were not that strong** under CEQA... Amend original motion to include new info. (*Lizza/Thompson. Ayes: 4. Absent: Bush.*)

4. **PUBLIC HEARINGS:**

10:10 A.M.

A. CONDITIONAL USE PERMIT 13-003/June Lake Brewing Co. Project would remodel a 3,500-square foot storage building behind the June Lake General Store at 2740 Hwy. 158 (APN 015-113-065) at June Lake. The proposal would allow operation of on-site beer manufacturing, storage of product, limited on- and off-premise sales of product, a small on-site tasting room with restrooms, and parking. The building is located on the same parcel as the June Lake General Store. The land use designation is commercial (C). A CEQA exemption is proposed. *Staff: Heather deBethizy, associate planner, & Gerry Le Francois, principal planner*

Gerry Le Francois outlined the proposed brewery and showed images of the site. No changes to existing uses are indicated. Project received significant number of support letters and concerns of an adjacent owner. Parking requirement was increased to 10. No ABC liquor license until BOS approves use permit. Assumption is that it will be a popular venue with outdoor music, so Condition #6 is about noise and special event permit process.

Why parking change? *Originally calculated to commercial, but doubled with restaurant/tasting 100 sf.*

How many more chairs? *People standing at tasting room, so nine bar stools should suffice. Affects mixed use and single-family residences nearby, so maybe add commission review in a year.*

If add more bar stools, may need more parking. Stacey Simon suggested clarifying to "at least 10." Add seats without more parking spaces? *Proposal is more relaxed standard.*

Commissioner Roberts noted more parking exists there now than elsewhere at June Lake.

Le Francois noted bars/restaurants have one space for three seats (gets rid of square-footage overlay). Simon stated Condition 3 would be subject to different standard if later approved.

Parking lot and warehouse on same parcel? *Yes, merged.*

Change Condition #3? *Yes, 10 instead of seven.* Simon added, "Or in compliance with Mono's parking regulations as may be amended."

Le Francois noted 6 for tasting room x 3 = 18 places to sit, taking into account employees.

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Rodger B. Thompson

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

Gravel parking area signed? *Double Eagle maintains its gravel parking lot. Paving is extremely expensive, especially at startup. Could use railroad ties.*

Special Event permit process? Scott Burns noted new ordinance was adopted several months ago. No new permits beyond staff review. Tiers of review. Special Events coordinator. Used to require use permits, but needed special considerations. If deviations are requested, go to BOS.

Timing? *Several months typically.*

Smaller musical events without permit? *Music within structure OK; if outdoors, need permit.*

OPEN PUBLIC COMMENT: Jil Stark, June Lake resident for 36 years, cited brewing as one of fastest-growing industries. The Citizens Advisory Committee had no negative comments. June Lake really needs business, as it's completely tourist-based. A smart business couple opening an exciting business is really needed. Costs are astronomical, but they're willing to do this. She noted huge parking areas nearby.

Doug Greiner, resident, spoke of the character of June Lake and his family's extensive history there since 1945. He viewed items on Internet from Walsh, who was making great moves, financed, knowledgeable, energetic, doing things for the community. Bring those ideas and energy into June Lake.

Applicant Justin Walsh thanked commenters. He had pondered how to make a living at June Lake, which has been losing people and viable employment opportunities. Bring in business not reliant on June Mountain, with jobs, revenue, tax base, outside interest in craft beer where people drive to an area, stay at motels, dine at restaurants. California has 22,000 jobs based in craft breweries. Bring life into a town not beholden to large corporate entity. Loves craft beer product. No food on site. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Le Francois explained the project shall include 10 parking spaces minimum "or such lesser number as may be authorized by amended parking regulations adopted by Mono in future" if Mono adopts reduced standards in future.

Commissioner Thompson suggested another venue, move product out to other areas like Chalfant. Fire issues would be covered under building permit. Le Francois noted Mono has contract firms that examine plans.

Time frame? *Three to six months. Brewery equipment is in high demand. Open next June. Recent brew festival attracted 600 people.*

Commissioner comments: 1) Take nothing and make something of it; and 2) Great location, found good place for it.

MOTION: Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 13-003 subject to Conditions of Approval as amended to reflect clerical corrections, 10 parking spaces "or in compliance with Mono's parking regulations as may be amended." (*Lizza/Pipersky. Ayes: 4. Absent: Bush.*)

B. TENTATIVE PARCEL MAP 13-001/Hildenbrand. Project proposes to divide a 6.1-acre parcel (APN 026-220-009) into four parcels ranging in size from one to two acres. The property is located at 248 Valley Rd., in Chalfant Valley. The land use designation is Rural Mobile Home (RMH). Current uses on the property include a home, garage and accessory uses. Individual wells and septic systems are proposed. A private roadway, Owens Ranch Road, is proposed for access. A CEQA section 15183 is proposed. *Staff: Gerry Le Francois, principal planner*

Gerry Le Francois indicated a large vacant parcel to the north, Rural Mobile Home (RMH) to south. CEQA allows streamlined environmental process. Parcel was designated RMH, but flood study occurred after General Plan EIR. Uniform standards apply to all projects in special flood hazard areas through building permit process. Policies for parcel maps apply. CEQA 15183 says analyze only new things.

Correction: 6.1-acre parcel, not 16.5 (p. 26). No remainder.

Could civil matter occur with future development to north? Commissioner Thompson saw two roads next to each other as devastating. Surface of road? *Sand/gravel.* Thompson cited dust mitigation measure.

Le Francois preferred that private roads be accepted into County system. A funding entity or Zone of Benefit could pay for such roads. Paved roads are required for more than five parcels, but only four parcels here. Other private roads exist in Chalfant, such as Hunter Road, which is paved, then dirt, then private.

Nexus between proponents and Mono apart from this proposal? *Stacey Simon indicated no one in Mono has any financial interest.*

Le Francois sent notices to nearly 40 owners within 300'. Statutory requirement is 10 days prior to public hearing, but notice was sent 12-14 days.

Divide two-acre parcel? *Simon indicated successive subdivision and piecemeal is possible under Map Act, but lots of litigation ensues.*

Walt Lehmann mentioned map conditions, noting it's difficult to change a map. If it's listed as a separate instrument, Mono can do it. Forewarn future buyers of mitigation issues. Intent of supplemental sheet is notification of earthquake faults, flood zones, etc. Title company lists instruments affecting parcel.

Garrett Higerd noted recording concurrently keeps items together when title search occurs. Developer needs infrastructure up front. In height of housing boom, people with small parcel maps argued against bonding, wanting to sell one parcel to finance improvements. Planning Commission allowed that for three or four parcel maps, and it was disastrous. Parcels on blacklist had no surety of improvements. This map does not follow that model. Requiring engineered plans, cost estimate, and bonds in order to finalize map provides surety of improvements.

Condition #35: FEMA flood maps affect Chalfant area. Flood waters crossed Highway 6 earlier. Chalfant is in special flood hazard area since December 2012. Make buyers aware of this. Owners can develop, but some guidelines exist. If structures are removed from floodplain, owner does not have to pay flood insurance. Hildenbrand knows what needs to be done. FHA does not loan to properties in floodplain.

Lehmann noted Digital 395 now factors into Condition #25. How deal with it in subdivision? Overhead power lines on Valley Road were less expensive.

Scott Burns mentioned infrastructure prior to development. Conduit in road projects could allow underground utilities later. Will be clarified in General Plan update not yet adopted. Commission spent time years ago on overhead vs. underground, specifying underground.

Le Francois noted LDTAC discussed utilities.

OPEN PUBLIC COMMENT: Susan Booth, applicant and 29-yr resident, described plan to build four homes, middle two first, above floodplain. Profit margin is not great compared to up-front costs. Her passion is to build nice homes with landscaping to increase property values and encourage others to do likewise. She opposed conduit for Digital 395, which costs \$20,000 to \$40,000 and doesn't benefit her in any way. Triad/Holmes said to ask about electrical above-ground to property. Paved road would be \$120,000, so she is weighing maintenance of gravel road. Maybe homeowners association, or percentage of frontage for road maintenance. Wells and septic on all, place homes thinking about neighbors.

Existing utility easement on south edge of property overhead? *Yes, on Valley Road.*

Road name? *Named after stepson.* Add circle or lane so people know road doesn't go through.

Stacey Simon noted anything inconsistent with General Plan can't be approved. Discussion on Digital 395 is ongoing. Burns noted intent to clarify utilities in General Plan update. Inadequate capacity on existing poles.

Burns noted vesting tentative parcel map would lock in requirements.

Commissioner Thompson noted that the proposal meets what community has been looking for – one-acre parcels in rural atmosphere. If adjacent parcel sells, avoid two adjacent roads.

Landscaping requirements don't address dust. *Booth described sprinkler system for full acre, lawn, shrubs around home, lawn in backyard, shrubs, and trees. Watering truck during construction. Build road so it could widen later if property to north sells.*

Commissioner Lizza described landscaping here as dust mitigation. Le Francois noted Conditions #8-10 deal with erosion during construction, not after. **CLOSE PUBLIC COMMENT.**

MOTION: Adopt the CEQA document; adopt the findings as contained in project staff report; and approve Tentative Parcel Map 13-001 subject to Conditions of approval and Mitigation Monitoring Program as contained in project staff report as amended. *(Thompson/Pipersky. Ayes: 4. Absent: Bush.)*

- Condition #20: recorded by the County by notation ~~on a supplemental sheet of the~~ ***on the parcel map, but recorded as separate instrument;***

- Condition #25: All utilities... shall be ~~extended underground~~ **in compliance with General Plan**; and
- Condition #27: access from ~~Mountain-view Avenue~~ **Valley Road**.

C. GENERAL PLAN AMENDMENT 13-02/CH. 06 PARKING: CENTRAL BUSINESS DISTRICT PARKING REGULATIONS & MINOR COUNTYWIDE PARKING REGULATIONS UPDATE. Brent Calloway stated discussion started in January. Major changes occurred after returning to RPACs: Bridgeport strongly supported it. June Lake wanted to expand area beyond commercial to mixed use and commercial lodging (whole village). Anything that allows commercial activity is part of central business parking district. Mono Basin: Skeptical, but approved recommendations. Communities are already compact and walkable, with transient rentals (motels, campgrounds), street parking, and historic development pattern. Change of use provision: "regardless of existing parking supply."

Parking management plan: Off-site: Expand up to quarter mile, pretty much community + periphery to allow more flexibility. Stall dimension: Combination of sizes accommodates different vehicles. Tandem: Blocking exit, so employees OK. Shared: Joint-use off site. Different demands allow shared parking. Substitution: Bike parking, showers, etc. Reduce parking by one space.

DISCUSSION: Talking points: 1) Food carts by nature are portable; 2) food cart in Mono right of way? 3) No existing definition of food cart.

Scott Burns noted food carts and outdoor sales were never really nailed down. Carts are treated like restaurants now.

Joint use on same site, such as Vons parking lot? *Percent capacity at certain times*. Stacey Simon noted parking is not needed all the time, but at any given time for each.

Burns noted past regulations were for worst-case scenarios. Now, decide on sufficient parking.

MOTION: Adopt Resolution R13-04, accepting Addendum 13-01 to the Mono County General Plan EIR, and recommending adoption of General Plan Amendment 13-002 by the Mono County Board of Supervisors with changes made to the driveway paving requirements table clarifying that semi-pervious surfaces may be allowed and further clarifying the off-site joint-use provisions. (*Thompson/Lizza. Ayes: 4. Absent: Bush.*)

5. **WORKSHOP:** No items.

6. **REPORTS:**

A. DIRECTOR: 1) Transient Rental Overlay Districts: approved by BOS; 2) Geothermal lawsuit: Stacey Simon indicated opposition briefs were filed by Mono and Ormat, CEQA has gray areas, so never know, hearing before Judge Eller will be held in late November; 3) CD-IV: located on BLM/USFS lands, with air control district as lead agency, immediately appealed by same two groups; 4) Staff: Megan Mahaffey is assigned to accounting; 5) Frogs/Toads: Comments by Nov. 18, attended Inyo meeting, suggesting habitat reduction in recreation areas; and 6) Sage grouse: nothing happened due to federal government shutdown.

B. COMMISSIONERS: Roberts: Heading to California County Planning Commissioners Association conference in San Jose after this meeting. He serves as vice-president of the CCPCA.

7. **INFORMATIONAL:** No items.

8. **ADJOURN** at 1:19 p.m. to November 14, 2013

Prepared by C.D. Ritter, commission secretary

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November 14, 2013

To: Mono County Planning Commission

From: Nick Criss, Community Development Analyst/Compliance Officer

Re: Use Permit Modification 13-001/Black: Silver Lake Meadow Cross Country Ski project

RECOMMENDATION

Based on the previous acceptance and approval of the June Lake Area Plan Environmental Impact Report (EIR) Addendum and Use Permit 12-005, it is recommended the Planning Commission make the required findings as contained in this staff report, and approve Use Permit Modification 13-001 as proposed, subject to the Conditions of Approval.

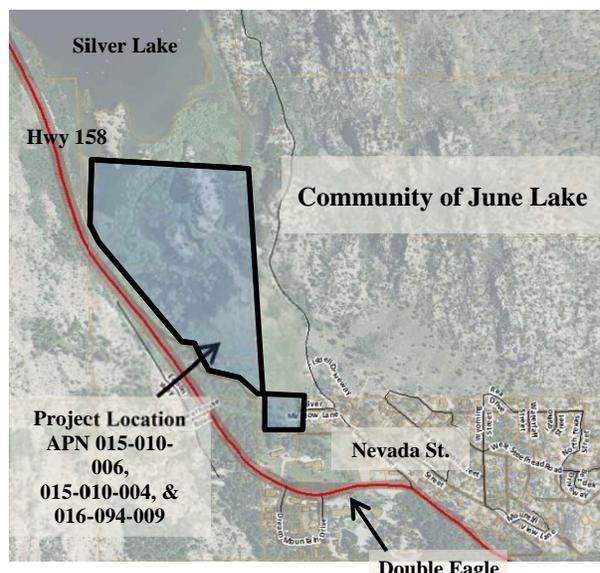
PROJECT

On November 8, 2012, the Mono County Planning Commission approved Use Permit 12-005 to allow seasonal use and public access on APNs 015-010-006, 015-010-004 & 016-094-009 in the Silver Lake Meadow Area for non-commercial cross country skiing associated with adjacent U. S. Forest Service land. The original permit was approved for a one-year trial period and compliance review. The applicants are requesting to propose that the use be approved as a permanent seasonal use and not be subject to the yearly renewal. The project parcels are located off Hwy. 158 in the community of June Lake and adjacent to Silver Lake. The 40+ acre project parcels have a land use designation of Natural Habitat Protection (NHP) and Estate Residential (ER) that conditionally allow such recreational uses. Parking is proposed on the vacant ER parcel (APN 016-094-009). The project is accessed via private property located at 5764 Hwy 158 (APN 016-094-008). Currently, the Black family is the private property owner for all parcels involved in the County's use permit.

PROJECT SETTING

The Silver Lake area is known for its recreational fishing, hiking, boating, snowmobiling, and similar outdoor pursuits. The project parcel is located adjacent to similar open space and recreational uses, and to the Down Canyon and Silver Lake Tract residential area of June Lake (See Figure 1). The areas surrounding the majority of the project parcel have land use designations of Resource Management (RM) and Natural Habitat Protection (NHP), and to the east and south of the project parcel APN 016-094-009, the parcels have land use designations of Estate Residential (ER).

The largest parcel (APN 015-010-006, 39 acres) located directly below Silver Lake will provide a



majority of the cross country skiing trails. The parcel consists of potential and identified wetlands, and a limited amount of non-wetland areas suitable for development, with the balance of the land retained in its natural state. The terrain is mostly flat with natural vegetation including pine trees and tall grasses.

The project is also located within the scenic combining district for Highway 158. During the winter, Hwy. 158 will close within ½-mile from the project's access point, decreasing traffic typical of when the entire Hwy. 158 loop is open during the summer. Residents also use the road closure area to park for walking, skiing, or for winter play during the winter season.



Figure 2: Access point from Hwy. 158

COMPLIANCE REVIEW

When the Mono County Planning Commission approved Use Permit 12-005, the project conditions required compliance review of the operation success prior to renewal of the permit. During the trial season of winter 2012-13, the Mono County Compliance Division received two complaints alleging users of the ski trails were accessing the property from Nevada Street, a violation of condition #13. The compliance division investigated these complaints by making several random inspections along Nevada Street. It was observed that a few people had accessed the ski area from Nevada Street as evidenced by a few ski tracks, however no vehicles were ever observed parked along Nevada Street and inconclusive evidence suggest the few ski tracks witnessed could have been made by local neighborhood residents.

OPERATION PLAN

The Silver Lake Meadow cross country ski area consists of approximately 44 acres of private land, adjacent to US Forest Service (USFS) meadow land. The USFS is concurrently going through a use permit renewal process for similar use on public land. This use permit will allow the continued use of private land for groomed cross country trail, accommodating approximately 3 to 4 kilometers of groomed trail. If combined with the USFS side of the meadow, the groomed trails may total 5 kilometers.

The trail system would be available to the public free of charge. Hours of operation would not change from 8:30am to 4:30pm. Grooming the trail system would be carried out 7:30am to 8:30am and 4:30pm to 6:00pm as needed. This would reduce noise or lighting impacts during hours when neighbors might be disturbed. During days of heavy snowfall additional daytime grooming may be required.

Cross country ski trails will be in compliance with USFS Cross Country Ski design parameters (FSH 2309.18, 23.31, Exhibit 01), which outlines the groomed width, surface, grade restrictions and trail design (see Attachment B).

The project will provide required parking for the grooming operation as shown on the site plan. The proposed parking will accommodate approximately 15 cars at the back of the property nearest the meadow. The parking area is screened from view of other homes in the area by a thick hedge of willows. No modifications to the private land are necessary for accommodating parking other than plowing to clear snow from the area during winter. A layer of snow will be retained in the parking area to protect the underlying vegetation. Cross country skiers and snowshoers will be able to access the parking by driving down the private road and parking on Double Eagle Ranch property.

Signage would indicate the route to the cross country ski parking and trail access through the Double Eagle Ranch private road. Signage on the Double Eagle Ranch property would indicate where to turn onto the private road for cross country skiing and on the private road to show where parking would be allowed.

Signage will be strategically placed intermittently along the trail. Signs would be located at spots that the trail crosses itself also to allow proper Nordic skier or snowshoeing usage. Snow stakes will be installed to guide the grooming equipment in periods of limited visibility or heavy snowfall.

The Silver Lake Meadow has been used by snowmobilers for winter riding in the past. The proposed activities would represent a lower overall impact to the environment than the historical usage. The property owners would continue to use snowmobiles occasionally to access their property during winter.

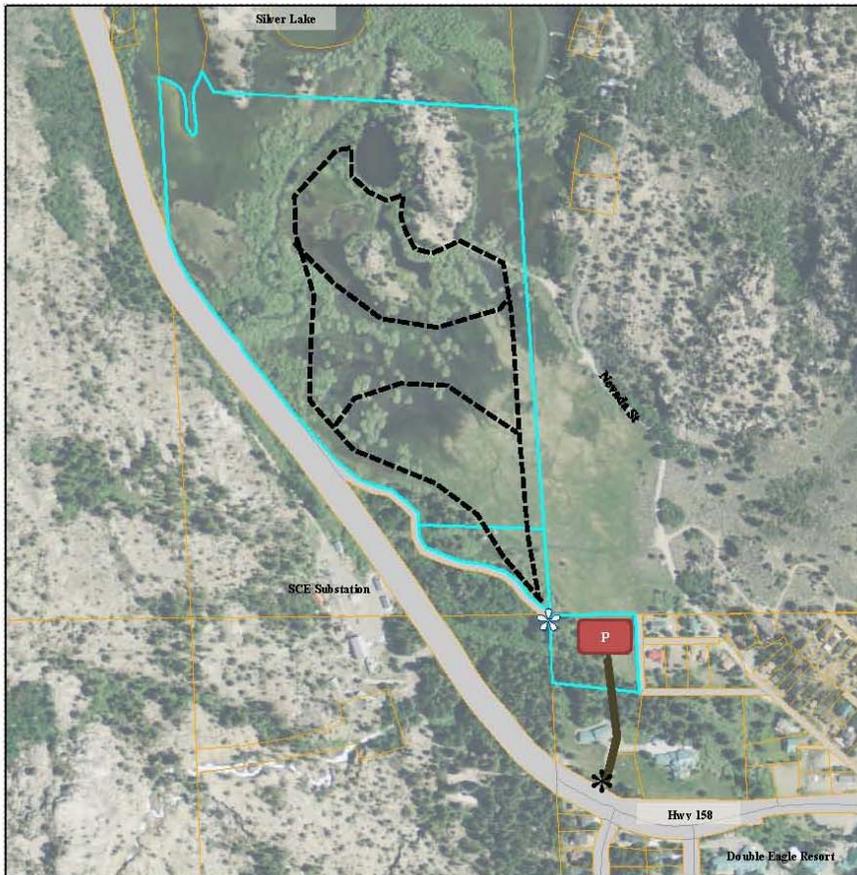
The purpose of the trail system is to provide additional outdoor activities for the winter of 2012-13 to June Lake residents and visitors. The proposal is for a temporary permit that can be evaluated at the end of the first season to determine feasibility for future operations. This would allow Planning Commission to review impact of the plan on the area.



Figure 3: Silver Lake Meadow



Figure 4: Parking Area



Silver Lake Meadow Cross-Country Ski Trails Project
Use Permit 12-005/Black

Conceptual Trails Plan

Map Key:

- Project Access Point *
- Driveway 
- Parking Area 
- Cross-Country Ski Trail Start 
- Trail 

Figure 5: Site Plan

GENERAL PLAN CONSISTENCY

The following discusses major components of the proposal, reviews their conformity with Mono County's General Plan and Planning Commission requirements, and recommends options for the Commission's consideration.

The following excerpts are various sections of the Mono County General Plan defining and outlining compliance with the permitting of a temporary cross country ski trail:

Mono County Land Use Element, Development Standards

The General Plan Land Use Designation for this project is Natural Habitat Protection (NHP) and Estate Residential (ER). The majority of the project is located on the NHP parcels. According to the Mono County General Plan, the NHP designation is intended to maintain the Silver Lake Meadow area's significant wetland habitat in its natural state; to preserve wildlife habitat; and to protect water quality and scenic resources. The district strives to prevent the degradation of sensitive areas while still allowing for compatible development. Land uses such as commercial lodging, community assembly, educational, residential, recreation and recreation-related retail or sales are permitted, if complementary and compatible with natural habitat areas.

The parcel to be used for parking area and skiing access is designated Estate Residential (ER). ER is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted. Uses permitted subject to a use permit for ER include: art galleries, country clubs and golf courses. Cross country skiing trails are similar and not more obnoxious than those permitted subject to a use permit on ER property. Accessory uses such as parking are an allowed use prior to a main use subject to a use permit.

Chapter 06 – Parking Development Standards

The County currently does not have any required parking standards for cross country ski trails or trails in general. Section 06.110 of Parking Development Standards requires for any uses not specifically mentioned in the parking requirements, the commission shall determine the number or amount of parking required. The project is currently proposing 15 parking spaces.

Parking would be on top of adequate snow coverage -to avoid disturbing vegetation.

Snow Storage Requirements:

Section II, page 214, **04.300** states:

“Snow-storage areas shall be provided for all future commercial and multi-family (three or more units) development, including condominiums. Snow-storage area(s) shall be equal to a required percentage of the area from which the snow is to be removed (i.e., parking and access/roads areas).”

The project does include the need for some snow removal for the parking area. There is ample snow storage available for any necessary snow removal on the property.

Noise Requirements:

Mono County Code, Chapter 10.16, Noise Regulations states:

Table 10.16.070, EXTERIOR NOISE LIMITS
(Levels Not to Be Exceeded More than Thirty Minutes In Any Hour)

Receiving Land Use Category	Time Period	Noise Level (dBA)
Commercial	10 p.m.—7 a.m.	60
	7 a.m.—10 p.m.	65

Hours of operation for public access will be from 8:30am to 4:30pm. Grooming the trail system would be carried out 7:30am to 8:30am and 4:30pm to 6:00pm as needed. This would eliminate much noise or lights during hours when people might be disturbed. During days of heavy snowfall additional daytime grooming may be required. Project condition #6 limits public access and grooming between November 2012 to May 2013 and daily 7am to 6pm.

June Lake Area Plan 2010 Policies

The proposed project complies with the June Lake Area Plan; i.e.,

Tourism Element Policies

Objective A, Policy 4 Policy 4: Provide full winter-time utilization of the June Lake Loop by providing adequate downhill skiing capacity, expanded cross country ski touring opportunities, ice skating and ice games, snowplay areas, and snowmobile staging areas

Action 4.3: Promote the development of snowmobiling and cross country ski trails in the June Lake Planning Area. Work with the USFS, Caltrans and the community to develop cross country skiing parking and staging facilities along S.R. 158 and U.S. 395

Objective E: Develop multipurpose and multi-seasonal recreational facilities that meet the needs of a wide range of users and promote year-round usage

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act Guideline 15164, an Addendum to the existing June Lake Area Plan EIR is being utilized. The proposed project embodies the general concepts presented in the 2010 June Lake Area Plan and is consistent with the land use designation and Mono County General Plan development standards. See attached Addendum.

15164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

(a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) The three parcels' total lot size, over 40 acres, is adequate for the development of approximately 3 to 4 kilometers of groomed cross country skiing trail and the associated parking lot.
 - b) Parking is sufficient for recreation uses. The Mono County General Plan, Land Use Element, Chapter 6 parking standards allow Planning Commission to determine the appropriate number of parking spaces. The project is proposing 15 parking spaces for a three- to four kilometer groomed cross country ski trail. The project complies with all parking as required under the General Plan.
 - c) Mono County General Plan, Land Use Designations, Natural Resource Protection and Estate Residential, permits the operation of recreation and ancillary uses, including cross country skiing through a Conditional Use Permit.
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 Highway 158 and is adequate for the kind of traffic generated by the proposed use. Due to the seasonal nature of the project, during the operation of the ski trails, Highway 158 will be closed ½- mile past the project's access point off Hwy. 158. This natural will reduce traffic coming from the north junction of Hwy. 158 and Hwy. 395.
 - b) The project 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 as analyzed in the June Lake Area Plan EIR and the addendum considered by the Planning Commission.
 - 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 no comments have been received in opposition to the project.
 - c) The project proposes no modification to the existing land or vegetation and provides sufficient buffer from the existing residential properties due to topography and distance from the existing residences. Sufficient snow levels are required before grooming of the trails and before vehicles can access the designated parking area to protect the meadow and existing vegetation from disturbance.
 - d) This project is permitted for a temporary seasonal use between November 2012 and May 2013 daily between the hours of 7:00am and 6:00pm.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- a) Mono County General Plan, Land Use Designations, Natural Resource Protection and Estate Residential, permits the operation of recreation and ancillary uses, including cross country skiing permitted with a Conditional Use Permit. Estate Residential allows for country clubs and golf courses with a use permit. Cross country skiing is a use that is similar to and not more obnoxious than the permitted country club and golf course use. That proposed use is consistent with the general plan and June Lake Area Plan as described below. It is compatible with the intent of the land use designation and is applicable throughout the county. The use of the ER property for cross country ski parking, meets the standards and requirements of that designation in setbacks, lot coverage, and other development standards. The cross country ski trails is similar to and not more obnoxious to the general welfare than the uses listed within the ER designation.
- b) The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of recreational uses for residents and tourists. The project provides for additional cross country ski trails and encourages tourist-based economy by providing a variety of recreation options within the June Lake Loop.
- c) June Lake Area Plan, Tourism Element Policies state the following: Objective A, Policy 4 Policy 4: Provide full winter-time utilization of the June Lake Loop by providing adequate downhill skiing capacity, expanded cross country ski touring opportunities, ice skating and ice games, snowplay areas, and snowmobile staging areas. Action 4.3: Promote the development of snowmobiling and cross country ski trails in the June Lake Planning Area. Work with the USFS, Caltrans and the community to develop cross country skiing parking and staging facilities along SR 158 and US 395. Objective E: Develop multipurpose and multi-seasonal recreational facilities that meet the needs of a wide range of users and promote year-round usage.

MONO COUNTY
Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM 13-001 **APPLICANT:** RRKK, Ltd.

ASSESSOR PARCEL NUMBER: 015-010-006, 015-010-004, & 016-094-009

PROJECT TITLE: Silver Meadow Cross Country Ski Project

PROJECT LOCATION: The project is located at 5764 Highway 158, June Lake, CA

On November 14, 2013, 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 Modification 13-001/Black, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL
 See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: November 14, 2013
EFFECTIVE DATE USE PERMIT November 25, 2013

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: November 14, 2013

cc:

- Applicant
- Public Works
- Building
- Compliance

Conditions of Approval
Use Permit Modification 13-001/Black

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) No modifications to the parcel's existing topography or vegetation are permitted. Limited vegetation maintenance is allowed.
- 3) Sufficient snow levels, so as not to disturb the meadow or existing vegetation, are required before grooming of the trails and vehicle access onto the designated parking area.
- 4) All signs shall be in conformance with Chapter 07 of the Mono County General Plan. Temporary trail and parking markers are allowed during the operation of the project. One directional sign is permitted on the private parcel APN 016-094-008 from which the project gains access off Hwy. 158. The directional sign provides needed directions to remotely located business and scenic, recreation areas such as pack stations, lodges, resorts and lakes. The directional sign is limited to the name of the business, and direction to its location. The sign cannot exceed 3 sq. ft.
- 5) Project shall include up to 15 parking spaces (as defined in Chapter 6, Parking Standards) on the parcel APN 016-094-009 as shown on Attachment A, Site Plan. Sufficient buffer of willows and snow berms shall be maintained between the parking area and the adjacent residences.
- 6) The project's cross country ski trails shall be in compliance with USFS Cross Country Ski design parameters (FSH 2309.18, 23.31, Exhibit 01), which outline the groomed width, surface, grade restrictions and trail design (see attachment B).
- 7) The project shall comply with the June Lake Trail Plan Guidelines (see attachment C).
- 8) The operations of this project are permitted daily 7am to 6pm.
- 9) The applicant shall obtain or update encroachment permit from Caltrans for Hwy. 158 access, if necessary.
- 10) The project shall operate in compliance with Mono County Code Chapter 10.16 (Noise Regulation).
- 11) The project shall conform to all standards for the Scenic Combining District (S-C district):
 - A. Visually offensive land uses shall be adequately screened through the use of extensive site landscaping, fencing, and/or contour grading.
 - B. Earthwork, grading and vegetative removals shall be minimized.
 - C. All site disturbances shall be revegetated with plants and landscaping in harmony with the surrounding environment (drought-resistant indigenous plants are encouraged). A landscaping plan shall be submitted and approved for all projects.
 - D. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads or driveways shall be avoided except where essential for health and safety.
 - E. The number, type, size, height and design of on-site signs shall be strictly regulated according to the county sign regulations (see Ch. 07).
- 12) No vehicle access or parking for the project is allowed via Nevada Street.
- 13) 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.
- 14) The applicant shall obtain a US Army Corps of Engineers and/or Lahontan required permits, if necessary.

Staff Report Attachments

ATTACHMENTS

- Attachment A: Project Site Plan
- Attachment B: USFS Cross Country Ski design parameters (FSH 2309.18, 23.31, Exhibit 01)
- Attachment C: June Lake Trail Plan Guidelines
- Attachment D: June Lake Area Plan Environmental Impact Report (EIR) Addendum

Silver Lake Meadow Cross-Country Ski Trails Project Use Permit 12-005/Black

Conceptual Trails Plan

Map Key:

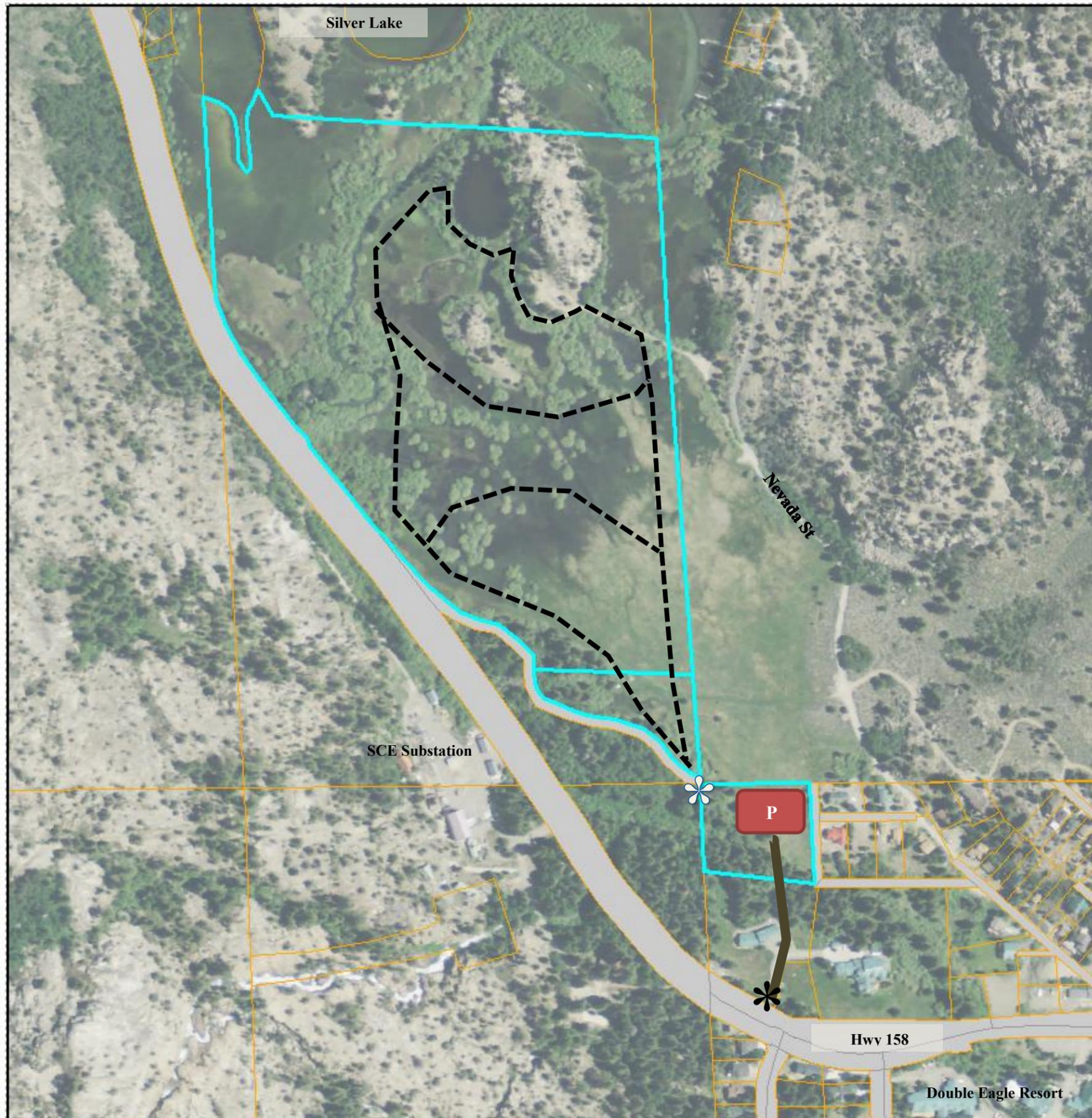
Project Access Point * (black asterisk)

Driveway (brown V-shape)

Parking Area (red square with 'P')

Cross-Country Ski Trail Start (blue asterisk)

Trail (dashed black line)





Design Parameters (FSH 2309.18, Section 23.31, Exhibit 01)

Design Parameters are technical guidelines for the survey, design, construction, maintenance, and assessment of National Forest System trails, based on their Designed Use and Trail Class and consistent with their management intent¹. Local deviations from any Design Parameter may be established based on trail-specific conditions, topography, or other factors, provided that the deviations are consistent with the general intent of the applicable Trail Class.

Designed Use CROSS-COUNTRY SKI		Trail Class 1	Trail Class 2	Trail Class 3	Trail Class 4	Trail Class 5
Design Groomed Width	Single Lane	Typically not designed or actively managed for cross-country skiing, allow use may be allowed	2' – 4' Typically not groomed	6' – 8' Or width of grooming equipment	8' – 10" Or width of grooming equipment)	Typically not designed or actively managed for cross-country skiing, allow use may be allowed
	Double Lane		6' – 8'	8' – 12'	12' – 16'	
	Structures (Minimum Width)		36"	36"	36"	
Design Grooming and Surface ²	Type		Generally no machine grooming	May receive occasional machine grooming for snow compaction and track setting	Regular machine grooming for snow compaction and track setting	
	Protrusions		No protrusions	No protrusions	No protrusions	
	Obstacles (Maximum Height)		12" Uncommon	8" Uncommon (no obstacles if machine groomed)	No obstacles	
Design Grade ²	Target Grade	5% – 15%	2% – 10%	0% – 8%		
	Short Pitch Maximum	25%	20%	12%		
	Maximum Pitch Density	10% – 20% of trail	5% – 15% of trail	0% – 10% of trail		
Design Cross Slope	Target Cross Slope	0% – 10%	0% – 5%	0% – 5%		
	Maximum Cross Slope (For up to 50')	20%	15%	10%		

10/16/2008

Designed Use CROSS-COUNTRY SKI		Trail Class 1	Trail Class 2	Trail Class 3	Trail Class 4	Trail Class 5
Design Clearing	Height (Above normal maximum snow level)		6' – 8'	8' Or height of grooming equipment	8' – 10'	
	Width		24" – 60" Light vegetation may encroach into clearing area	72" – 120" Light vegetation may encroach into clearing area	96" – 168" Widen clearing at turns or if increased sight distance needed	
	Shoulder Clearance		0" – 6"	0" – 12"	0" – 24"	
Design Turn	Radius		8' – 10'	15' – 20' Or to accommodate grooming equipment	≥ 25'	

¹ For definitions of Design Parameter attributes (e.g., Design Tread Width and Short Pitch Maximum) see FSH 2309.18, section 05.

² The determination of trail-specific Design Grades, Design Surface, and other Design Parameters should be based upon soils, hydrological conditions, use levels, erosion potential and other factors contributing to surface stability and overall sustainability of the trail.

Attachment C:
June Lake Trail Plan Guidelines

- 1) Trails should be appropriate to their surroundings
 - a) generally unpaved and natural
 - b) disturbance to natural systems minimized
 - c) not overly engineered
 - d) follow existing disturbed areas such as utility corridors where feasible
 - e) intensity of use guided by variation in trail width (trail tread generally 18" wide in light use areas, up to 5' wide in higher use areas)
- 2) Protect the natural environment of forest, wetlands, flora and fauna
 - a) maintain the solitude of fishing areas while preserving accessibility
 - b) take advantage of view opportunities and connect vista points where possible
- 3) Respect private and permittee property
- 4) Safety
 - a) route trails away from vehicular traffic where feasible
 - b) minimize pedestrian/bicycle interaction
 - c) integrate "context-sensitive" road solutions to optimize safe conditions for road bikers on SR 158 and other primary roads
- 5) Comprehensive trail plan
 - a) interconnect trails to provide access to various locations within the June Lake Loop
 - b) assure access to existing trails on public land
 - c) maximize trail connections between existing establishments (e.g., Gull Lake - June Lake; campgrounds – village; commercial areas – future development)
 - d) create trail loops where possible
 - e) connect the entire Loop from the southerly junction of 158/395 to Grant Lake
 - f) integrate local trails with regional trails
- 6) Signage and trail guides
 - a) provide user-friendly signage and trail guides
 - b) publish and distribute a really fun trail guide
- 7) Provide ADA access where practical
- 8) Trail maintenance
 - a) create a comprehensive trail maintenance and operation plan
 - b) encourage a voluntary trail maintenance program
- 9) Trail Funding
 - a) seek trail grant funding and other funding opportunities
 - b) work cooperatively with agencies: Mono County, USFS, BLM, June Lake CAC, homeowner associations
 - c) require developers to include and build trails in their developments that connect to trails on adjacent land

**Addendum
to the
June Lake Area Plan
Final Environmental Impact Report (FEIR)**

SCH # 90020990

November 1, 2012

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Executive Summary

Proposed Project

Use Permit 12-005 would allow the grooming of non-commercial cross country ski trails and an associated parking area on APNs 015-010-006, 015-010-004, & 016-094-009 in the Silver Lake Meadow area for a trial period during the 2012-13 winter season, with the opportunity to extend the project in subsequent years. The project parcels are located off Hwy 158 in the community of June Lake, adjacent to Silver Lake. The project encompasses an area of 40+ acres. Two parcels are designated NHP, which allows for recreational uses. Parking is proposed on the vacant ER parcel (APN 016-094-009). The project is accessed via private property located at 5764 Hwy 158 (APN 016-094-008). Currently, all parcels in the proposed project are owned by the same private property owner.

Applicable Land Use Regulations

The General Plan Land Use Designation (and June Lake Area Plan) designation for the majority of the project site is Natural Habitat Protection (NHP). The remaining parcel is designated Estate Residential (ER). The cross-country ski use would occur on the parcels designated NHP; parking and site access would occur on the parcel designated ER.

The NHP designation is “intended to protect sensitive environmental habitats by minimizing site disturbance and development. Private lands placed in this district contain valuable wildlife habitat, scenic resources, and/or areas subject to natural hazards” (Mono County Land Use Element, Land Use Designations). The NHP conditionally permits “Recreation facilities, such as improved bike, cross country skiing, and pedestrian trails...if found to be compatible with the natural habitat area by the Commission” (Mono County Land Use Element, Land Use Designations).

The intent of the ER designation is to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted. Uses permitted subject a use permit for ER include: art galleries, country clubs and golf courses. Cross country skiing trails are similar and not more obnoxious than those permitted subject to a use permit on ER property. Accessory uses such as parking are an allowed use prior to a main use subject to a use permit.

Addendum Determination

Mono County has determined that an Addendum to the Final Environmental Impact Report is the appropriate level of environmental review under CEQA. An Addendum is appropriate because the analysis below demonstrates that none of the conditions described in CEQA Guidelines Section 15162 have occurred.

CEQA Guidelines Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” None of the conditions described in Section 15162 have occurred.

Section 15162 of the CEQA Guidelines provides for the preparation of a subsequent EIR when:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponent declines to adopt the mitigation measure or alternative.

Review of Findings Under CEQA Guidelines Section 15162

The proposed project is a low-impact seasonal recreational use, which would initially be permitted only for the 2012-13 winter season but could be renewed for additional seasons following analysis of the initial year's use. Parking would occur in a non-environmentally sensitive area, outside the Silver Lake Meadow. Access would be on existing roads; signs would direct recreational users to the access route and parking area. Parking would be restricted to 15 spaces, limiting the number of car trips along Hwy 158. There would be no permanent installation or development. Use Permit conditions require:

- 1) No modifications to the parcel's existing topography or vegetation are permitted. Limited vegetation maintenance is allowed; and
- 2) Sufficient snow levels, so as not to disturb the meadow or existing vegetation, are required before grooming of the trails and vehicle access onto the designated parking area.

The project will comply with General Plan and County Code requirements for noise, scenic highways, and snow storage. The project is the type of complementary recreational land use that was considered and analyzed in the June Lake Plan FEIR for the land designated Natural Habitat Protection in Silver Lake Meadow. There are no substantial changes in the type of land use being considered and therefore the project does not constitute a substantial change.

Similarly, significant environmental effects anticipated in the June Lake FEIR would not change as a result of the project since there is no substantial change in the type of land use being considered and no

new substantial information concerning those impacts. Use permit conditions have been designed to result in a project that avoids significant impacts to the environment.

References

Phone conversation with Scott Burns, Community Development Director, Oct. 30, 2012.

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

November 14, 2013

To: Mono County Planning Commission
From: Courtney Weiche, Associate Planner
Subject: General Plan Amendment 13-004 Transient Rental Overlay District

RECOMMENDED ACTION

Approve Resolution R13-07, accepting Addendum 13-04 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 13-004.

BACKGROUND

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

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

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

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

GENERAL PLAN AMENDMENT 13-004

The proposed Transient Rental Overlay District (TROD) is located along Boulder Drive in June Lake and includes four parcels: APNs 015-140-035, -034, -033, & -032. Each has an existing single family residence. Surrounding land uses are primarily single-family homes, however parcels across the street from the proposed district have a land use designation of Commercial Lodging, high.

Following the Planning Commission hearing notice, adjoining neighbors called with concerns and questions regarding the creation of a TROD. Most of all concerns seemed to have been satisfied after reviewing and clarifying the TROD-related General Plan chapters. To date, no formal comment letters have been received. Any comments received after the Planning Commission packet has been distributed will be provided and included as part of the record at the hearing.

Project Location



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met August 19, 2013, to review and provide input on the project proposal. The LDTAC accepted the proposed Transient Rental Overlay District application and recommended moving forward with processing the permit.

GENERAL PLAN CONSISTENCY

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

Objective H Maintain and enhance the local economy.

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

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

The project provides for additional visitor lodging and encourages tourism by providing a variety of lodging options and is consistent with the text and maps of the General Plan and June Lake Area Plan.

CEQA COMPLIANCE

An addendum to the county General Plan EIR has been prepared for the proposed project. The impacts of the proposed project will not result in a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR.

ATTACHMENTS

- EIR Addendum 13-04
- Resolution R13-07

Mono County General Plan Land Use Amendment 13-004
GENERAL PLAN EIR ADDENDUM #13-04
State Clearinghouse #98122016
 November 14, 2013

INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS

1. Transient Overlay Districts

Mono County has received applications to amend the General Plan Land Use Designation Maps to establish a Transient Rental Overlay District (TROD) to allow for nightly rentals. GPA 13-004 would establish a TROD on four parcels (APNs 015-140-035, -34, -33, -32) along Boulder Drive at June Lake.

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

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

In 2001, Mono County certified an Environmental Impact Report (EIR) in conjunction with the adoption/amendment of its General Plan (SCH # 98122016) (the "General Plan EIR"). The General Plan EIR analyzed the impacts of designating areas of the county as SFR, ER, RR, or RMH, and assumed full buildout and use of those properties for all allowed uses. It also addressed and analyzed the impacts associated with the development of accessory dwelling units. As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*

- (A) *the project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
- (B) *significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- (C) *mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) *mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

DISCUSSION OF IMPACTS

Establishing Transit Rental Overlay Districts that would allow nightly rentals proposed in the aforementioned residential areas (the “Project”) does not require major revisions to the General Plan EIR because it does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are not substantial changes with respect to the circumstances under which the project is undertaken; and there is not new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The proposed Transient Rental Overlay Districts will not have a significant effect on the environment or increase the severity of previously identified significant effects. The overlay district in June Lake consists of four adjoining lots. The creation of a Transient Rental Overlay District (enables short-term rentals) but does not expand the types of structures allowed or the manner in which the vacant parcels can be developed in the future. Future development will be limited to the residential densities established in the underlying land use designation. Additionally, General Plan Land Use Element Chapter 26 further governs how transient rentals are to be conducted, which places much-more-stringent regulations on rentals than that of a home occupied by a full-time resident.
2. Additionally, even following designation and permitting for transient rental use, there is no change to the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Since there is virtually no difference in the use of a home being occupied by a full-time resident and its use by a household that rents the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.

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

CONCLUSION

CEQA Sections 15164(c) through 15164(e) states, *“An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”*

The information presented above indicates that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

)

RESOLUTION R13-07

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 13-004,
PLACING A TRANSIENT RENTAL OVERLAY DISTRICT ON FOUR ADJOINING PARCELS
AT JUNE LAKE (ASSESSOR'S PARCEL NUMBERS 015-140-035, -34, -33, -32)**

WHEREAS, In accordance with General Plan Requirements, the property owners have submitted a Transient Rental Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

WHEREAS, the proposed General Plan Amendment 13-004, in conjunction with a Vacation Home Rental Permit, will allow the owners of Assessor's Parcel Numbers (APN) 015-140-035, -34, -33, -32 to rent out Single-Family Residential homes on a transient or nightly basis; and

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

WHEREAS, the Planning Commission did on November 14, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

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

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

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

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

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

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

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District that will allow the addition of nightly rentals only in single-family dwellings. Chapter 25 in the Mono County General Plan allows

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

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

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

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

The application of Transient Rental Overlay District on Assessor's Parcel Numbers 015-140-035, -34, -33, -32 will not create undue hardship on adjacent properties. Single-family homes that are used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Transient rentals will have similar visual characteristics as a home having seasonal or full-time occupancy. Furthermore, homes used as rentals within the district are subject to more-stringent restrictions than applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy based on the number of bedrooms, parking and the requirement for oversight through local property management. These measures in conjunction with local property management being available 24 hours to regulate non-compliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy. Moreover, Chapter 26 in the General Plan provides enhanced enforcement mechanisms to prevent non-permitted or unauthorized transient rentals within residential zones.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, having considered the environmental addendum and taken into consideration all evidence and testimony before it, the Mono County Planning Commission, in conformance with the Mono County General Plan, Chapter 48, Section 48.020, hereby finds that the proposed changes are consistent with the General Plan and recommends that the Board of Supervisors approve General Plan Amendment 13-004 adding a Transient Rental Overlay District to Assessor's Parcel Numbers 015-140-035, -34, -33, -32.

PASSED AND ADOPTED this 14th day of November 2013, by the following vote of the Planning Commission, County of Mono:

- AYES :
- NOES :
- ABSENT :
- ABSTAIN :

Dan Roberts, Chair
Mono County Planning Commission

ATTEST: APPROVED

AS TO FORM:

C.D. Ritter, Commission Secretary

Stacey Simon, Assistant County Counsel

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