

# MONO COUNTY PLANNING COMMISSION

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## MINUTES

MARCH 10, 2016

(Adopted May 12, 2016)

**COMMISSIONERS:** Scott Bush, Chris I. Lizza, Carol Ann Mitchell, Mary Pipersky, Dan Roberts

**STAFF:** Scott Burns, director; Courtney Weiche, associate planner; Christy Milovich, deputy county counsel; Nick Criss, compliance officer; Gerry Le Francois, principal planner (videoconference); CD Ritter, commission secretary

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-Chair Chris Lizza called the meeting to order at 10:05 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** No items.

**3. MEETING MINUTES:**

**MOTION:** Adopt minutes of Dec. 10, 2015, as submitted. *(Mitchell/Pipersky. Ayes: 5-0.)*

**MOTION:** Adopt minutes of Feb. 11, 2016, as submitted. *(Pipersky/Mitchell. Ayes: 5-0.)* Hats off to CD for minutes of joint BOS/PC workshop. Christy Milovich will assist PC with legal advice.

**4. ELECTION OF CHAIR & VICE CHAIR:** Nomination of Chris Lizza as chair *(Pipersky/Mitchell. Ayes: 4-0.)* Nomination of Dan Roberts as vice-chair *(Bush/Pipersky. Ayes: 4-0.)* Lizza passed gavel to Roberts.

**5. PUBLIC HEARING:** No items

**6. WORKSHOPS**

**A. Transient Rental Overlay Districts (TRODs).** *Staff: Courtney Weiche & Nick Criss*

Courtney Weiche presented a PowerPoint addressing concerns, issues from the public, and potential changes to Ch. 25-26. Will direct staff to make changes to take to BOS, then to RPACs that requested, and eventually General Plan Amendment.

June Lake has 822 units, 530 vacant year round, 487 vacant seasonally.

Ch. 25 "intent" to be revisited (Pipersky request). Staff will take all comments into consideration, have dialog. Bush stated that definition almost kills whole idea with "exhibiting support" not defined; it's self-defeating. Maybe remove. Same argument arises over and over again.

Roberts noticed "enhance tourism industry with wider variety of lodging options" is omitted; add it. Burns indicated Ch. 26 mentions lodging for visitors.

Lizza mentioned the economic argument: TOT collection and financial gain for owner. Data on property valuations since TRODs have been allowed would be helpful. No decline occurred elsewhere. Overall, [TRODs] improved property value. Other social implications: alternatives for lodging, occupying empty spaces. List concerns so as to not negatively impact workforce housing market. List of benefits/concerns.

Bush reminded that TRODs opened up market for prospective buyers who couldn't afford to live here all the time. Common-sense, logical benefit.

Roberts mentioned social value – improving community vitality sans empty houses.

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Carol Ann Mitchell

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

Criss asked if that meant moving away from neighborhood support? Bush wondered if staff was looking for reason to shut down.

Weiche clarified the objective is to modify Ch. 25 to potentially help with issues raised and incorporate suggestions received. Ch. 25 would be better based on input over years.

Bush recalled some neighborhoods wanted all TRODs to go away. Longer it goes, the more negative it seems. Only control is by compliance officer.

Criss contended that rentals are here to stay, legally or illegally. Figure out how to make Ch. 25 work. Can't enforce way out of problem. Tackle it to refine process, or abandon it altogether.

Weiche stated that alternatives to how and where TRODs should be placed would need feedback.

### **Use permit**

Bush wonder if switch to Use Permit (UP) with public hearing. When done, does it make more sense to do it or not. If just try to limit, people still upset.

Roberts thought UP would be going backward, as TRODs would go only to P.C. He saw enforcement primarily involving illegals.

Pipersky asked if [nightly rentals] were an unstoppable force due to Airbnb, etc. Lizza stated trends out there, trying to address it.

Weiche mentioned owner-occupied vs. non-owner-occupied, which are treated the same now. Owner-occupied maybe create less impact? Bush saw a difference if owner lives there. Weiche stated the idea is to prove someone lives on site. Rent to only one party at a time.

Commission consensus: Open that up.

### **Neighborhood**

Weiche stated "neighborhood" is most difficult to identify, define. Bush asked why it's even in there. Weiche recalled group of homeowners wanted it. District/area/zone that allows TRODs: Street? Subdivision? Entire town? Chinatown is a neighborhood in a city. Really defined by its people who define neighborhood. 1) keep as is; 2) agree on clear definition; or 3) draw specific boundaries (based on community input and defined attributes *(not favored by staff)*).

Pipersky asked if complaints help define neighborhood. Effect of overnight rental on noise level?

Bush stated could limit a lot by street situation (width, safety, etc.). Limiting areas/property to meet certain criteria such as safety.

Lizza wanted to eliminate concept of district and talk of residence instead. One parcel/each block, less impact. Bush suggested first-come, first-served basis. Lizza thought if area already has a TROD, can't do it.

Roberts recalled rationale for Planning Commission is limit of four GPA's/year. Weiche suggested working around that, make it next year.

Bush thought maybe a sign-up period, like health insurance.

Roberts suggested field trip to see how far away complainants were, how they would be affected.

Weiche asked if potential change to Ch. 25 would be to remove "districts." Bush recalled people were afraid of sprawl, blight.

### **Noticing**

Criss thought 300' noticing buffer could go out to 500' or 1,000'. Suggested neighbor support, not neighborhood support.

Weiche suggested 20 days noticing within 500' (State requires 300') to flush out issues in advance of public hearing.

Criss asked about spatial distance. Hard to define a "block." Impacts to surrounding houses? Let percentage of vacant houses apply; once gone, gone. Bush confirmed allowing only so many.

Roberts asked if not encouraging district. Bush wanted to get everybody for support, consensus. Longer it goes, more negative it gets. BOS is paying attention. It's going to happen, so control it.

Weiche stated people can't even apply unless meet minimum standards: adequacy of roads. TROD only in summer months if snow removal is an issue. Maybe add County-maintained roads?

Lizza wanted no impacts that change residential character. Bush suggested one at a time unless whole community wants it. Even if all OK with it, maybe not all would do it, so keep revisiting.

### **Land Use designation**

Criss noted that TROD requires GPA. Could apply for different land use designation. Bush suggested adding land use area called TROD, like equestrian overlay. Weiche: SFR-TR?

Weiche described exclusionary land use designation. Prohibit TRODs in certain locations. Lizza wanted exclusion based on overall impacts, public safety.

#### **Time limit**

Weiche asked about capping maximum days/year. Hard to enforce, people not stick to cap, just get the money. Maybe holidays.

Pipersky asked about a way for owners to have countdown on software. Post on license. Weiche stated Airbnb advertises in illegal jurisdictions.

Weiche suggested maximum percentage per community/area/street/etc. of vacant units available.

Bush asked if a TROD is on property forever. Criss stated TROD is land use change. Weiche confirmed TRODs in perpetuity, ongoing unless violations exist.

Bush asked about a sunset law. County cites violations, so would not renew. Reapply after a year and do what supposed to do.

Criss reminded local property management is required. Lizza thought jeopardizing property manager's biz license would be incentive to stay legal.

Weiche cited current GPA as highest-level permit. Maybe periodic compliance review. Weiche noted TROD already has gone through PC and BOS. Vacation home rental permit is ministerial, so does not go back to PC. Could review every two years and, if complied, renew.

Lizza thought it too hard to define neighborhood. Urged case by case. If no problems with one guy, next door or across street could do it if no limit was imposed on TRODs.

#### **Max days, max units**

Bush suggested limiting geographically inappropriate areas.

Weiche stated if subject to UP, could condition it, draw lines/boundaries/neighborhoods. UP is lower bar than GPA. Alternative is current process but concurrently apply for UP.

Bush wanted to make it equitable so everyone could get what they need.

#### **SUMMARY**

**Pipersky:** Suggested Ch. 25 intent: Trend, impact on workforce housing. Purpose: Regulated in order to protect general welfare, safety, quiet enjoyment. More conversation on owner-occupied. Consider time restriction; e.g., one week. Establish minimum times to limit turnover.

Burns realized issue was not likely to be resolved in 45 days. If PC has no recommendation today, continue next month.

Why not go to RPACs first instead of to top? Burns indicated RPACs would need proposed language from PC and BOS.

**Bush:** Maintain residential character and public safety.

**Lizza:** Economics is up to property owner, not PC. Recognize trend, provide means into legal regime to engage in activity. Ch. 26 intent: Preserve residential characteristics/qualities of community. Get away from neighborhoods and districts. Case-by-case consideration. Distinguish owner vs. non-owner. Neighbor support (individual), not neighborhood. Support from adjacent neighbors, people impacted. Burns recalled neighborhood support was key provision initially, the standard.

Bush suggested exhibiting "general" support. Focus on area instead of neighborhood.

Burns noted focus really on "intent." If UP, add neighbor support. Finding level, not overall intent. Weiche thought special consideration for property owners within certain distance (defined area).

Bush saw it as setting up neighbor vs. neighbor.

**Burns:** Indicated moratorium would extend regardless.

If no district, then UP for all residential areas. Opened door to looser permit. Policies in area plan; i.e., prohibit areas with steep slopes, inadequate access. Mapping areas could take months at RPACs. Keep at GPA level. Struggle with condition. Can't do at GP level, but could with UP. "District" not include "condition." Support for the use.

**Weiche summary:** Owner-occupied rental of room by UP. Entire homes stick with GPA process. Not encourage districts, go single parcel. Fear of forever permit. Bush wants two-year review. Define "neighbor" or "neighbor support." Minimum infrastructure standards. Vacation home rental permit to be seasonal.

Expand notice from 10 to 20 days, 500' with possible expansion. Renewal possibility. Look at fees. Minimum rental limits.

**B. Sustainable Groundwater Management Act.** *Staff: Brent Calloway (continued to April 14, 2016)*

**6. REPORTS:**

**A. DIRECTOR:** 1) Specific Plan (SP) area: Convert to TRODs at June Lake Highlands. Le Francois: George Larson owns eight to nine lots in question. New owner interested. Burns: Moratorium does not apply to specific plans. Go with SP amendment. 2) SMARA: Criss attended conference where went through Mono County files. Mono objected, so State stopped/reconfigured program. Mono in good position, found in compliance. Enforcement issue on Standard Industrial Minerals. Abandoned two mine sites, got rid of financial assurances, sold off equipment. Levied \$1 million judgment, liens on property. Hopefully sizable sum to do reclamation work. 3) National award: Sage grouse conservation USFS/BLM in Pittsburgh, PA. BOS authorized Wendy Sugimura to attend.

**B. COMMISSIONERS:** None

**7. INFORMATIONAL:** No items.

**8. ADJOURN** at 1:05 p.m. to April 14, 2016

*Prepared by CD Ritter, commission secretary*

**CORRESPONDENCE RECEIVED FOR MEETING**

Comment letters received after  
BOS/PC joint workshop on February 11, 2016.

RECEIVED

MAR 10 2016

MONO COUNTY  
Community Development

**From:** Malone, Jill <JMalone@miracosta.edu>  
**Sent:** Wednesday, March 09, 2016 9:19 PM  
**To:** CD Ritter; Scott Burns  
**Cc:** Larry Johnston; Fred Stump; Tim Fesko; Tim Alpers; Stacy Corless  
**Subject:** Planning Commission Meeting re: TROD

Good evening, Scott and CD. We (Rod Goodson and Jill Malone) thank you for your assistance as we strive to maintain the integrity and character of our neighborhood in June Lake. We respectfully request that you include this email in your communication with the Planning Commission at their meeting tomorrow, Thursday, March 10, regarding the inappropriateness of TRODs in the Clark Tract of June Lake. Unfortunately we are not able to attend tomorrow's meeting in Bridgeport and trust you will forward the following message to the Commission on our behalf:

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**To:** The Members of the Mono County Planning Commission  
**From:** Rod Goodson and Jill Malone, 100 Mountain View Lane, Clark Tract, June Lake  
**Date:** March 9, 2016  
**Re:** Inappropriateness of a TROD in the Clark Tract of June Lake

Dear members of the Mono County Planning Commission:

Thank you for taking the time to listen to our concerns. We are writing to voice our strong opposition to any type of TROD in the Clark Tract of June Lake.

As mentioned by other well-respected members of the Clark Tract neighborhood, the concept of "grandfathering" into a TROD system certain homes with "mother-in-law" units is diametrically opposed to the idea of Single Family Residential zoning. The homes in the Clark Tract were purchased and/or built with the full knowledge of their owners that they were building/buying in a Single Family Residential zone. As such, these owners knew full well when they built their homes that renting it, or any part of it, for less than 30 days was illegal. For these owners to attempt to negatively impact the neighborhood by requesting a harmful change to this important SFR zoning law is both disingenuous and deceitful.

The members of the Clark Tract community have made it abundantly clear, over and over again, the importance of upholding this Single Family Residential zoning law – a law that does not allow short-term rentals of any kind, with no exceptions for granny flats, mother-in-law units, or other ancillary edifices. As the Biedermans correctly pointed out, whether an owner is on site or not does not change the fact that a "hotel" would be located in a residential neighborhood if a TROD were permitted.

We ask the Commission to respect the rights of the tax-paying homeowners of this neighborhood and continue to prohibit all TRODs in any form within the Clark Tract. To this end, we respectfully request that the Commission add language to the TROD program to eliminate the Clark Tract from application for **any** transient rentals now and in the future. Thank you.

Best regards,  
 Rod Goodson and Jill Malone  
 100 Mountain View Lane  
 June Lake, CA 93529

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Jill Malone

3/9/2016

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

RECEIVED  
MAR 10 2016  
MONO COUNTY  
Community Development

Dear Commissioners,

It is my understanding that you have another workshop on the TROD program as an agenda item for your meeting on tomorrow (March 10), and that the Mono County staff will be bringing suggestions for possible program changes for you to consider.

The issue of the TROD in the Clark Tract of June Lake, where I reside full time, is very important to me. Although I will be unable to attend your meeting, I would like to reach out, once again, with some of my feelings on the subject for you to also consider. I was able to listen to the end of your last workshop meeting via online streaming, which I appreciated very much. Thank you.

I, and most of my neighbors, would like to see new TROD applications completely eliminated from the Clark Tract. You have heard our reasons over and over, but I would like to emphasize that I think the tract should be permanently removed as an available area for transient rentals.

Our roads and lack of any care of our roads by the county is a major point of contention, and one that I think you well understand. I think it is a valid concern, and I am completely certain that any TOT generated from this area would never go toward any road maintenance, improvements, or snow plowing.

I also agree strongly with a point, made at your last TROD workshop, that to overlay zoning changes in order to allow such rentals is a form of betrayal by the county. Such an act alters the environment "promised" to us when we bought and/or built in this tract, which is zoned as residential. My husband and I specifically wanted to build down canyon because we did not want the activity and hubbub you get in an area such as the Village.

Thank you for being sensitive to these, and the many other issues that have been presented to you in opposition to TROD in the Clark Tract, when you consider how to move forward with this program.

Ann Tozier  
302 W. Steelhead Rd.  
June Lake  
anntozier@gmail.com

**CD Ritter**

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**From:** Lynda Biederman <lgbiederman@yahoo.com>  
**Sent:** Wednesday, March 09, 2016 3:27 PM  
**To:** CD Ritter; Scott Burns  
**Cc:** Fred Stump; Tim Alpers; Stacy Corless; Tim Fesko; Larry Johnston  
**Subject:** Planning Commission Meeting Re: TROD

RECEIVED  
MAR 10 2016  
MONO COUNTY  
Community Development

Hi CD - Could you please forward the following e-mail to the Planning Commission and Courtney for the Planning Commission Meeting tomorrow regarding the TRODs? Thanks.

To the Planning Commission:

Thank you for taking the time to re-examine the TROD system. Unfortunately we cannot attend tomorrow's meeting. We have already sent multiple e-mails and given public comments regarding this issue, so we will not repeat that information here. Please review our previous correspondence and comments against allowing TROD's within our residential neighborhoods.

After reviewing the minutes and suggestions from the workshop with the County Supervisors we wished to make one further point. The idea was brought up to "grandfather" the homes with "mother-in-law" units into the TROD system. This goes against the entire idea of Single Family Residential zoning. These homes were purchased/built with **full knowledge** that they were located in an SFR zoned tract. These units are far better suited to work-force housing (of which there is a severe shortage) than TROD hotels. Whether an owner is present or not does not change the fact that a "hotel" is located in a residential neighborhood.

Again, zoning is a contract between the county and the homeowner. Please respect the zoning of our neighborhoods and honor the contract. Thus, we also respectfully request that you add verbage to the TROD program to eliminate the Clark Tract from application for any transient rentals.

Sincerely,  
Ross and Lynda Biederman  
140 Wyoming Street  
June Lake  
(760) 648-1017

CD Ritter

RECEIVED

MAR 10 2016

MONO COUNTY  
Community Development

**From:** dlindsay@juno.com  
**Sent:** Wednesday, March 09, 2016 7:39 PM  
**To:** Larry Johnston; Fred Stump; Tim Fesko; Tim Alpers; Stacy Corless; Bob Musil; Scott Burns  
**Cc:** CD Ritter; lgbiederman@yahoo.com; rebjl1@yahoo.com; HeinrichsFour@aol.com  
**Subject:** Fw: TROD on Nevada Street  
**Attachments:** NevadaTransientOverlay.doc

Hi Scott

This is just an update to my concerns. Why do all these major issues happen in the winter? It does NOT look good for the County or the Planning Dept. If there are going to be changes It must happen when most people are here. Think about what happen in Mammoth with the TROD. If you all want to keep your jobs rethink what you are doing. The national politics can give you some in site. The approval of politicians is very low. When you change things and most people do NOT know what happened. That is a very bad thing today. The public will not take it any more. I my mind it is obvious the common sense is the right option. I have NOT seen much of that lately.

Dennis Lindsay

Please note: forwarded message attached

From: "[dlindsay@juno.com](mailto:dlindsay@juno.com)" <[dlindsay@juno.com](mailto:dlindsay@juno.com)>

To:

[LJohnston@mono.ca.gov](mailto:LJohnston@mono.ca.gov), [fstump@mono.ca.gov](mailto:fstump@mono.ca.gov), [tfesko@mono.ca.gov](mailto:tfesko@mono.ca.gov), [talpers@mono.ca.gov](mailto:talpers@mono.ca.gov), [scorless@mono.ca.gov](mailto:scorless@mono.ca.gov), [bmusil@mono.ca.gov](mailto:bmusil@mono.ca.gov)

Cc: [lgbiederman@yahoo.com](mailto:lgbiederman@yahoo.com)

Subject: TROD on Nevada Street

Date: Sat, 5 Dec 2015 02:03:58 GMT

Mono County Supervisors

I am sending this email with hopes that you understand the TROD an unacceptable idea. Most people that live here do NOT want it.

There are a lot of part time residents that are on the fence about this issue. It is not fair for part time residents that are not here year around to make decisions about what the residents that do live here year around have to put up with. These people purchased their properties knowing full well they are in a R1 zone. If they know the rules for the property going in they should observe those rules. Why should residents that live here full time have live with the part time resident's poor decisions?

I am attaching the letter I sent to the planning commission that was NOT considered. This is a very negative thing to do and there is NO net gain to the county and is a detriment to our properties and our community. Please read my letter

Dennis Lindsay

Nov 6, 2015

RECEIVED  
MAR 10 2016  
MONO COUNTY  
Community Development

Mono County Planning Division  
Courtney Weiche  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Transient Rental Overlay Districts

Gentlemen:

I am a homeowner in the Clark Tract and have concerns about any TROD in the Clark Tract. I have been the victim of illegal renting in the area for years with noise and property damage. The people applying for this TROD always try to pass this through in October because most of the part time homeowners are not in town and they hope to sneak it through. This is not right, nor fair to the homeowners that bought or built their homes thinking they are in a Single Family Home location and now they are in the middle of the Hotel District. Their property values are going down and that is a loss to the homeowners and the county over time. All the issues we had with the last request are the same, i.e., the private roads cannot handle the traffic, and there is NO snow removal. Is the county going to assume the legal liability? This will be very bad for the County and the homeowners. There will be NO net gain to the County in TOT Tax because they will be taking business from our local hotels and motels. The other issue is will they pay the TOT Tax? How does the county enforce this? Any cost for enforcement will be greater than any gain. It is much better to trust our local businesses than to try to collect from private owners. To net it out the local homeowners have to put up with part time renters and the County does not gain anything but liability. Why would we want to do this?

Yours truly,

Dennis E. Lindsay  
5424 Boulder Drive (Hwy 158)  
June Lake, CA 93529