MONO COUNTY
PLANNING COMMISSION

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

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

AGENDA

THURSDAY, MARCH 10, 2016 – 10 a.m.
Supervisors Chambers, County Courthouse, Bridgeport
*Videoconference: Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

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

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

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

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

3. **MEETING MINUTES:**
   - **A.** Review and adopt minutes of Dec. 10, 2015 ***-- p. 1***
   - **B.** Review and adopt minutes of Feb. 11, 2016 ***-- p. 6***

4. **PUBLIC HEARING:** No items

5. **WORKSHOPS**
   - **A. Transient Rental Overlay Districts (TRODs).** *Staff: Courtney Weiche, Nick Criss, Brent Calloway* ***-- p. 10***
   - **B. Sustainable Groundwater Management Act.** *Staff: Brent Calloway* ***-- p. 49***

6. **REPORTS:**
   - **A. DIRECTOR**
   - **B. COMMISSIONERS**

7. **INFORMATIONAL:** No items.

8. **ADJOURN** to April 14, 2016

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

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

DISTRICT #1 COMMISSIONER	DISTRICT #2 COMMISSIONER	DISTRICT #3 COMMISSIONER	DISTRICT #4 COMMISSIONER	DISTRICT #5 COMMISSIONER
Mary Pipersky	Carol Ann Mitchell	Daniel Roberts	Scott Bush	Chris I. Lizza

More on back…

*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 SPECIAL MEETING MINUTES

DECEMBER 10, 2015

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

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner; Stacey Simon, assistant county counsel; Wendy Sugimura, analyst; Jake Suppa, CDD intern; Garrett Higerd, public works; CD Ritter, commission secretary

GUESTS: Supervisor Fred Stump; John Connelly; Rick LaBorde & John Connolly, CSA1; Mike Bodine, The Sheet; Ron Day, Norm Tenedora & Marc Overton, Crowley Lake residents

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Vice-chair Chris Lizza called the meeting to order at 10:05 a.m. at the Town/County Conference Room, Minaret Village Mall in Mammoth Lakes, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT: Commissioner Fred Stump introduced and welcomed new commissioner, Carol Ann Mitchell, who has a long history of community involvement and sees all local issues.

3. MEETING MINUTES:

MOTION: Adopt minutes of Nov. 12, 2015, as amended. Motion #1: ~~and nobody would win~~. Lizza: Applicant would not have to fund an appeal. *(Bush/Roberts. Ayes: 4. Abstain due to absence: Mitchell.)*

4. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 15-004/Crowley Lake Skate Park. The proposed project is to allow construction of an up to 10,000-square foot skate park on the east side of the Crowley Lake Community Center parcel at the corner of South Landing Road and Pearson Road, at 58 Pearson Rd. (APN 060-210-020) in the community of Crowley Lake. The parcel is 2.1 acres, County-owned, and has a land use designation of Public Facility. In addition, CUP 15-004 will memorialize existing and proposed uses such as the community center, community garden and possible future library location. In accordance with the California Environmental Quality Act, an addendum to the adopted Negative Declaration for Use Permit 37-97-01 is being utilized. *Staff: Associate Planner Courtney Weiche*

Courtney Weiche presented CSA1PowerPoint, memorializing existing uses on County-owned Public Facility (PF) land. Reviewed revised site plan and activities on site. ADA sidewalk to skate park, restrooms, community garden. Skate park up to 10,000 sf. Parking: 18 paved, two ADA. At April 8 meeting, Planning Commission (PC) OK'd parking. Community workshop in October. Kids drew desired features on butcher paper. CSA1 worked with RPAC, meetings open to public, notice to 1,500' owners. Negative Declaration adopted for original use permit. Wetland delineation study by Dr. Jim Paulus. CSA1 wants use permit and site plan approval before entering process. Tech components in upcoming months. Final design back to Planning Commission at noticed public hearing. Conditions: Paved parking, encroachment permit, all ADA, rules approved and posted by risk management. No sign plan yet. All costs funded by CSA. If >$5,000, need BOS approval.

Library? Weiche described location by bus shelter, 22,000 sf, landscaping, and parking.

Image of skate park model? Not for this one.

Lizza asked about Item 9. Prohibit fundraising or private donations? Loosen language? Simon: If third party fundraises, tweak language. Money flows through CSA funds. Actively fundraising, but not opposed to private. BOS does not want general fund maintaining structure. Put money in CSA fund first.

Restroom facility? Weiche explained ADA requires unisex restrooms. Could specifically call out restroom/sidewalk.

Simon stated comply with ADA including but not limited to accessible restrooms, parking, etc. as ~~required~~ determined by public works and building division.

Burns noted Item 7 shall be approved (missing word).

Pipersky on solar power: shall consider, not should.

OPEN PUBLIC COMMENT: Supervisor Fred Stump verified outreach of CSA, lot of effort and resources to reach out to community. Community center solarized already. Residents approach, not understand what's going on. Lights? Why not at ballfield (owned by school district)? Scope smaller for kids below level of Volcom. Explanation appeared to satisfy.

John Connolly, CSA board member, recreation profession >20 years at Town. PowerPoint summed up progress. Works with kids, runs summer camps. Combined with Wave Rave for four skateboard camps, 115 kids. Skate parks good opportunity for kids. Kids at trailer park. Likes parcel, huge library supporter, community gardener, all tie in together.

Ron Day, CSA commissioner, RPAC. Favors, all who talk to as well. Makes community a little bit closer. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Stacey Simon suggested site plan as attachment to use permit. Condition #3 (site plan attached as Exhibit 1). Bush: #7: missing word "and" posted. Pipersky got negative comments, but not substantial.

MOTION: In accordance with CEQA, determine none of the conditions in CEQA Guidelines 15162(a) applies to the proposed Crowley Lake Skate Park, and adopt the Crowley Lake Skate Park Addendum to the 1997 Negative Declaration for the Crowley Lake Community Center and Library, and direct staff to file a Notice of Determination; make the required four findings in project staff report; and approve Use Permit 15-004 as modified, subject to Conditions of Approval. (Pipersky/Bush. Ayes: 5-0.)

B. **ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP (TPM) 31-86 / Graves.** One-year map extension for property located along US 395 and Burcham Flat Road, approximately a half-mile south of the community of Walker. The parcel is approximately 111 acres and has a land use designation of Rural Residential 10-acre minimum parcel size. The TPM would divide the property into four parcels. *Staff: Principal Planner Gerry Le Francois*

Gerry Le Francois noted applicant lives in Bay Area, wants to apply with conditions. Could apply for one more extension. Approved in 2005. Today is ministerial action. Extending life of map with no changes. If all improvements not done, map goes away. Simon recalled statewide extension of maps, four or five pieces of legislation. Garrett Higerd: Many years without any coming to Planning Commission except White Mountain Estates. Maybe State believes market is turning around. When property was first divided, Mono got pieces along river through Lot Line Adjustments. Access across federal land.

Bush knew Olive as Sally. Daughter trying to keep it alive, see what options are, no plans yet. Family visits occasionally. Paid $495 for extension to buy time. Graves used to own all property there. Solar powered home on hillside.

Lizza asked about meeting requirements, conditions of approval? Le Francois thought maybe hired contractor. Many parcels for sale in area. Some maps expired. If can't sell, map goes away. Another extension in spring.

Lizza: Notice when expire? Le Francois mentioned six-month warning.

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

MOTION: Find that the project was approved in 2005, under Section 15183 of the CEQA Guidelines, and this map extension is a ministerial action and exempt from further CEQA review under CEQA Guidelines Section 15268; and approve the second one-year extension of Tentative Parcel Map 31-86/Graves to Nov.

11, 2016, subject to the prior Conditions of Approval and mitigation Monitoring Program as contained herein. If map moves forward, address inconsistencies. *(Bush/Mitchell. Ayes: 5-0.)*

Condition 33: Contradictory statement. USFS vs Applicant on responsibility for road. Conflicts with 34 and 35. Higerd: Improvements by applicant vs. purchaser. How turnkey should parcels be? Unusual parcels here, concerning to potential buyer that federal land in between dirt road and properties. If Graves moves forward, need grading. When developed, added cost for Graves to final the map.

Bush: Lawsuit? Higerd: Back to PC as couldn't make finding one way or another.

Lizza: Conditions approved in 2005? Simon noted correction of oversight. Original intent was "applicant." If relook and change to future property owners… Bush described Graves as "land rich, money poor." Lived in camper, had no money for road.

Burns indicated General Plan states developing cost should be borne by applicant.

Bush: Contact her? Burns indicated map amendment if needed. Just correction for consistency: responsibility of applicant. Simon stated not feasible as worded. Bush stated applicant would have withdrawn map. Burns noted internally consistent with conditions.

Simon: No. 35 says applicant. Kick can down road, or fix today. Future owners pay lots 1 and 4, applicant pay lots 2 and 3. Firesafe only on 2 and 3? Apply regardless.

Le Francois noted inconsistency; map amendment when apply for last one-year extension. Simon stipulated if final within one year.

--- Recess: 11:25-11:30 ---

5. WORKSHOP: None

6. REPORTS:

A. DIRECTOR: 1) PC appointment: BOS appointed Carol Ann Mitchell, who submitted resume. 2) General Plan Update: Adopted General Plan, certified EIR, take to LTC for RTP on Monday. PC recommendations. 3) EIR: Later. 4) TRODs: PC recommendation discussed thoroughly, commenters Mammoth Lakes and Bridgeport, Simon noted Weiche conveyed PC angle. People don't understand role of staff. BOS unanimously denied. Schedule joint BOS/PC workshop. 5) Landscape Ordinance: Water-efficient landscape ordinance based on State model; 6) Medical marijuana: To BOS, make sure if want to regulate. Ballot initiative in 2016. Not addressed in General Plan. 7) Development activity: Low, lined up other grant studies. NFWF grant ~$500,000 on potential Walker Basin water transfers. No intent to support or oppose. Do CEQA analysis. CDBG grant to update housing study for Mono County only, revisit housing mitigation requirements, revisit ordinance. Sustainable ag grant to reexamine strategies on development credits, take to next step, transfer property to property, landowner to landowner. Ag depends on grazing allotments. Environmental considerations like sage grouse. Scenic Byway planning effort may be top priority. 8) Granicus: BOS video/audio setup for PC?

B. COMMISSIONERS: Commissioner Pipersky served as hearing officer on pretend-TROD by Shear Development/Fettes. Orders have been served, 20 days to file in Superior Court. Now move to collection, equally as challenging as enforcement.

C. COUNTY COUNSEL: County Counsel office's loss of Marshall Rudolph and John Vallejo is dramatic cut to staffing levels. Simon 3ill cut back on meeting attendance. Advertised position yesterday. Simon will be acting county counsel till she agrees to take on, or someone else is hired. Use outside counsel meanwhile.

7. INFORMATIONAL:

A. RESIGNATION. Commissioner Rodger B. Thompson has relocated to another area.

8. ADJOURN at 11:45 to January 14, 2016

Prepared by CD Ritter, commission secretary

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DRAFT SPECIAL MEETING MINUTES

Combined workshop of Mono Supervisors & Planning Commission
FEBRUARY 11, 2016

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

STAFF: Scott Burns, director; Courtney Weiche, associate planner; Nick Criss, compliance officer; Brent Calloway, analyst; Stacey Simon, acting county counsel; Christy Milovich, deputy county counsel; CD Ritter, commission secretary

BOS: Supervisors Tim Alpers, Fred Stump, Tim Fesko, Stacy Corless, Larry Johnston

Public: Lynda Biederman, Ian Fettes, Ralph Lockhart, Don Morton

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called to order a Special Meeting of Planning Commission in Board of Supervisors (BOS) conference room at Sierra Center Mall, Mammoth Lakes. BOS Chair Fred Stump called to order Special Meeting of BOS and led pledge of allegiance. Stump acknowledged CAO Leslie Chapman, Treasurer/Tax Collector Gerald Frank, and Transient Occupancy Tax Agent Marilyn McCurry in Bridgeport, and stated speakers may be limited to five minutes.

2. PUBLIC COMMENT: No items.

3. WORKSHOP: Mono Supervisors/Planning Commission on Transient Rental Overlay Districts (TRODs): Conduct workshop and provide any desired direction to staff. Requested good cross section of BOS and

Courtney Weiche, planning staff, presented staff report that discussed history, application activity (those adopted/withdrawn), purpose/intent, effectiveness of Chapters 25 and 26.

In 2009, then Assistant County Counsel Mark Magit proposed to CAC transient occupancy ordinance to regulate existing rentals, but not proposing any expansion. Allowed outright or Director Review with notice. Eventually to BOS, no demand, interest waned in adoption, so put on shelf.

In 2012, June Mountain announced closure, which brought up need for expanded bed base. Looked at staff on how to do that when no large project was imminent. Look at adding lodging opportunities to market only in neighborhoods that supported process. Staff drafted Ch. 25 & 26, which revived Magit's proposal, established way to pursue district (Ch. 25). In 2012, Ch. 25 adopted.

In 2013, Ch. 26 adopted to govern/regulate permits. BOS made findings that allowing transient rentals would provide community benefit, but should be regulated to minimize conflicts.

BOS recently wanted to see location of existing TRODs. First in 2013, Black property across from Double Eagle; two more annexed into existing TROD; Lundy Canyon single parcel adopted; along SR 158 along edge of June Lake village; and one parcel on Washington Street in Upper Clark Tract. Adopted two parcels at Victory Lodge. Five TRODs, with 14 parcels. Only five have active rental permits.

Applications denied or withdrawn: one at Virginia Lakes, one in Lee Vining, one at Rancheria/Twin Lakes. Two applications in June Lake for six parcels withdrew.

Concerns/issues: Trends emerged in issues/concerns. Struggle over what is a "neighborhood." Discretionary: street, community, tract? Need neighborhood support. Ord encourages districts vs single parcels. Want large neighborhoods of consistent zoning. Weiche encouraged grouping. Concern on removing long-term rentals for workforce housing. Available websites mean people expect. Hotel districts in SFR neighborhoods. Strangers, not knowing neighbors, not aware of road conditions, bear awareness for trash,

fire danger. Noise impacts, parties, trespassing. Self-policing among neighbors. Parking also. Only one code officer, hard to keep up.

How are TRODs working? Controversials were denied. Time-consuming process that puts onus on applicants, not Mono. Reactive process where homeowner comes to Mono. Opponents must actively engage in public process to get comments heard. Existing permittees queried, two presented. Explained positive experience, but harder than just a home being a home. Meet all regulations.

Nick Criss, lone code compliance officer, acknowledged current illegal market all over county. Monitoring 12 illegals renting, four at Crowley Lake, June Lake static. Enforcement actions closed down nine rentals that are no longer advertising, or sold property could not afford. Three administrative citations, one awaiting appeal to Superior Court. Illegal rentals account for all complaints. Sends notice if sees online, not need complaint. Time and resource consuming for compliance. People lie, hide, so hard to gather evidence. Legal rentals: Ch. 26 requires vacation rental permit. Health/safety, sign/notification, trash/solid waste removal, and rental agreement. Parking on site at all times. Occupancy limited to two/bedroom, not exceed 10. Snow removal standards. Enforcement set apart from administration, which is typically $100/day, $500 thereafter. On rentals, $1,000 first night, $2,000 second offense for illegal or legal. Fines fall to owner. Continued violation means revocation of permit. Problem is not going away, demand is increasing. Current staffing can't force illegals out of existence. Strictly from enforcement, legal rentals are tightly regulated, easy to enforce. Legals take guess work out of enforcement. Another layer of local management oversight.

Weiche mentioned alternatives such as tweaking Ch. 25 & 26, or adding required minimum infrastructure (e.g., Mono-maintained road, snow removal). TROD just establishes district, goes to vacation rental permit with Conditional Use Permit (CUP), potentially mitigate. Some jurisdictions in similar situations: allowing short-term (vacation) with over-counter permit. Substantial annual fee; limit number by defined size; or just CUP, hearing at Planning Commission. Highest level = General Plan Amendment, to BOS. Some outright prohibit, but distinguish between owner-occupied vs. non. Allow home sharing, rent bedroom or guest house or second unit, owner on premises.

Moving forward: Amend Ch. 25 and/or 26; status quo; research alternatives; or repeal Ch. 25 altogether. Still have existing TRODs, so need Ch. 26

PLANNING COMMISSION:

Commissioner Pipersky: Difference between district and vacation rental. **Weiche:** Establish district, apply vacation rental within TROD. **Pipersky:** Have Ch. 25 apply only to existing TRODs.

Commissioner Bush: Never hear from existing lodging industry. No feedback at all. **Weiche:** Jeff Ronci at Whispering Pines had concerns. No strong advocacy group saying taking away beds. No specific phone calls.

Commissioner Roberts: Ronci was noncommittal, learning toward opposition. Not sure impacts on lodging. Sent detailed letter to BOS.

Commissioner Bush: How repeal Ch. 25? **Weiche:** No list of options. Wanted to hear from PC/BOS.

Commissioner Pipersky: Concept got big push when June Mountain closed. Rusty Gregory said not enough beds. Know occupancy rates? Statement or fact? **Weiche:** Not have data, but big push about not enough beds. With no Rodeo Grounds project, how respond to that issue. Summer has higher occupancy.

Supervisor Johnston: Recalled inventory of available/rentable rooms at June Lake. Exists somewhere, maybe needs update. Valuable information on beds in June Lake. **Weiche:** Mountain always said not enough. Based on what? **Commissioner Bush:** If had more beds, they would come.

Commissioner Mitchell: Alternatives to Ch. 25 & 26? **Weiche:** Combination, lots of tourism-driven communities with same economic climate (vacant second homes, better to use more throughout year). Even New Orleans. Creative approaches coming out.

Commissioner Roberts: Aware that June Lake reaches 100% occupancy only at peak times.

Commissioner Lizza: Quality is the issue, not quantity. The Mountain wants a more substantial class of people.

BOARD OF SUPERVISORS:

Supervisor Fesko: Ability to repeal, get rid of existing. TRODs? **Simon:** TRODs are in nature of land use designation, change to reduce uses for available parcels. Happened infrequently: downzoned, previous

uses eliminated. Commercial in Mono City turned residential. Consequences: Investments to comply, over time phasing out.

Supervisor Fesko: Hotel rooms vs homes with multiple bedrooms. Rancheria application had vocal opponents, neighbors. Motels wondered why add more beds, affect them. People want house where all people together, not separate rooms.

Supervisor Corless: Burden on applicant to reach out. Role to CAC in application process? **Weiche:** RPACs/CAC not have role in private projects. Impact more on chapters, policies. Weiche brings up proposals at CAC meetings, not ask for direction on project.

Supervisor Corless: Problem of illegal rental at Crowley Lake. Do violation notices tell how to come into compliance? **Criss** stated most people call him, discuss. No formal applications from Crowley Lake. **Corless:** Do land use designations outside TRODs that allow short-term rentals need vacation rental permit? **Criss:** Only for TRODs. Others require Director Review or CUP that can be conditioned for that property. Different permit.

Supervisor Alpers: Intrigued by CUP layer, but layers add difficulty. No two properties same, have unique conditions. Current TRODs revisited, initiated CUP to go with application? All June Lake economic discussions back to 1,000 beds (density, traffic issues). Why not spread out around community where services exist? Conditional CUP should have come in right then. Didn't know realities of new concept.

Simon: Weiche noticed shift in research more use permit options. One reason is specific – unique characteristics can't be addressed. Going back is a problem, but going forward could have CUP in lieu of land use designation. Address unique conditions in CUP process. Supervisor Johnston raised idea of CUP originally. **Supervisor Stump:** Why didn't it happen? **Supervisor Johnston:** Alternative that not really on track by staff or Planning Commission. What's done is sort of like that.

Burns: Opening up TRODs everywhere. Isolate to certain areas only after neighborhood supports it. CUP would help regulate. Open up more of county if did CUP. Sonoma County was overwhelmed, so looked at exclusion zones where couldn't have TRODs. CEQA document consideration.

Supervisor Johnston: CUP process with no TROD involved, just come in for permit. Another layer. **Supervisor Fesko:** Onus on owner to find others? **Weiche:** County not going out. Up to person who wants to rent. Matter of neighborhood support. Notification, invite to join is done by Mono, paid by owner.

OPEN PUBLIC COMMENT (5-min limit), not an action item, just workshop to gather information.

Lynda Biederman, June Lake Clark Tract, which is site of several applications. If every second home were a TROD, would not satisfy Rusty Gregory, as he wants Rodeo Grounds (project) built. Biedermans feel TROD process is betrayal of community. Neighborhoods turned into hotel zones. Clark Tract in particular was eliminated originally. If not remove SFR, at least Clark Tract (private, poorly maintained roads, dangerous). Notification process only to adjoining neighbors a concern; increase to 1,000 geographical feet. Jeff Ronci spoke at Planning Commission, and then sent letter to BOS outlining problems with renters using his spa. More lodging available on site. TRODs set neighbor v. neighbor. Housing Element requires more workforce housing. Businesses are shutting down when people could rent on Airbnb for more income.

Don Morton, June Lake Accommodations, was second TROD, four lots. Most successful rental now creates Transient Occupancy Tax (TOT). Likes TROD setup, gives everybody control, neighborhood (need definition). One size does not fit all. Lower Clark Tract would be good fit for TROD. Defining neighborhood is very important. Need more TRODs, still suitable properties available, just no applications yet. Define neighborhood by CUP. Why deny when there's no impact on others? CUP talks 300', maybe extend to 500'. Why should top of hill have a say on bottom of hill?

Ralph Lockhart, first TROD. Rented guest house for years, got complaint, had to quit. Legal ways around restrictions, however. Have 31-day rental, people only stay 8-10 days, no TOT, still same problems. TOT for TRODs is a pretty big deal. One unit generates $12,000/yr for Mono. Property values increase, more Mono revenue. Financial hardship exists if not rent. Rusty Gregory wanted "hot beds," found 1,873 rooms. Holidays/weekends generate more revenue. Most is perception. Program worked well. Make enforcement/revocation difficult. People are doing it anyway. Criss does not find all illegals. An easier process for TRODs would avoid underground. Financial help to community. Any other way, by land use change, is costly process. Respectful of anyone with neighbors violating. Many economic benefits to community.

Ian Fettes, Clark Tract resident. June Lake is tourist town. No ranching, farming, high tech to support it. June Lake is not Mammoth. Knee-jerk reaction to short-term rentals in Mammoth who party. People come to June Lake to get away from hustle/bustle. Visitors more mature, want peace/quiet, or younger couples with one to two kids who enjoy what June Lake offers; e.g., nature to counterbalance urban environment. In his case, had six neighbors approve application, two opponents won. Lives on site, 24/7 property manager, still failed to get TROD. Has 1-BD guest house. Density notion is good idea (limit on TRODs/general area). Maybe make it seasonal. Neighborhood = area affected. If not see, drive past, not in neighborhood. Two opponents can't see his property. Negative voice convinced Planning Commission to deny. Supervisor Fesko: Rent monthly? Fettes: No obligation on safety, parking, TOT, etc. if rent 31 days. Supervisor Alpers: Market for 31? Fettes: Person doesn't have to stay 31 days, but can't rent to anyone else, so give to family or friend. Only those with contract. Alpers: Develop market for 31 days. Fettes: If someone wants lesser time, can't rent to anyone else. Have property 31 days whether use it or not. Fesko: Without TROD, can't do nightly rentals. Fettes: Typical guest = couple, one car. If monthly, spread cost for more people: four with two cars.

Ralph Lockhart: Another way around ordinance = 31-day rental. Gets family/friends to stay less time. **CLOSE PUBLIC COMMENT.**

--- Break: 11:40 – 11:50 ---

Chair Stump called meeting back to order. Advised Pipersky needs to leave.

Commissioner Pipersky: Complicated issue. Homeowners should be able to use their property within reason, whether chickens or few extra bucks, but within certain bounds. In research, found no one in support of TRODs in her neighborhood or nearby. At very least look at intent, make sure really want to possibly change nature of quiet enjoyment of property in neighborhoods. Do that to make June Mountain and corporate owner more salable. What does neighborhood support mean, monthly housing stock impact. Big question if intent is economic opportunities for tourists. Need *more* beds or *quality* beds? Like when cars were invented, rather have horses? Big wave all over. Can't be afraid of change, make it work best as can.

ALTERNATE COMMENTS BETWEEN BOS & PC:

Supervisor Johnston: Places exist where rental of SFR should be allowed. Economic stability, if buy SFR expect SFR neighbors. Important aspect of zoning. TRODs are de facto zone change for entire county. Any SFR up for grabs to propose transient rental. That's what we've done. Your SFR neighbor could propose TROD. Changes homeowner stability. Have to defend it every single time, forever. More lucrative for transient rental to make bunch of money, easily. Unstable situation. In Mammoth Lakes leaders didn't listen, paid $51,000 for election. On Housing Board, zero apartment vacancy. No place for service industry renters. Trend could happen other places. No workforce housing because it's not lucrative. Contended TROD experiment is over. Voted for it, but what's happened is continually pitting neighbors against each other. Someone looking to make money. In communities, identify where transient rental opportunities are OK. June Lake Area Plan says "self-contained community." Suggested halting TROD process; have zone change process to identify SFR as OK for TRODs. Want stability in neighborhoods, opportunity for transient rental too. **Commissioner Bush:** Arbitrary process, people could ask why left out, why not in? **Johnston:** Areas already zoned SFR, based on probability TROD would work there. Open to public input along way, like General Plan Amendment for the community. Do it here, but not there, by CUP for simpler process. People would know, put conditions on.

Commissioner Lizza: Different outlook. System works. No approval where not desired. Intent talks about economic stability, not social stability. Regulation regime where violators could come into fold. Gross violations, operating under fictional 30-day lease, no TOT. Revenue generation, not Planning Commission matter. Social issues are more important. Well vetted when passed, understood concerns, addressed in Ch. 26. Rehashing argument vetted in RPACs. Passed chapters after issues were well addressed. Get TROD on case-by-case basis. Not appropriate on residence better used for workforce housing. Can't remove inventory from workforce by greater income. Other red flag: Million-dollar homes sit empty most of year. If otherwise occupied, not appropriate for TROD. If empty, appropriate place to share home with visitors. Homeowner expectations: When buy home, expect same zoning forever, but nothing's forever. Whole demand is global change. Address through chapters. Debates do not need to pit neighbors. Have discussion. Only conflict is one neighborhood. Group who wants to rent, others who don't. Planning Division can't define neighborhood.

Job of policy makers. No set answer. Distinguish between room v. whole-house rentals. Seasonal rental idea good. Not understand how CUP process would work. More of violation of expectation than rezoning property or district. Allowing variance in area where use actually is prohibited, making exception. **Supervisor Johnston:** In SFR things are permitted by CUP. If allow TROD, could be allowed by CUP. Just get CUP, allow conditions to be imposed, less costly if already OK by zone change. **Lizza**: Amend SFR to allow transient rental by CUP. **Johnston:** Not all, just those OK'd. Streamline through CUP.

Supervisor Corless: Seemed to be County response to community demand. Tricky to balance tourism v. quality of life. Disconnect in Mammoth Lakes that Town leadership was not interested in balance. Demonstrating today working with communities. Existing TRODs are working, so not throw out. Expansion is problematic. Consider positive changes. Maybe minimum infrastructure requirement. Possible exclusions for TRODs. Same application/requirements in other land use designations to keep playing field even. Less onerous, less compliance outside. Possible chapter changes to address concerns. Short-term rentals happening elsewhere, so do not deny here.

Commissioner Bush: Just because *can* do something, doesn't not mean should do it. Basic problem here is a certain amount will work. But TROD sprawl/blight would be a problem. Maybe have first 1,000 TRODs; if someone drops out, another could get in. Can't be too many more, a limit. People get afraid. If only so many… Limit by area (why him but not me because live higher on hill). Separation of areas. Haven't identified neighborhood or community; would become easy. Like build-out.

Supervisor Alpers: Original intent to end up with smaller project on rodeo grounds. Cut in half by expanding carrying capacity. NO way to anticipate all scenarios. Thought identifying areas where OK, but not on county staff. Maybe consultants. Works well in some cases where suitable. Need to get use permit system to streamline, not be in such rush to approve TRODs. Stress-test what exists now. Set up areas, make determination after appropriate input from staff, consultants, public. Not change character of communities, neighbor v. neighbor.

Commissioner Mitchell: From rural end of county, before consider repeal do more work on how to fix. Would turn whole system on end. Designate areas.

Supervisor Fesko: Searched Airbnb, three at Crowley Lake, some at June Lake. Renting house v. home sharing. Where to go from here? How stop? Find balance. Anytime an issue arises, not neighbor v neighbor – it's having debate, discussion. Still all neighbors. No TRODs in Antelope Valley, but process worked when neighbors found out and applicant withdrew. Look at bigger time frames, large notice area. What is a neighborhood? How define? Could live far away but have same name. TRODs proven to work. Divisive, but decided. June Lake = 75% unoccupied. Unoccupied want to use their place. Can't be counted in workforce housing. Maybe huge rent, not affordable. Terms not static. Lots of pieces in definitions. Housing stability: Big recession at time. Second-home communities in Mono. Don't want huge turnover. Fine with current process. Define neighborhood, better notification. Haven't seen mad rush of TROD applications, BOS could take action if it happened. Continue this experiment.

Commissioner Roberts: Those involved information of ordinance at first vetted process, lots of work into it. Before became Mammoth Lakes or national news. On leading edge. Maybe tweaks, but who's affected. Case-by-case basis to Planning Commission to hear concerns. People should bring concerns. Feel responsible. Pivot point to pass last matter to BOS, not disapprove at Planning Commission level. Thought BOS needed to hear it. "Experiment" is working. Determine where appropriate. Applicant has onerous process, garner support to begin neighborhood contact; those who are successful have no issues. Considered all that's been talked about, but thought it's actually working.

Supervisor Stump: Countywide issue, not just June Lake. If no process, see expansion of illegal activity. If totally unavailable, force underground; i.e., prohibition. Occupied home and granny unit could have simplified process. Mechanism for area opt-out. Crowley Lake residents all oppose.

SYNOPSIS:
Tweaking includes definition of neighborhood by Planning Commission; percent occupancies process issue (setting maximum); infrastructure component; identifying areas for TRODs; modifying ordinance, CDD suspended process until feedback of BOS and PC; limited compliance capability, TRODs not only issues;

housing stock component relating to General Plan, housing more critical in June Lake to Sunny Slopes (feeder communities for Mammoth Lakes).

Almost three hours, how much longer? Asked staff to work with Planning Commission.

Supervisor Fesko: Thanked everyone who showed up to participate in person or by video.

Supervisor Johnston: Underlying issue of Measure Z was no trust in decision makers to protect neighborhoods that needed protection. Sent message to listen, tackle it, do something. People looking for SFR rentals. Stay on top of it lest Mono get its own Measure Z.

Supervisor Alpers: Sooner get ahead, better off for government and constituents.

Supervisor Corless: Not processing TRODs now? **Burns**: Shared that no new applications till direction from workshop. Two applicants could come back. **Supervisor Stump:** Violate own Specific Plan if allow TRODs. **Burns:** Specific Plan can tailor area to meet needs, avoid TROD if want to. **Supervisor Johnston:** Uneasy with staff not processing. **Simon**: Temporary moratorium possible. For now, defer action. Legal mechanism is available. **Johnston:** Verifies staff action, creates momentum to get something done. **Commissioner Bush**: How affect code compliance if won't accept application? **Simon**: No right to be TROD. No legal mechanism to do it. Illegals can be prosecuted.

Supervisor Stump: Future agenda item? Yes. Thanked public and Planning Commission.

4. ADJOURN BOS and Planning Commission at 12:51 p.m. Next PC meeting March 10, 2016.

Prepared by CD Ritter, PC secretary

Mono County
Community Development Department

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

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

March 10, 2016

To: Planning Commission

From: Courtney Weiche, Associate Planner
Brent Calloway, Associate Analyst
Nick Criss, Compliance Officer
Scott Burns, Director

Re: Transient Rental Overlay District Workshop

Recommendation

Conduct workshop, and provide direction to staff on recommended revisions to Chapters 25 and 26.

Discussion

At the joint Planning Commission and Board of Supervisors workshop held Feb. 11, a number of issues were reviewed and discussed, including the Transient Rental Overlay District application activity to date, ~~and~~ the efficacy of the associated General Plan Land Use Element Chapter 25: Transient Rental Overlay District (TROD), and Chapter 26: Transient Rental Standards and Enforcement. The Planning Commission and Board also discussed several possible alternatives for refinement or change.

At the conclusion of the workshop, the Board directed staff to work with the Commission in refining the Chapters 25 and 26 to better address the concerns, issues and suggestions raised by the public, the Board of Supervisors and the Planning Commission. The following has been compiled for further discussion and/or clarification from the Commission:

1. Distinguishing between owner-occupied units (renting out a room or a secondary unit) and non-owner-occupied units (whole house)
2. Reviewing the "Intent" of Chapter 25; consider neighborhood character & homeowner stability
3. Defining neighborhood
    a. Review on a case-by-case basis – leave as is
    b. Use common features that set the neighborhood boundary; i.e., access roads, subdivisions, Zone of Benefit, etc.
    c. Delineate specific 'neighborhoods' on maps
4. Expanding noticing requirements beyond state mandate, such as 1,000', specific only to TROD applications
5. Refining language that 'strongly encourages applicants to form districts'
6. Considering alternative TROD processing options:
    a. Apply Exclusionary land use designation
    b. Add "Transient Rentals" to Uses Permitted Subject to Use Permit in appropriate Land Use Designations
    c. Cap maximum number of days per year; also consider seasonal restrictions

d. Set maximum percentage of transient rentals per community
e. Establish Community Benefit Fund – dedicating a portion of TOT revenues to community-specific fund
f. Set minimum infrastructure requirements for TROD area

Attachments include the housing tenure statistics from the 2010 Census for Mono County as requested and a recently featured article on www.planning.org regarding transient rentals.

Please contact Courtney Weiche at 924-1803 or Scott Burns at 924-1807 with questions concerning the workshop.

ATTACHMENT

- Chapter 25: Transient Rental Overlay District
- Chapter 26: Transient Rental Standards & Enforcement
- Planning.org article: Could You BnB My Neighbor? By Jeffrey Goodman
- 2010 census housing tenure data
- BOS/PC PowerPoint Feb. 11, 2016

DEVELOPMENT STANDARDS

Chapter 25 – Transient Rental Overlay District (TROD)

Sections:

25.010 Intent.
25.020 Establishment of district.
25.030 Uses permitted.
25.040 Uses permitted subject to Director Review.
25.050 Uses permitted subject to Use Permit.
25.060 District requirements
25.070 Additional requirements.

25.010 Intent.

The Transient Rental Overlay District (TROD) is intended to provide additional tourism-based economic opportunities and homeowner economic stability by allowing a transient rental district to be overlaid on properties within residential neighborhoods exhibiting support for allowing transient rentals. The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a Transient Rental Overlay District (TROD).

25.020 Establishment of district.

The transient rental district may be overlaid on any residential neighborhood, parcel, or group of parcels meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. In addition to the requirements of this chapter, initiation and application of a TROD shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments).

25.030 Uses permitted.

The following uses shall be permitted in the TROD, plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

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

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

25.040 Uses permitted subject to Director Review.

All uses permitted subject to Director Review in the underlying land use designation with which the TROD is combined shall be permitted, subject to Director Review approval.

25.050 Uses permitted subject to Use Permit.
All uses permitted subject to use permit in the underlying land use designation with which the TROD is combined shall be permitted, subject to securing a use permit.

25.060 District requirements.

A. Overlay district area and overlay district formation noticing process:

A TROD may be applied to one or more existing legal parcels, provided that at least one parcel within the district is developed with a single-family or multifamily residence.

Applicants are strongly encouraged to propose districts made up from three or more parcels and to communicate with all adjacent property owners before submitting an application.

Applications for transient overlay districts consisting of one or two parcels or at the discretion of the planning director if greater than two parcels will require an overlay district formation noticing process prior to public hearing. Notice shall be provided to all property owners adjacent to the proposed transient overlay district and include a 20-day period for noticed property owners to request inclusion in the district.

B. Overlay District shape:

New TRODs consisting of more than one parcel and district additions shall be contiguous, compact and orderly in shape as determined by the Planning Commission. Factors used to determine compact and orderly district shape include but are not limited to:

1. Street-frontage sharing;
2. Adjoining yards; and
3. Existing neighborhood separation characteristics such as
    a. Subdivision boundaries
    b. Major roads
    c. Natural features
    d. Large undeveloped parcels
    e. Commercial or civic land use

25.070 Additional requirements.
Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multifamily residence located within a TROD designated by this chapter, for a period fewer than 30 days, must first obtain a vacation home rental

permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed transient rentals during the avalanche season, November 1 through April 15.

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DEVELOPMENT STANDARDS

Chapter 26 – Transient Rental Standards & Enforcement

Sections:

26.010 Purpose and Findings.
26.020 Vacation Home Rental Permit.
26.030 Application and Issuance of a Vacation Rental Permit.
26.040 Standards and Requirements.
26.050 Rental Agreement and Owner Responsibility.
26.060 Compliance with Transient Occupancy Tax Requirements.
26.070 Enforcement.
26.080 Existing and Otherwise Permitted Rentals.
26.090 Unauthorized Rentals Prohibited.

26.010 Purpose and Findings.

A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.

C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

26.020 Vacation Home Rental Permit.

Any person who rents a residential structure that is not a condominium (hereinafter "rental unit" or "property") within an area of the county designated as a transient overlay district on a transient basis shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district without a valid vacation home rental permit is a violation of this chapter.

26.030 Application and Issuance of a Vacation Home Rental Permit.

A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.

B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:

1. The rental unit must be located within an area of the county designated as a transient overlay district;

2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;

3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager;

4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;

5. A Mono County business license must be obtained and must remain active during all times that the property is used as a transient rental;

6. Any required fees must be paid in full; and

7. A Mono County Transient Occupancy Certificate must be obtained from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met.

26.040 Standards and Requirements.

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and

emergency responders during emergency operations. These standards include without limitation:

1. The address of the rental unit must be clearly visible;

2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;

3. All stairs, decks, guards, and handrails shall be stable and structurally sound;

4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;

5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;

1. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;

7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;

8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.

9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;

10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is

greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;

11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;

12. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;

13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;

14. There shall be at least one screened window per bedroom to allow for proper ventilation;

15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;

16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;

17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;

18. Exits shall be kept free from storage items, debris or any impediments at all times;

19. No tree limbs are allowed within 10 feet of any chimney or flue openings;

20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and

21. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage

standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:

a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;

b. The maximum number of occupants permitted to stay in the unit; and

c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.

2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:

a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;

b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;

c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;

d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and

e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.

C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.

D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There

shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.

E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.

F. Snow Removal. Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

26.050 Rental Agreement and Owner Responsibility.

A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

B. Owner Responsibility.

1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.

2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.

3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this chapter.

4. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to County upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.

5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.

6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

26.060 Compliance with Transient Occupancy Tax Requirements.
Each owner shall be responsible for obtaining a transient occupancy registration certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

26.070 Enforcement.

A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use

requirements in any other land use designation of the county shall be $1,000 for the first violation and $2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing.

B. An inspection and/or audit of each unit subject to this chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.

C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.

D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.

1. The County shall provide the property owner with a notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.

2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:

   a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and

   b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.

3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.

4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.

5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.

6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.

E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:

1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;

2. The hearing shall be in accordance with the procedures set forth in section D above; and

3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.

F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

26.090 Unauthorized Rentals Prohibited.

The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

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Planning — February 2016

Could You Bnb My Neighbor?

A planner's take on the sharing economy.

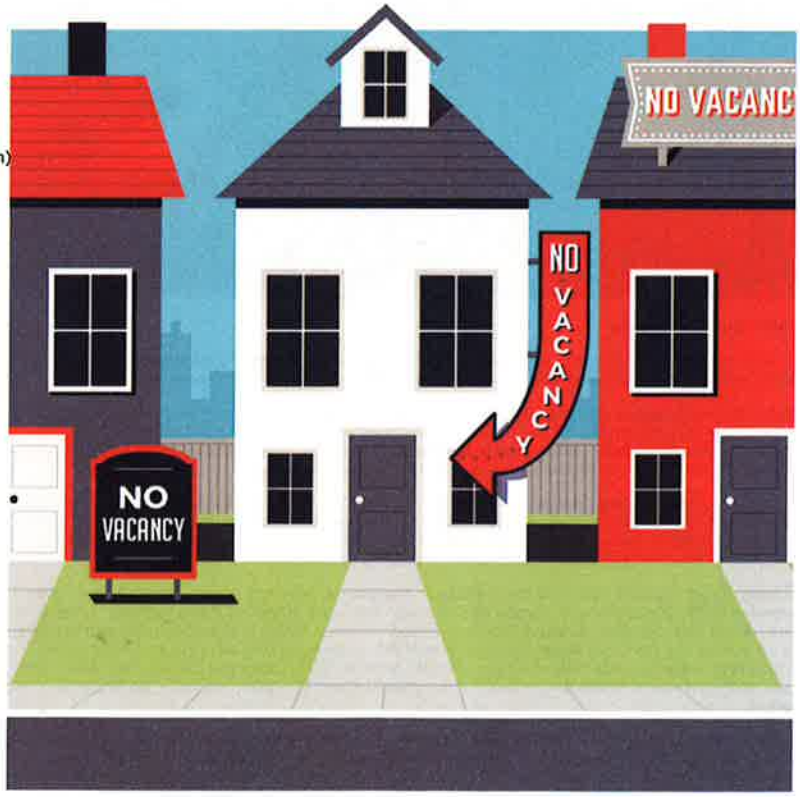
By Jeffrey Goodman

Since I live in New Orleans, I live near a bar. People are always walking by my house to this bar, so perhaps one day I start offering beer to passersby from my porch. Maybe I sell a beer or two — I could always use the money — and people here have always sold drinks as a hustle during Mardi Gras, so what is the difference?

Perhaps eventually I sell beer all the time and people start coming to my house instead of the bar and maybe I pick up a sponsorship and a little press. Soon, people are coming from miles around to my house, spending money at shops in my neighborhood; everything's great. If I were then to go my local alcohol board, or my zoning board, or my neighborhood association, and argue that since my house-bar is so popular, the rules need to be rewritten to accommodate me — well, I would be run out of town on a rail.

Yet in some ways, this is the path taken in regulating another controversial industry: short-term rentals. Backed by billions of investment dollars and an aggressive strategy of "disruption" that favors expansion above cooperation, companies like Airbnb, VRBO, and others have generated as much controversy as they have profits, stubbornly resisting cities' attempts to rein the industry in.

Of course, what these platforms offer is nothing new; home owners have taken in lodgers since the first settlement of cities. But with such a huge scope — over 34,000 cities on Airbnb alone — how do we balance the potential benefits of these businesses with their real impacts on our communities?



Opposing narratives

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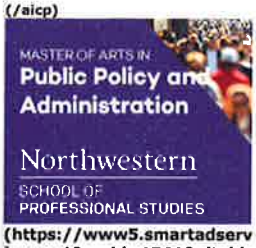

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Because the debate over short-term rentals intersects with so many issues — the role of government, what constitutes a business, the rights of neighbors, and on and on — attempts at regulation can generate impassioned responses from hosts and residents alike. These narratives can be difficult for planners to reconcile.

In the view of short-term renters, hosting has been a great boon for individuals to make a little extra money, for neighborhoods to see tourist dollars, and for cities to promote tourism. The kindly old woman with a bedroom to let to excited millennials: This is the narrative that Airbnb and others focus on when expanding and promoting their services.

Regarding a San Francisco ballot measure, an Airbnb spokesperson was quoted in the *Wall Street Journal* as saying, "This initiative, at the end of the day, is an attack on the middle class of San Francisco, who share their homes to help make ends meet. Home-sharing in this city is a lifeline for thousands."

However, to opponents, Airbnb's hoodie-and-flip-flops vibe obscures a $25 billion behemoth whose business model has depended on ignoring local regulations in the name of growth and profit. Abetted by these platforms, hosts flout safety, housing, and zoning codes, turn quiet homes into frat parties, drive up rent by displacing residents, outcompete bed-and-breakfasts, and fail to pay their share of taxes.

The narrative of opponents focuses on the absentee landlord with a portfolio of crash pads for bachelor parties; they say this is the reality ignored by Airbnb that planners have to clean up. As one exasperated neighbor in Austin told a *New York Times* reporter, "[Hosts] are leveraging our neighborhood for their profit, telling people to come stay in this beautiful place ... and they are making people miserable."

These competing identities have meant particularly contentious fights over regulation. In San Francisco, a proposed short-term rental ordinance led to 12-hour public meetings, allegations of vote tampering, and a $9 million proposition fight. (Though Airbnb and the other short-term rental companies prevailed in the end, Airbnb's ad campaign for the proposition essentially told San Franciscans where they could stick the tax money the company pays. People were not amused.)

There is no monolithic "short-term host" but a spectrum of users (couch-surfing holdovers, empty nesters, young couples, and, yes, speculators and profiteers) and a spectrum of uses (occasional hosting, seasonal hosting, and, yes, the faux-hotel.) All of them, to some degree or another, have taken advantage of a regulatory Wild West in order to make money without proper oversight and without proper accountability.

Getting past the noise

In order to regulate an industry effectively, planners need to understand how these platforms are being used and by whom, and what kinds of impacts they have on neighborhoods.

This is somewhat easier said than done; Airbnb and other companies do not freely release data, citing privacy concerns. When they do use data, the companies present a glowing picture of their activity, one that seems irresistible: Airbnb guests stay twice as long and spend twice as much as a typical visitor, with nearly half of all spending occurring in local neighborhoods.

According to the company, more than half of its hosts are "low to moderate income" and say hosting helped them stay in their homes. In New York City, Airbnb claims to have generated $632 million in economic activity in one year alone. Opponents note, however, that the company has no reason to release numbers that paint their activity and their tactics in a negative light.

In order to get a clearer picture of the realities on the ground, researchers have had to rely on other means of gathering information, largely by "scraping" the public listings of these websites. (Airbnb, in turn, claims that this type of data collection is flawed.) Another option is to sue for access to the data, which is what the New York State Attorney General did, discovering that as many as 72 percent of Airbnb reservations violated New York law. Despite an effort to be "open and transparent" with cities, even under subpoena Airbnb only releases anonymized data to city governments — no addresses, no names.

Either by automated tools or through simple spreadsheets, trolling through Airbnb can give planners at least a broad outline of their local market, from average price per night (useful in calculating tax revenue) to the characteristics of the units available, like number of bedrooms, amenities, and safety equipment. Even a general map view can help planners see which neighborhoods are most affected or need greater enforcement.

Using these approaches, researchers have undercut Airbnb's narrative. The *Real Deal*, a New York-based real estate journal, found short-term rentals caused residents of some neighborhoods to pay up to an extra $825 a year in rent by removing units from the market. In New Orleans, far from helping a

broad group of residents, nearly 50 percent of all bookings came from just six percent of listings, with some hosts making hundreds of thousands of dollars from dozens of properties without paying a cent in occupancy tax, according to one report.

While Airbnb claims that hosts, on average, book only six days a month, that average conceals a huge spectrum from abandoned listings to faux-hotels. Using the number of reviews as a proxy for activity, planners can start to separate the mom-and-pops from the professionals.

More damningly, some reports cut at the heart of Airbnb's supposed benefits: tourism dollars. San Francisco's Office of Economic Analysis, considering the reduction of long-term residents and housing caused by full-time hosting, wrote that for every 1,000 units lost to short-term tourist rentals, the city's economy loses more than $250 million each year, far exceeding the benefit from visitor spending and hotel taxes.

This is not to say short-term rentals are all bad or all good, just that the reality of these marketplaces is complex. Planners have to get into the data, fragmented though it may be, in order to begin to categorize activity for regulation.

Where Does Airbnb Pay its Share?

Airbnb, as part of a "Community Compact" released in November 2015, promises to now "pay its 'fair share' of hotel and tourist taxes in cities that have them" though the mechanism for doing so, or the way for cities to participate, remains unclear. In most places, the company relies on hosts to pay all taxes, but agreements in a handful of cities and states require the company to collect and remit taxes, chiefly hotel or transient occupancy taxes (as high as 14.5 percent), but also sales and tourism development taxes. The locations are:

Malibu, California
Oakland, California
Palo Alto, California
San Diego
San Francisco
San Jose, California
Santa Clara, California
Santa Monica, California
Chicago
Florida
Multnomah County and Portland, Oregon
North Carolina
Philadelphia
Phoenix
Rhode Island
Washington State
Washington, D.C.

Source: Airbnb.com

How to regulate?

For planners, the way forward with regulation is a three-part process.

PART 1

Establish a baseline level of safety and accountability. In its Terms of Service, Airbnb is very clear, repeatedly, that the hosts on its platform are 100 percent responsible for following local laws on everything from safety and zoning to taxation and sex offender registries. While any short-term rental should have to conform to local building, occupancy, health, and safety codes, it is up to the local planner to ensure properties are compliant.

The safety of guests, hosts, and neighbors is the highest priority in regulating the short-term rental market. Airbnb and other companies, as part of their response to local pushback about safety, have adopted a policy of assisted self-policing for their hosts by offering free smoke detectors or fill-in-the-blank emergency plans. But a host does not actually need to prove the existence or operation of any safety feature in order to list. When I created a test listing, I was able to simply click "Next."

Similarly, Airbnb has slowly evolved on the issue of insurance, shifting some responsibility away from the hosts. In late 2015, the company augmented a "million dollar host guarantee" to protect against damage caused by its service — which does not cover personal liability, shared or common areas (a big issue for condos) and is specifically described as "not insurance" — to a limited million-dollar policy backed by Lloyd's of London. This system creates a strange network of legal entanglements as Airbnb is both the policyholder and claims administrator for local hosts, who themselves have their own separate insurance.

But because many home insurance companies consider short-term renting a commercial use — and thus not covered under the standard policies — hosts may find themselves at the center of a huge and complicated fight that would make a trial lawyer drool; if a guest booked on Airbnb burns down a condo building and a firefighter is injured in the process, how is that legal mess going to sort itself out? Additionally, any damages and liabilities beyond a million dollars — assuming Airbnb even pays out — will fall on the hosts. The easiest solution is to require short-term renters to carry the appropriate insurance, one that specifically covers their activity and their level of risk.

But being a good host also means taking steps to avoid imposing on your neighbors' quality of life. No one wants to deal with loud guests, or litter, or parking issues, whether from a long-term or a short-term tenant.

Beyond strengthening and enforcing existing nuisance laws, some cities such as Portland, Oregon, and Santa Monica, California, have tried to include more direct accountability into their regulations; basic ideas like having hosts give out contact information to neighbors to report bad guests or only allowing owner-occupied rentals. In this scheme, serial offenders could face punishments that disincentivize their behavior, such as the loss of short-term rental or commercial permits, escalating fines, or code enforcement actions.

Ultimately, despite all the hype about the so-called "sharing economy," short-term rentals are fundamentally a commercial use, one that cities have regulated successfully in the past as bed-and-breakfasts, inns, motels, hotels, or SROs. In places that have traditional bed-and-breakfasts, innkeepers complain that competing with unregulated Airbnb units harms them doubly — as small-business owners and as residents.

Since the act of hosting is the same regardless of how a unit is booked, then the issues — from safety to zoning to garbage fees to taxes — are as well. Planners should simply hold a short-term rental unit to the same standards as any other similar business.

PART 2

Move past simply yes or no. When pressure to "do something" about short-term rentals comes down from City Hall or up from neighbors, the debate is often framed as a yes or no; "anything goes" or "not in my backyard." The answer will be probably be somewhere in between, and while it can be a laborious process, tailoring regulation to your city's particular situation can pay dividends.

As I learned at last year's APA conference in Seattle, the experience of a few Colorado destinations can serve as examples of adapting regulation to local needs.

Durango, a small city that serves as a regional center for the Four Corners, faced tremendous housing pressures after growing rapidly over the past decade. With vacancy rates dipping below one percent in some neighborhoods, and rents high and incomes flat, groups like college students, retirees, and service industry workers had increasingly limited options within the city.

At the same time, Durango welcomes thousands of tourists each year, drawn to the nearby natural beauty, redeveloped downtown, and seasonal festivals. Short-term rentals catered to some visitors, and the popularity (and notoriety) of these units led Durango's city government to develop new regulation. Through research and a series of community meetings, Durango's planners were able to identify three main areas that needed addressing in their city: impacts on tourism, impacts on neighborhoods, and — most important — impacts on housing.

A neighborhood encompassing much of the downtown and the local university had an especially tight market, and neighbors expressed concern about "dark blocks," where the spread of short-term rentals on specific streets left few permanent residents.

Durango's solution limits the density of allowed short-term units within groups of blocks, effectively preventing clustering while still accepting the use as permissible. By making a determination that preserving housing availability was the ultimate community goal, one that both transcended and intersected with short-term renting, Durango's planners could fit the discussion over Airbnb units into a larger narrative about the future of their city.

Aspen had a different problem: empty units. A world-famous destination with seasonal ebbs and flows of tourists, the city is burdened by a hodgepodge of residential properties — condos, ski villages, second homes — that sit disused much of the year. By legalizing and standardizing requirements for short-term rentals, Aspen's planners were able to enhance the city's tourist economy while still maintaining control over important issues like permitting, taxation, and safety of individual units.

Durango's Street Segment Cap

In order to mitigate the effects of short-term rentals and preserve housing availability, Durango's Land Use and Development Code creates density limits for these rentals in residential zones. Only one permit is allowed per street segment. (For corner lots, the permit counts against both adjacent street segments and the intersection.) While there is no citywide cap on permits, there is a maximum number of permits available in residential districts.

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★ PERMITTED VACATION RENTAL
✖ NOT ALLOWED TO HAVE A VACATION RENTAL
AFFECTED STREET SEGMENT(S)
OTHER STREET SEGMENTS

STREET FRONTAGE

AVENUE FRONTAGE

CORNER FRONTAGE

SOURCE: DURANGO PLANNING DEPARTMENT

Source: Durango Planning Department

Both Durango and Aspen found the key to controlling these concerns was treating short-term rentals as small businesses, allowing them to justify the use of their regulatory tools like zoning and licensing in ways that were consistent, understandable, and enforceable.

PART 3

Ensure enforcement on the ground and online. For short-term rentals, as for anything, regulation is only as good as its enforcement. Cities have struggled in this regard, creating huge opportunities for abuse while frustrating city officials and neighbors alike when long-debated ordinances do little to quiet complaints.

Though it is often spoken of as one concept, the short-term rental industry is really made up of two interrelated markets. One is the multitude of local hosts that interact directly with neighbors. They have to navigate (or disregard) local ordinances and are, even as absentee investors, a part of the community.

The other market, the listing companies like Airbnb and VRBO, has been harder to engage in enforcement efforts or tax collection, repeatedly pushing all responsibility to local hosts and governments.

This policy line — that Airbnb, despite any illegal activity on its site, is essentially blameless — results in awkward complications for enforcement. In New Orleans, for example, Airbnb has a special tab on its website giving tips about how hosts can follow city rules: get a permit, pay your taxes, report nuisances, etc. What it leaves out is telling: that renting for less than 30 days is illegal.

Instead of either confirming permit holders or hard-wiring the law into their business — and thus cutting down the amount of activity that violates local rules — Airbnb punts. It makes it so that a host would have to manually set a minimum stay of 30 days on the Airbnb platform to be compliant — no proof of permit needed.

In other major cities, new short-term rental ordinances become undone by flaws in enforcement. In San Francisco, a much-discussed ordinance only led to 282 applications — out of 6,000 listings — in the first three months, with only 27 units delisted for bad behavior — evidence, critics say, that the self-policing and self-reporting model pushed by Airbnb (and the mayor's office) is deeply flawed.

In Austin, after a *New York Times* expose found some party houses continue to rage on even after racking up 60 code violations, finger-pointing ensued: Airbnb blames the city for allowing serial violators to continue operation, while Austinites wonder why Airbnb keeps letting the houses list.

A simple option, like requiring a listing company to match a permit number to a city database in order to list, would immediately curb many of the worst abuses and reduce the number of listings that need monitoring. Unable to convince Airbnb to collaborate on such a system and frustrated by only one in 10 hosts having permits, Portland, Oregon, threatened fining all the listing companies $500 per violation per day for every listing that was not permitted. (Though the city has yet to fully curb illegal listings on Airbnb, Portland did sue Homeaway for $2.5 million for refusing to pay lodging taxes and ensuring proper permit inspections.) The enforcement officer's message was clear: If a city goes through the hassle of writing a new ordinance, why should anyone without a permit be allowed on these sites?

At the end of the day, the antagonistic system — this sharing economy Wild West in place today — simply does not work for city governments to enforce their laws, does not help legitimate hosts compete with "bad actors," and, ultimately, does not allow Airbnb and other short-term rental companies to live up to their own rhetoric of "belonging everywhere."

Rental units need to be fairly treated as a business, regulations need to be tailored to each city's unique situation, and enforcement needs to hold everyone accountable. Whether in Silicon Valley or Main Street USA, the old adage is still true: Good fences make good neighbors.

Jeffrey Goodman is an urban planner and graphic designer based in New Orleans. His work focuses on the sharing economy, community participation, and data-driven regulation. He has contracted with both the city of New Orleans and Airbnb, and advised researchers on short-term rentals in San Francisco, Portland, New Orleans, and New York. Contact him through JBGoodman.com.

Rent Your Driveway

By Kristen Pope

Rooms to rent on Airbnb, VRBO, and other sites aren't the only things up for grabs in many urban neighborhoods. Another hot commodity going to the highest bidder: parking spaces.

Innovative app developers came up with a solution to this dilemma by creating a slew of apps to rent out spaces to parking-hungry drivers. However, app designers soon discovered a hitch: It was illegal in many locations.

Most of these early apps and parking space brokers worked on the premise that a driver about to leave their public, on-street parking space would log on and let other app users know the location of the soon-to-be-vacant spot, giving another user first dibs (for a fee) on snagging the spot. The new parker's fee, typically between $5 and $30, would be split between the departing motorist and the app company.

Since many of these apps were essentially renting out public, on-street parking spaces, municipalities worked quickly to block them. In San Francisco the big players were MonkeyParking, Sweetch, and ParkModo, and the city attorney sent several such apps cease-and-desist letters in 2014, threatening to fine drivers up to $300 and the companies up to $2,500 per violation. The letters also noted a lawsuit was imminent if the apps continued operation in the city.

Then a new — legal — wave of apps came to the city, including SpotHero, ParqEx, and ParkWhiz, allowing people to rent or exchange private parking spaces, including those in parking garages. Paul Rose, chief spokesperson for the San Francisco Municipal Transportation Agency, notes these transactions aren't a concern if they don't impinge on public safety.

"Any [safety] concerns will come out of blocking the right of way, preventing people from walking on the sidewalks, or if parking going on in a driveway causes people to walk out into the street," he says.

However, the transaction itself isn't an issue for the agency. "[If] they're leasing spaces that are a part of private property, that's not something that we would necessarily get involved in," Rose says.

Likewise, Boston officials aren't too concerned about apps that rent out private property. Public property, however, is another matter. In 2014, the city passed an ordinance effectively banning the Haystack app, which let users notify other users — who paid a fee — when they were about to leave a public parking space. The app claimed it was in the business of exchanging information rather than selling public property, but the city disagreed.

However, as long as apps comply with city regulations, they're not a problem, according to the Boston Press Office, which said, "Generally, parking apps that allow a private property owner to rent his or her parking space facilitate a private transaction that does not implicate the city's rules and regulations."

Portland, Oregon, has a far more restrictive policy than Boston or San Francisco. Its zoning rules deem residential neighborhoods — all single-family and most multifamily zones — unfit for many types of commercial activity, including renting out parking spots.

However, Jill Grenda, supervising planner for Portland's Bureau of Development Services, notes that enforcement is driven by complaints. "Like any other zoning violation, it's a complaint-driven enforcement system," she says. "So the city wouldn't know about it unless a grumpy neighbor called our code enforcement line and said, 'My neighbor has different people parking in their driveway every single day, and I know because I live next door. Can you come and investigate?'"

Kristen Pope is a Jackson, Wyoming-based freelance writer and editor who writes about planning, science, conservation, and the outdoors, among other topics. Visit her at kepope.com.

Resources
Illustration by John Ueland, uelandillustration.com

Image: An Airbnb-financed group put this billboard up in San Francisco before a ballot initiative in November that would have limited the home-sharing service. After helping defeat Proposition F, Airbnb pledged to cooperate with local governments. Jason Henry/*The New York Times*.

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	Total Units	Total Occupied Units	Total Vacant	Owner Occupied	Owner Occupied w Mortgage	Owner Occupied Free & Clear	Renter Occupied	Total Vacant	Vacant, For Rent
Countywid	13912	5768	8144	3228	2276	952	2540	8144	1125
Mammoth	9626	3229	6397	1502	1142	360	1727	6397	1016
Countywid	4286	2539	1747	1726	1134	592	813	1747	109
Mono County CDPs									
Chalfant	301	264	37	231	178	53	33	37	3
Benton	159	122	37	86	38	48	36	37	7
Paradise	87	74	13	71	47	24	3	13	1
Swall Mea	128	98	30	90	61	29	8	30	0
Sunny Slop	156	85	71	59	36	23	26	71	0
Apsen Spri	36	25	11	21	15	6	4	11	0
Crowley La	489	367	132	287	212	75	80	132	11
McGee Cre	30	21	9	20	15	5	1	9	0
June Lake	820	290	530	157	106	51	133	560	18
Lee Vining	112	85	27	43	20	23	42	27	5
Mono City	94	63	31	45	33	12	18	31	0
Bridgeport	357	257	100	160	105	55	97	100	23
Walker	445	335	110	231	136	95	104	110	20
Coleville	201	171	30	48	27	21	123	30	6
Topaz	42	21	21	13	7	6	8	21	4
Total of CD	3457	2278	1189	1562	1036	526	716	1219	98
CDPs + Tov	13083	5507	7586	3064	2178	886	2443	7616	1114
County - C	829	261	558	164	98	66	97	528	11

Vacant, Rented, Not Occupied	Vacant, For Sale	Vacant, Sold, Not Occupied	Vacant, Seasonal	Vacant, Migratory	Vacant, Other	% Vacant Seasonal, of Total Units	% Owner Occupied of Total Occupied Units	% Renter Occupied of Total Occupied Units	% Vacant of Total Units
289	118	20	6383	21	188	45.9%	56.0%	44.0%	58.5%
278	54	11	4981	4	53	51.7%	46.5%	53.5%	66.5%
11	64	9	1402	17	135	32.7%	68.0%	32.0%	40.8%
0	6	1	19	0	8	6.3%	87.5%	12.5%	12.3%
2	1	1	16	0	10	10.1%	70.5%	29.5%	23.3%
0	1	0	11	0	0	12.6%	95.9%	4.1%	14.9%
0	0	0	30	0	0	23.4%	91.8%	8.2%	23.4%
0	0	0	69	0	2	44.2%	69.4%	30.6%	45.5%
0	0	0	11	0	0	30.6%	84.0%	16.0%	30.6%
1	9	2	98	0	11	20.0%	78.2%	21.8%	27.0%
0	0	0	8	0	1	26.7%	95.2%	4.8%	30.0%
3	14	1	487	0	7	59.4%	54.1%	45.9%	64.6%
0	1	0	13	8	0	11.6%	50.6%	49.4%	24.1%
0	0	1	28	0	2	29.8%	71.4%	28.6%	33.0%
1	9	1	47	0	19	13.2%	62.3%	37.7%	28.0%
1	11	0	48	0	30	10.8%	69.0%	31.0%	24.7%
0	1	1	11	0	11	5.5%	28.1%	71.9%	14.9%
0	1	0	12	0	4	28.6%	61.9%	38.1%	50.0%
8	54	8	908	8	105	26.3%	68.6%	31.4%	34.4%
286	108	19	5889	12	158	45.0%	55.6%	44.4%	58.0%
3	10	1	494	9	30	59.6%	62.8%	37.2%	67.3%

Transient Rental Overlay District Workshop

Board of Supervisors &
Planning Commission
February 11th, 2016

TROD Adoption Background

>2009	• Proposed "Transient Occupancy Ordinance"
June 2012	• June Mountain Closure
2012	• Chap 25 & 26 get adopted
2013	• First TROD Established

Chap 25 Intent

25.010 Intent.

The Transient Rental Overlay District is intended to provide additional tourism-based economic opportunities and homeowner economic stability by allowing a transient rental district to be overlaid on properties within residential neighborhoods exhibiting support for allowing transient rentals. The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a Transient Rental Overlay District.

Chap 26 Purpose & Findings

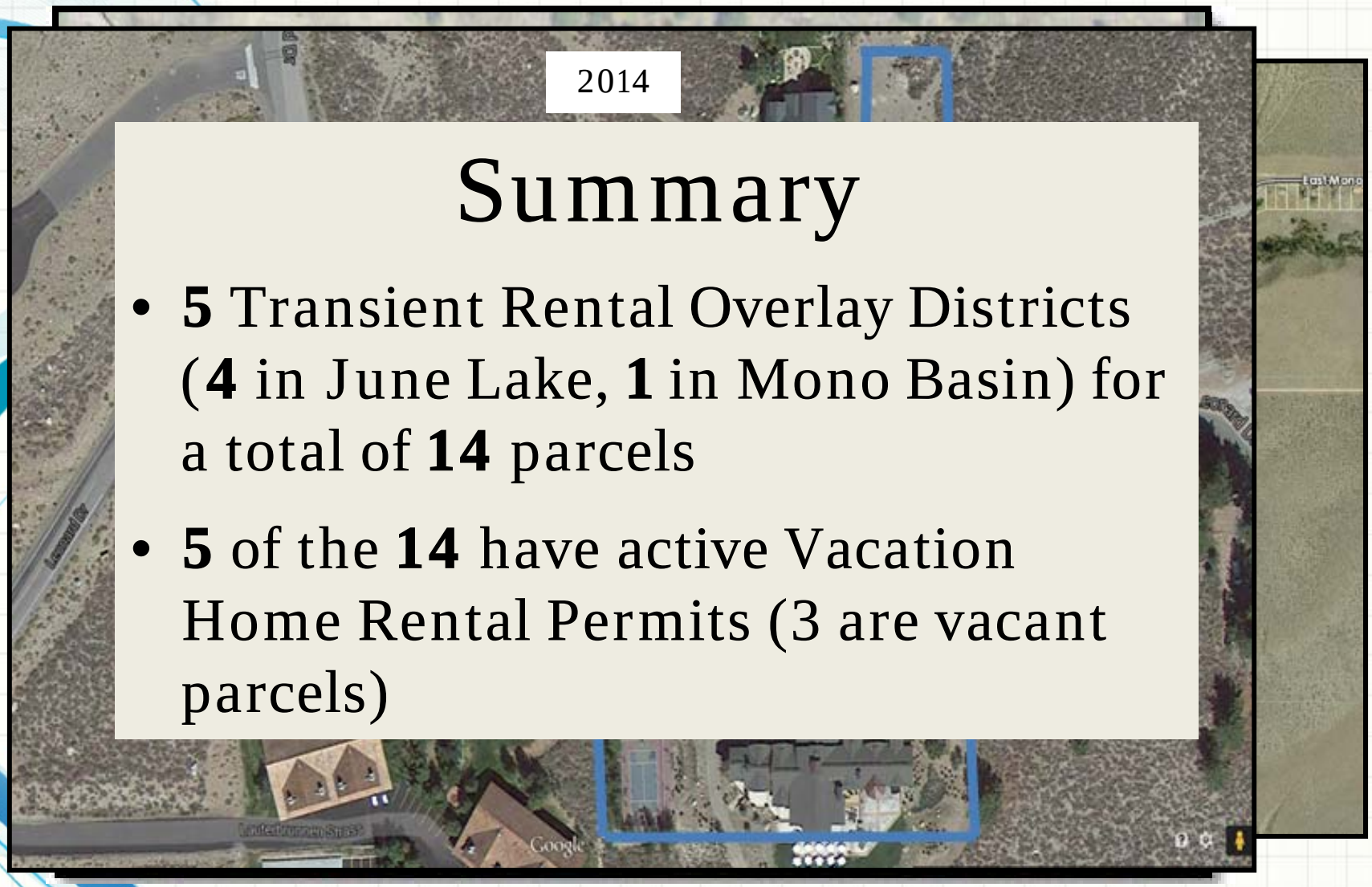
26.010 Purpose and Findings.

A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.

C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

Review of Adopted TROD's



Summary

- **5** Transient Rental Overlay Districts (**4** in June Lake, **1** in Mono Basin) for a total of **14** parcels
- **5** of the **14** have active Vacation Home Rental Permits (3 are vacant parcels)

Applications Denied or Withdrawn

Withdrawn after Invitation to Join Sent:

- **1** Parcel in **Virginia Lakes**
- **1** Parcel in **Lee Vining**
- **1** Parcel in **Rancheria** (Twin Lakes)

Withdrawn after Planning Commission Recommended Denial:

- **2** Applicants representing **6** parcels in **June Lake**

Concerns/Issues

- What constitutes a neighborhood?
- Encouraging districts vs. single parcel applications
- Affordable housing availability (removing potential long term rentals)
- Demand for SFR type of lodging
- Creation of 'hotel districts' in residential areas
- Neighbor concerns:
  - Strangers
  - Unfamiliarity with area:
    - Roads
    - Snow Conditions
    - Bear Aware
    - Fire Danger
  - Noise Impacts
  - Parties
  - Trespassing
  - Self-policing
  - Parking
- Lack of Code Enforcement staff

How is it working?

- TROD proposals with controversy or opposition have been denied
- Process can be time consuming
- Process puts onus on applicants (home owners) to pursue TROD and outreach
- Opponents of a project must actively engage in public process to get concerns heard
- Existing VHRP's Comments/Experience have been positive

Code Enforcement Update

- Current Illegal Rental Market

1. Seen all over the County from Mono City to Swall Meadows.
2. Currently taken enforcement action and monitoring 12 illegal rentals. June remains static most new activity is in Crowley.
3. Through enforcement actions successfully closed down 9 rentals mostly in June Lake.
4. Issued 3 Administrative Citations totaling $15,000 for illegal rentals. Currently one is awaiting a Superior Court appeal.
5. Illegal rentals account for all complaints received. Code Compliance has received no complaints on legal rentals in TROD's. Most illegal rentals go unnoticed or unreported by neighbors and only a handful have caused conflict.
6. Code Enforcement procedures for these violations remains very time and resource consuming.

Overview of Chap 26 Requirements.

Home Vacation Permit Requirements

- Health and safety standards.
- Sign and notification requirements.
- Sets parking, occupancy, solid waste and snow removal standards.
- Rental agreement including all standards

Enforcement Component

- Sets fines at $1,000 first violation $2,000 each additional violation of any Ch 26 provision.
- Sets procedures for permit revocation

Alternatives

- Make changes to Chapters 25 & 26; such as
  - Requiring Minimum Infrastructure (snow removal/County maintained roads-ZOBs, etc)
  - Require a CUP
    - Ability to condition VHRP (i.e. seasonal use only)
- Review other jurisdictions for possible solutions to issues…

  Ranging anywhere from:

  - Allowing STR's outright (with an OTC permit)
  - Limiting the # of STR's based off a defined size (neighborhood/community)
  - Use Permit
  - Zone Change
  - Prohibition on Vacation Rental but allows "Home-Sharing"

Moving Forward..

- Status Quo
- Amend Chapters 25 and/or 26 as directed
- Research other jurisdictions for possible alternatives
- Repeal Chapter 25
  - Amend 26 to only appl to existing VHRP
- Others?

Other Examples

- Type 1 vs. Type 2: Cap at 3% within a census tract for Not Owner-Occupied; no limit on Owner-Occupied.
- Both require an annual license fee, proof of insurance and tax payment. No addtl planning permit.
- Setting limits on allowed number of rental nights
- CA Coastal Commission has ruled STR enable greater access to the coast and therefore should be allowed

Transient Rental Ordinance

The proposed ordinance would create a program to facilitate transient (less than 30 days) rentals of residential properties in the county, where existing land use designations permit such use. **The ordinance would not permit transient rentals where they are currently prohibited**, except in one area--Estate Residential in June Lake (Double Eagle). **The ordinance does establish that transient rentals would be permitted in so-called "overlay zones," but the creation of those zones is not part of the ordinance, and is left to a future debate.** The ordinance requires property owners to obtain a permit, to pay TOT, and to be available 24 hrs (or have an available manager) to deal with any problems that would arise. Properties would have to meet building code requirements for transient occupancy.

Mono County
Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

March 10, 2016

To: **Mono County Planning Commission**

From: Brent Calloway, CDD Associate Analyst

Re: **Informational Workshop regarding the status of the Sustainable Groundwater Management Act**

RECOMMENDATIONS
Hear workshop. Provide any desired direction to staff.

BACKGROUND
The Sustainable Groundwater Management Act of 2014 (SGMA) provides for the sustainable management of California's groundwater resources. The Department of Water Resources (DWR) has delineated 515 distinct groundwater basins or sub-basins which are each prioritized as either high, medium, low or very low based upon a variety of groundwater parameters and described in the DWRs Bulletin 118. Each of the delineated basins may voluntarily, or may be required by the SGMA to, establish a Groundwater Sustainability Agency (GSA) depending on the basin's prioritization. Basins with a priority rating of high or medium must establish a GSA and further develop a Groundwater Sustainability Plan within specific timeframes. Basins with a priority rating of low or very low are encouraged but not required to establish GSAs and Groundwater Sustainability Plans.

There are 10 delineated basins within or partially within Mono County. All of the basins are currently prioritized as either low or very low except the Owens Valley Groundwater Basin, which currently has a medium priority. The Owens Valley Basin is primarily within Inyo County and extends into Mono County through the Tri-Valley region to the Nevada state line, including the Benton, Hammil and Chalfant valleys, and a small portion of Round Valley toward the community of Swall Meadows.

SGMA includes certain jurisdictional provisions specific to the Owens Groundwater Basin. In Mono County, the Tri-Valley Groundwater Management District (TVGMD), a special district of the State of California charged with managing groundwater in the Benton, Hammil, and Chalfant valleys, is deemed the exclusive local agency within its boundaries and thus the presumed GSA under SGMA for those portions of the Owens Valley Groundwater Basin located within its jurisdictional boundaries. In Inyo County any basin or portion of a groundwater basin managed under the terms of the stipulated judgment in *City of Los Angeles v. Board of Supervisors of the County of Inyo*, shall be treated as an adjudicated area and not required to

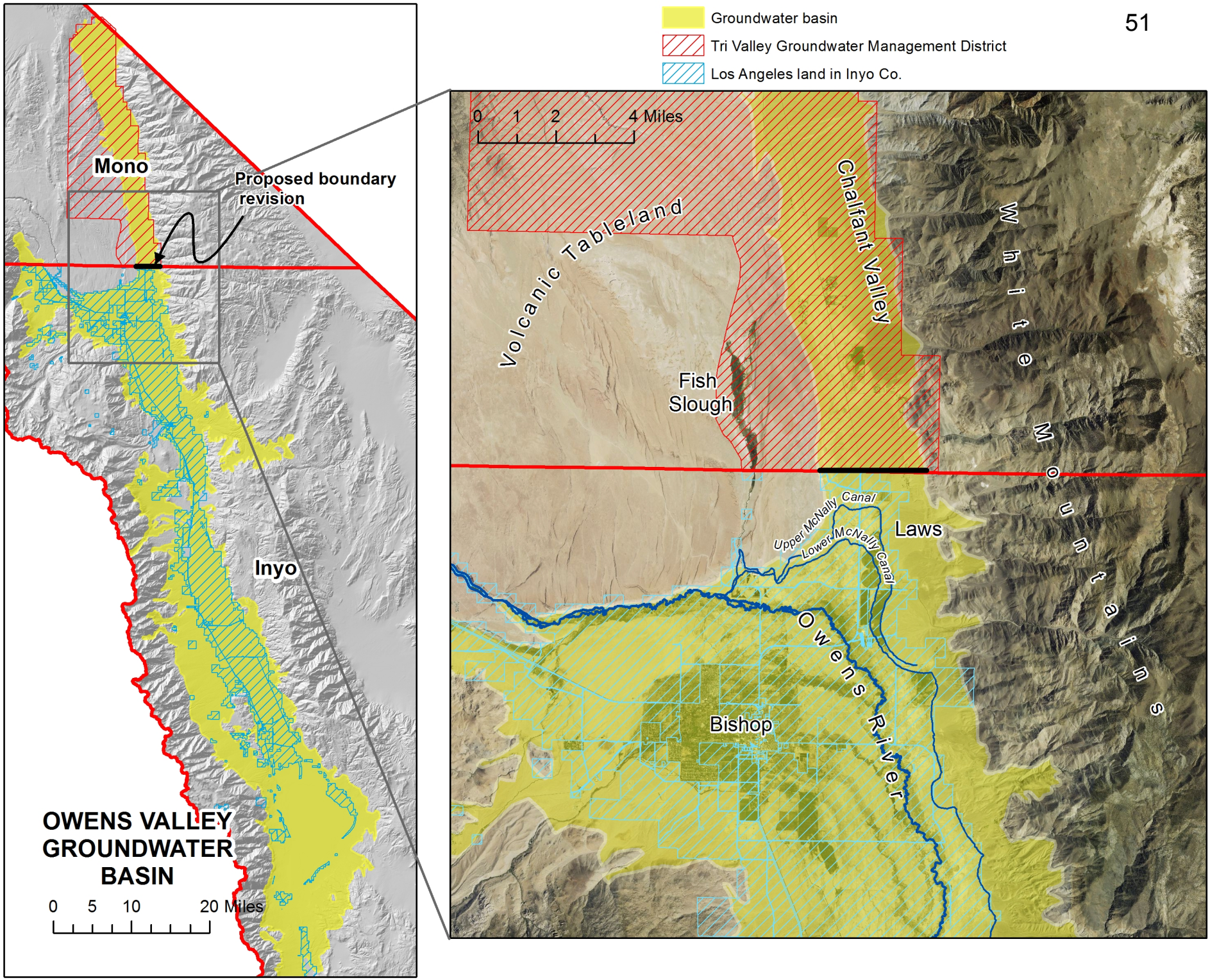
form a GSA. For the portions of the Owens Valley Basin that are not subject to the judgment, Inyo County is eligible to serve as the GSA.

In the interest of better managing groundwater on a sound hydrological basis with fewer jurisdictional obstacles, the TVGMD and Inyo County are seeking a revision to the boundaries of the Owens Valley Groundwater Basin that would divide the basin into two sub-basins, one comprising Benton, Hammil and Chalfant valleys (the Tri-Valley Sub-basin) and one comprising the Owens Valley (the Owens Valley Sub-basin). A map depicting the proposed modification and a hydrological model drafted by the Inyo County Water Department detailing the scientific basis for the proposed boundary modification are included in the attachments. The Mono County Board of Supervisors considered a resolution in support of the proposed modification at its regular meeting on March 8, 2016.

There is an extensive list of documentation required by DWR for a complete basin adjustment application. All of the components of the application are available online at http://sgma.water.ca.gov/basinmod/public/requests and when deemed complete by the DWR, a formal public comment period on the completed application will begin.

ATTACHMENTS

- Map depicting proposed basin modification
- Owens Valley Hydrological Conceptual Model


Groundwater basin
Tri Valley Groundwater Management District
Los Angeles land in Inyo Co.
Mono
Proposed boundary revision
Inyo
OWENS VALLEY GROUNDWATER BASIN
0 5 10 20 Miles
0 1 2 4 Miles
Volcanic Tableland
Chalfant Valley
White Mountains
Fish Slough
Laws
Upper McNally Canal
Lower McNally Canal
Owens River
Bishop